

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**ERDMAN:** [RECORDER MALFUNCTION] start. I appreciate each one of you coming. Before we begin, I have a few housekeeping things I need to take care of, so let me do those and then we'll move on. And I'll give you a description of how we're going to handle the hearing and to make sure everybody's clear on what we're going to do. We have-- pass out-- we'll pass out sheets of the agenda so everybody knows where we're at. So let me start with this. Welcome to the Rules Committee meeting. My name is Steve Erdman. I represent District 47, which is ten counties in the Panhandle of Nebraska. And we have our committee members with us here today, and I'm going to start with having them introduce themselves on my far right.

**IBACH:** Good afternoon. My name is Teresa Ibach. I represent District 44, which is eight counties in southwest Nebraska.

**HANSEN:** I'm Senator Hansen, I represent District 16, which is Washington, Burt, Cuming, and now parts of Stanton County.

**DeBOER:** I am Wendy DeBoer. I represent District 10 in northwest Omaha and parts of Bennington.

**ARCH:** John Arch, District 14, Papillion, La Vista, and Sarpy County.

**BOSTAR:** Elliot Bostar, District 29, south Lincoln.

**ERDMAN:** Thank you. To my far right is Tamara, Tamara Hunt. She is the clerk for the-- the meeting today, for the committee meeting. And to my immediate right is Joel Hunt. He is my LA. He's here to keep me on track, to make sure I have the right information. And we have with us today two pages: Logan Walsh, Logan is from Denver; and Logan Brtek, and she is from Norfolk. OK. The committee here today will hear 55 rules, proposed changes. I looked at the past year's agenda. That exceeds what we've done in the past more than twice, so 55 rules proposed for today. The group of senators who are here today will help us try to expedite our-- our position here and try to get this done and-- and try to do this in a timely manner so that we're not here until midnight. We'll begin with the testimony of the introducer, the senators, opposing statements, opening statements, and followed by proponents and opponents, and those speaking in the neutral capacity will be asked-- be asked to speak after that. We ask your assistance with this procedure. Please silence your cell phones and other electronic devices. And if you intend to testify, make sure you've filled out and completed a green testifier sheet, located in the back of the room, and hand it to the clerk when you come up to testify. If

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Rules Committee January 12, 2023

you wish your support-- if you wish on-- to be on the record, your support or opposition to a rule, but not testify in the hearing, you may add your name to the white sheet located in the back of the table by the door. If you are passing out materials to the committee, please give them-- please give the committee pages the materials so they can distribute those to those on the committee. You'll need eight copies of printed material that you want to have handed out. If you need additional copies passed out, they will try to help you. Please be seated in the front of the room if you're going to be assigned-- if you're going to speak on a bill, either pro or con or neutral, and we have several seats that are vacant up here. So as we're getting to the bill or the rule that you're interested in, please move to the front to expedite this process. OK. So when you begin to testify, please sit down there and state and spell your name, and please speak into the microphone. The microphone on the table is not intended for amplification. It is for those that are watching online, on-- on public television, as well as for the transcribers. We will be using the two-minute time limit today because we have 55 rules to hear, and so it'll be a two-minute time limit. You will see the light system in the middle there. We will use that. When the green light is on, you can begin speaking. When the yellow light comes on, that means you have one minute to speak. And when the red light comes on, that means your time has expired. Let me just share this last thing with you so you'll know what we're going to do with the additional information we received. I want to state to you-- I want to state on the record that our Chair of the Rules Committee, myself, I have received numerous emails, numerous-- that may not be a correct description; hundreds would be a better description-- from members of the public on several of the proposed rule changes, both in support and opposition for different proposals. We have received those. We've made sure we noted those. Those will be made available to every senator. OK. With that, we will start with Senator Arch. And what we will do, let me explain what we're going to do. You got a new sheet that's passed out, will be the-- the agenda. Senator Arch will open on Rule 1, Section 19. The description is: tables of incomparable-- incompatible software to be noted in the daily Journal. Senator Arch is going to speak about that. When he's done with that, we will ask if the committee has questions for Senator Arch. And after we have completed our questioning on that topic, Senator Arch will step back, and those of you that wish to testify in favor or opposition or neutral be given an opportunity. And we will proceed down the agenda. As you see, we get down later on, there are three-- on the second page, at the top, there are three rule changes all combined there. Those are very similar rules that deal with the same rule change. And so we will have those three senators

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

make a presentation in succession, and then we will open it for public comment. So our goal is to hear everything that you have to say, because some of you have come a long ways to testify, and it is our job to make sure that we hear what you have to say. So with that, and no further ado, I'll ask Senator Arch if he would like to open on Rule 1, Section 19(e), and the topic is Journal entries and, as I stated before, tables with incompatible software to be noted in the daily Journal. Senator Arch.

**ARCH:** Thank you. Good afternoon, Senator Erdman, members of the Rules Committee. For the record, my name is John Arch, J-o-h-n A-r-c-h, and I represent the 14th Legislative District in Sarpy County. My first proposed rule change amends Rule 1, Section 19, and it is technical in nature. I was asked by the Clerk, Brandon Metzler, to introduce it on his behalf. Currently, our rules state that all amendments that are ten pages or less are printed in their entirety in the daily Journal. Four amendments longer than ten pages, our current rules state that the introduction of the amendment will be noted in the daily Journal with the information that the amendment will be on file in the bill room or the Clerk's Office. Software which the Clerk's Office uses to prepare and print the Journal struggles to properly format bills and amendments containing tables when they're pulled into the Journal. For example, many of the tax statutes include tables of rates, and tables can be found in many criminal penalty statutes as well. This proposal would require the Clerk to continue to print in the daily Journal amendments that are ten pages or less if they do not include any tables; for amendments over ten pages or amendments of any size that include a table, the Clerk will note in the daily Journal the introduction of the amendment with the information that the amendment will be on file in the Bill Room or the Clerk's Office available. By adopting this rule change, it will provide that our rules reflect the current practice given our limitations in the software that we currently use. If there is technical questions on this, the Clerk is in the room and he could-- he could enlighten us.

**ERDMAN:** Thank you, Senator Arch. Are there any questions? Senator Arch, I may have one. When we received the rule changes from the senators, they sent them to us in an email and they were in Google Docs and we went to transfer those over to Word and the transfer didn't work. We didn't get any of the highlighting or italics words that they had. Is that the similar issue that we have with this?

**ARCH:** This, obviously, I don't think they're using Google Docs, but it's limitation of software.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**ERDMAN:** OK. Thank you. Any questions? Thank you, Senator Arch. All right. So we will ask for anybody who would like to-- in support of Senator Arch's motion to come forward and testify.

**BRANDON METZLER:** Thank you, Senators. My name is Brandon Metzler, for the record, B-r-a-n-d-o-n M-e-t-z-l-e-r, Clerk of the Legislature. Senator Speaker Arch is completely right. This was a request from our office. We currently have the problem where our Journal software doesn't pull in tables. So when any of you members draft amendments that have tables in them, you know, fiscal-type bills or amendments, our Journal software automatically pulls in what Bill Drafters drafts for you. Because of that hiccup, a lot of times, we have staff that stay late hours that are going back after 5:00, after we get off the floor, and they're actually having to correct some of those tables, the way they come in. And quite frankly, a lot of times, we've just forgot the whole process and we're already doing this in some instances, so this is mostly a cleanup--

**ERDMAN:** OK.

**BRANDON METZLER:** --to make sure that what's in the rules is what we're doing. That's all I had.

**ERDMAN:** Very good. Any questions? Senator Bostar.

**BOSTAR:** Thank you, Chairman. This is only pertaining to amendments?

**BRANDON METZLER:** Correct. So bills we don't really have a problem with. It's-- it's just when amendments get pulled into the Journal, when you guys drop stuff on the floor, amendments almost entirely are-- I mean, those are-- would go into the Journal in their entirety. I don't know that we have the same issue with bills. We could certainly check.

**BOSTAR:** Is there a-- OK. I'd be interested to know why if-- why bills seem to work OK but amendments wouldn't.

**BRANDON METZLER:** Yeah, I-- I was told specifically amendments because I think-- I think the thought is, we have to print bills in the Journal regardless, you know, so those go into the Journal automatically. I think the thought is we already have provisions that allow us to take out amendments that are more than ten pages, so if we could also include, as part of that, taking out amendments that have tables instead of--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**BOSTAR:** But if they're-- if they're requiring all this extra work to do this for bills, then perhaps we should look at also software changes that might make this easier.

**BRANDON METZLER:** To-- yeah, complete package software, absolutely.

**BOSTAR:** Thank you.

**BRANDON METZLER:** Yeah.

**ERDMAN:** Thank you. Any other questions? Let me just state, I appreciate you putting this together. Thank you for doing that. Appreciate it.

**BRANDON METZLER:** Absolutely. Thank you, Senator.

**ERDMAN:** OK. Any other proponents? Is there anybody in opposition? Anybody neutral? OK, we'll-- we'll conclude on that rule. And before Senator Arch sits back down there, I was remiss in not introducing Kathy Graham. Kathy Graham is the second person from-- from the end on the right. She's my able assistant that keeps me online and organizes all my scheduling, so thank you, Kathy. OK, Senator Arch.

**ARCH:** Thank you, Senator Erdman. Again, for the record, my name is John Arch, J-o-h-n A-r-c-h. I represent the 14th Legislative District in Sarpy County. My second proposed rule change would do two things. First, the change proposed in Rule 6, Section 5(a) prohibits members from amending Enrollment and Review amendments and also the motion to approve or reject Enrollment and Review amendments. E&R amendments are restricted to making technical changes to the bill in order to address errors or inconsistencies. I do have a substitution for my original proposal that has been handed out by the pages, I'm assuming. The wording in bold identifies the change from my original proposal. After the introduction of this proposed rule change, the Revisor of Statutes pointed out to me that often their office will draft the amendment as a white-copy amendment. In other words, the E&R amendment will include the text of the full bill and the technical changes recommended by the Revisor's Office. My substitution for this proposed rule change adds the specification that the restriction of not being able to amend the E&R amendment only applies to the initial adoption of the amendment to the bill. Once the amendment is adopted and the E&R amendment in the-- is the bill in its entirety, the body will be free to amend it. Amendments to amend the motion to adopt E&R amendments or amendments to the actual E&R amendment do not promote quality debate. I-- and I believe the tenets for well-working leg-- the Legislature is a balance

of efficiency, flow and fairness. And I think we're going to be talking, you know, we'll be-- we'll be dealing with some rule changes not to prevent debate, but-- but just to make sure that we've got some flow and efficiency in our debate. Extended debate should occur on substantive issues, not procedural maneuverings. Offering amendments to discuss the specifics of a bill which a member opposes will serve the same purpose of slowing down the passage of a bill, as would an attempt to amend the E&R amendment; however, the offering of an amendment to the specifics of a bill leads to a more thoughtful and informed debate. The second change proposed in Section 5(b) of this proposed rule change would provide that amendments proposed by the introducer of the bill would be taken up on Select File after the adoption of the amendment and before amendments by other members. Currently, our rules provide that during the General File debate of a bill, the introducer's amendments are to be taken up after the standing committee amendment and any amendments to the standing committee amendment. That's Rule 6, Section 3(b). Once the introducer's amendments are debated, the amendments are taken up in the order filed with the Clerk. My proposed rule change extends this same General File courtesy for the introducer to the Select File debate of a bill. And I-- and I would say this, because we've heard this on the floor quite a bit: let's just-- let's just vote this out of General File and then I'll work on it between General and Select. And what this does is it supports that effort to compromise. It supports the effort to work on it before Select and then-- and then those who have been working on it get a chance to introduce it. And then once it's introduced, then-- then the debate begins. So that's-- that is the rationale behind this. And again, the Clerk is here. I-- I asked the Clerk to be here to answer any-- answer any technical questions on this. But that's-- that's the rationale in my mind.

**ERDMAN:** OK. Thank you. Senator DeBoer.

**DeBOER:** Thank you, Mr. Chair. So on the first half here, the-- your substituted proposed rule change 2, what if there is a problem with the E&R amendments? Because I've seen that actually happen where someone's like, oh, they've changed something, I'm-- you know, something weird or wonky happens in the E&R amendments. So does that mean that after-- you have to amend something the wrong way, or whatever, with the E&R amendments before you can fix it back to the way-- would that be what happens with this rule?

**ARCH:** Could I ask-- I-- I'll ask the Clerk to answer that question for you, because I think that's-- that's kind of the technical. I'm sure there's a way that that can be done, you know, because-- because what

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

we're talking about here with this E&R amendment, it's-- it's-- it-- it takes all the amendments from what happened on General, rolls it in, plus there is those-- there are those technical cleanup things, and you're talking about the technical cleanup things that you may not agree with, a word change here, that type of thing?

**DeBOER:** Or-- yeah, or if some-- somehow it changes something that they didn't intend for it to change or-- you know, there can be reasons why you actively object to an E&R change.

**ARCH:** Right. I'm going to ask the Clerk to come and-- and address that, please.

**ERDMAN:** OK. Any other questions? Thank you, sir.

**ARCH:** Thank you.

**ERDMAN:** OK. Is the Clerk still here? He's not.

**ARCH:** Can you address this? Where-- did the Clerk leave the room?

\_\_\_\_\_ : Yes.

**ARCH:** OK.

**ERDMAN:** Yes, he did.

**DeBOER:** OK.

**ARCH:** I apologize.

**ERDMAN:** So we'll-- we'll ask that question and get you the answer.

**DeBOER:** And the-- the-- oh, there's Brandon.

**ERDMAN:** Thank you. Welcome.

**BRANDON METZLER:** Thank you. Brandon Metzler, Clerk. Just-- I think I understand the question, but--

**DeBOER:** Let me--

**BRANDON METZLER:** --repetition of the question, please.

**ERDMAN:** Restate the question.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**DeBOER:** So my question, is this-- the first half of this, this proposed rule change, we're looking at the substituted proposed change. I'm wondering if you have an objection to an E&R amendment you think actually that does change what I was trying to say or it's technical in a way that I don't like the way this ended up, something like that, what is your recourse? Do you have to wait until sort of the E&R amendment changes your original text to a way you didn't like and then change it back again? Is that what this is saying?

**BRANDON METZLER:** I-- absolutely I think the understanding would be that you have the opportunity to drop a floor amendment or draft an amendment if you have already seen the E&R amendments come down and you-- you have an issue with the way that they're drafted. I don't know how-- if-- if that's an often occurrence where there's problems with E&R to the degree that-- that they change the meaning of the bill. But if that were to happen, the-- you could amend it on the floor, as typical, you know, other than you would be behind potentially a Select File introducer.

**DeBOER:** So you would-- you would introduce the amendment to the E&R amendments after they'd already been adopted, is what it looks like it's saying here.

**BRANDON METZLER:** Correct. You would just amend the bill itself, so we would adopt the E&R amendments. We'd have LB100 in front of you. Now the body, instead of the motion where we would go to the E&R Chair to move, you know, Senator McKinney for a motion, we would then go to, you know, Senator DeBoer has filed a motion or an amendment, and you would clean up said bill with the amendment itself.

**DeBOER:** OK.

**ERDMAN:** OK. Any other questions? Thank you, sir.

**BRANDON METZLER:** Thank you.

**ERDMAN:** Anyone wishing to speak as a proponent to this rule? Anyone in opposition? Neutral? OK, that'll complete our testimony on rule John-- or Senator-- Senator John Arch's second amendment. Now, number three, Rule 7, Section 6: priority motions shall not be offered on the same day as a member on this-- by the same member on the same day. Senator Arch.

**ARCH:** Thank you, Senator Erdman. Once again, for the record, my name is John Arch, J-o-h-n A-r-c-h. I represent the 14th Legislative District in Sarpy County. My third proposed rule change is very



simple. It's always bad when you start out saying "simple" because, you know, it may not be. I-- I would say, though, it's that same rationale. I mean, how can we-- how can we encourage the flow? And so it's not a-- it's not a question of taking away the right to debate or the right to file motions. It's-- it's, again, when can we-- when can we do these things so that the flow can-- can go smoother? So here, currently, our rules prohibit the body from introducing a motion to postpone to a time certain a motion to recommit or a motion to indefinitely postpone on the same day, at the same stage of debate, if the body takes a vote on the motion. In essence, this provision will stay in effect with my proposed rule change. So in other words, if you file an IPP and a-- and a vote is taken, you can't reintroduce the IPP. That's what that means. I do not-- I do make one technical change in subsection (a) of this proposed rule change. My proposal changes the word "commit" to "recommit." I think technically that is correct. Speaking with the Clerk, a motion to comment has always been interpreted as a motion to recommit, so it just changes that. The substantive change in this proposal is found in section-- is in subsection (b). I add language to prohibit these motions-- a bracket to a time certain, a motion to recommit, a motion to IPP-- from being offered again on the same date at the same stage of debate by the same member if there has been-- if there has not been a vote on a prior motion. So my proposed rule change 3 is directed at the current practice of members at times occasionally introducing one of these motions, allowing it to be debated for a time, then pulling the motion only to refile a new motion, same motion, thus circumventing the cir-- the restriction for reintroduction because no vote had been taken. My proposed rule change would not limit the reintroduction of one of these motions by another member. It would only prohibit the same member from reintroducing another bracket, recommit or IPP. So the practice of introducing, debating, withdrawing and-- and introducing the same motion on that-- on that would not be allowed by the same senator on the same day. Someone else could do it, and that's fine, but-- but-- but it-- the-- the repetition of that. So I believe this rule change would contribute to the balance of efficiency, flow and fairness. It would also help promote better debate. Again, I believe extended debate should occur on substantive issues, not procedural maneuverings. Offering amendments to discuss the specifics of a bill which a member opposes will serve the same purpose of slowing down the passage of a bill as an attempt to extend debate through the repetitive introduction of procedural motions. By limiting this "once on the same day, same stage of debate" restriction to only the member who introduced the original bracket, recommit or IPP motion, it do-- it's not going to eliminate the practice of using these motions to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

slow down debate, as it will still allow a different member to intro-- reintroduce one of these motions on the same day, same stage of debate. So I ask for the committee's adoption of this change for consideration by the full body.

**ERDMAN:** Senator DeBoer.

**DeBOER:** Just real quick, does that mean that if I were to introduce a bracket motion, that I then could not on the same bill introduce an IPP motion, or I just can't introduce two brackets?

**ARCH:** I think-- I-- I believe, and we can-- we can have this discussion when we get into Exec, but I believe that it is that-- that specific motion.

**DeBOER:** So I could-- I could do a bracket and then a recommit and then an IPP, but not two of the same.

**ARCH:** Yeah, and we-- we can clarify--

**DeBOER:** Yeah.

**ARCH:** --language if-- if-- yeah.

**ERDMAN:** Any other questions? So, Senator Arch, I do have one. So Rule section-- Rule 7, Section 6, has-- has no-- it only has a one-- is one section. So you're adding b) to that [INAUDIBLE]

**ARCH:** We add b) to it and then we change-- in a) we-- we go to recommit.

**ERDMAN:** Right. I got it. Any other questions? Thank you. Anyone willing-- wanting to testify as a proponent? Anybody in opposition? Anybody in neutral? Seeing none, that is the completion of Senator Arch's amendments. Next up will be Senator McDonnell, followed by Senator Hunt.

**McDONNELL:** Thank you, Senator Erdman and members of the committee. My name is Mike McDonnell, M-i-k-e M-c-D-o-n-n-e-l-l. I represent Legislative District 5. Section 22-- can I get-- thank you. Section 22. Opening Prayer and Pledge of Allegiance. The Clerk's office shall arrange for a prayer and Pledge of Allegiance at the beginning of each day of the legislative session. In addition to members of the body, a person who's served in the active military, naval, air, space, service, or those who are serving active or reserve duty in the military, may be invited to lead the body in the Pledge of Allegiance.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

My grandfather served, my father served in World War II in the Navy, had uncles that served in Korea and Vietnam. My son is currently serving in the Nebraska Air-- Air Guard and his unit, the 155th Air Nebraska Guard is going to be deployed to Qatar on January 19, and I'm very proud of-- of his service. Less than-- I never served. Less than 1 percent of us serve and take care of the other 99 percent. And I believe anytime that we can tell them thank you for their service and recognize them, similar to what we do with the prayer where if an individual senator wants to say the prayer, that's wonderful, or if they want to bring someone in. I think we would have that opportunity then to bring in someone from the military and, again, thank them for their service. And also, as the prayer, I think, helps us start the day off in the right mindset, I believe recognizing that person that we know that is serving in the military also helps us put things in perspective and help us focus on what's best for the citizens of Nebraska. I'll take any questions.

**ERDMAN:** Senator Arch.

**ARCH:** Thank you. Quick question: Do you-- do you see this at-- as an invitation, a invitation by a senator?

**McDONNELL:** Yes.

**ARCH:** OK. So it's not-- it's not a gen-- general, open, anybody can come in and do this, but it would be like we do with-- like we do with our prayer, opening prayer?

**McDONNELL:** Exactly like we do with the opening prayer.

**ARCH:** Thank you.

**McDONNELL:** And the senator still would have the ability to say the pledge themselves if they do not want to invite someone.

**ERDMAN:** Any other questions? I ha-- I have one, Senator. So your change that you're dropping in here is just adding people who once served, are in reserve, is that what you're doing?

**McDONNELL:** Served, yes, are-- are serving, and the individual senator could invite them to take their place of saying the pledge.

**ERDMAN:** OK. OK. All right. Thank you. Is Senator Hunt here? I reached--

\_\_\_\_\_ : She [INAUDIBLE]

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**ERDMAN:** She's on the way?

\_\_\_\_\_ : [INAUDIBLE] proponents.

**HANSEN:** Oh, proponents.

**ERDMAN:** We're going to do-- we're going to do two of those together, and then we'll ask for opponents and proponents. OK. We got two together on the-- on the list. We're going to do these two. So while we're waiting for Senator Hunt, are there anybody that would like to support Senator McDonnell's rule? Come forward.

**MICHAEL DAVIS:** That's what we just heard.

**ERDMAN:** OK.

**MICHAEL DAVIS:** Go ahead.

**STEVE STEINKUEHLER:** My name--

**ERDMAN:** Go ahead. State your name and spell it, please, and the light will come on when you do.

**STEVE STEINKUEHLER:** My name is Steve Steinkuehler. It's S-t-e-v-e; Steinkuehler is S-t-e-i-n k-u-e-h-l-e-r. I'd like to support Senator McDonnell's proposal. I come from a military family. My dad, who is deceased, was a life officer in the United States Army, 101st Airborne, spent time in Vietnam, Korea, and I can't think of a better way to honor our soldiers, our military. I think it is an outstanding proposal. Thank you.

**ERDMAN:** Thank you. Any questions? Thank you. Any other proponents?

**GEORGE BOLL:** Good afternoon. My name's George Boll, G-e-o-r-g-e B-o-l-l. And from what I was reading of this, it sounded like right now you guys don't open with the Pledge of Allegiance. You do? OK, then I will just say then I support the amendment that you--

**ERDMAN:** OK.

**GEORGE BOLL:** --allow military people to also. And I'm glad to hear that you do, do that right now.

**ERDMAN:** We do. It's in our rules.

**GEORGE BOLL:** Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**ERDMAN:** Thank you. OK, next person, next proponent.

**MICHAEL DAVIS:** My name's Michael Davis, Navy veteran, currently make my home in Gretna, Nebraska. I've wondered for a long time how you as senators got the short or the long straw to get the opportunity to lead that Pledge of Allegiance. And I get to hear all of your voices on the mic at-- at other times with the help of our media. But I think this is one of the best changes in the rules that I've read on this list so far. And so I-- you'll be hearing my voice again on some other items. I've sat in hearings for legislative bills before, but generally I was just there for one bill that day and then I got to go home and talk to my wife and-- or take a nap. But thank you for your work, and I hope that this bill can be accepted and passed on-- or rule. And-- and I like the clarification that was made just a little bit ago on how that person would be chosen. In the past, I have called my senator and said to that person I'm available. I've been chaplain of the day and I love your prayers, but-- and you're certainly qualified to do it and you do it well, Senator. I had to do my research to see where you learned all of that theology. But I-- I will be contacting my senator and you'll be seeing me at least twice-- well, actually, three times. I'm also a proud member of AARP, and I give thanks to any and all of you who have worked with that organization over the years for all of us. Thank you for your work and--

**ERDMAN:** Thank you.

**MICHAEL DAVIS:** You're welcome.

**ERDMAN:** Appreciate it. Appreciate it. Any other proponents? Is there anyone in opposition? Opposition? If you're going to testify, try to move to the front. There's a couple of seats available up here in front. It speeds up the time.

**JACOB McCANN:** Rule reference number for this?

**ERDMAN:** The rule reference number is Section 1-- Rule 1, Section 22, Pledge of Allegiance. Are you in the opposition category?

**JACOB McCANN:** Yes.

**ERDMAN:** OK. Go ahead, sir.

**JACOB McCANN:** My name is Jacob McCann, J-a-c-o-b M-c-C-a-n-n. I oppose this rule change not for substance, but for structure. I would think it would be better to have the opening prayer as one section and then

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

the Pledge of Allegiance as a separate section just to help keep that-- that separation of church and state. I think the prayer combined with the Pledge of Allegiance blends that just a little bit much for my liking. So I would be opposed to this rule change unless it was structured differently.

**ERDMAN:** OK.

**JACOB McCANN:** Questions?

**ERDMAN:** Anyone-- might be questions. Any questions? Seeing none, thank you.

**JACOB McCANN:** [INAUDIBLE]

**ERDMAN:** Anyone else? Neutral? Anybody in the neutral position? OK, hearing none, we'll move on. We'll move on to Senator Hunt. Is Senator Hunt here? Join us, Senator Hunt, if you would, Sorry for the change in the-- in the agenda.

**HUNT:** That's OK. I didn't get a copy of the agenda, so I'm--

**ERDMAN:** Yeah.

**HUNT:** --a little turned around 'cause it's different from what was on the--

**ERDMAN:** Yeah, it was. It was different. We got together with the Clerk's Office and--

**HUNT:** Is this one about the prayer?

**ERDMAN:** Yes. Yes, it is. This is Rule 1, Section 22, striking the opening prayer. Senator Hunt.

**HUNT:** Thank you, colleagues. My name is Megan Hunt, M-e-g-a-n H-u-n-t, and I represent District 8, which includes the northern part of midtown Omaha. This rule change is a simple, straightforward change that eliminates the daily practice of an opening prayer at the beginning of each legislative session day. It's not appropriate to use the Legislative Chamber for a state religious exercise, especially one that favors one religion over another. People can certainly pray before we convene. There's nothing anyone could ever do to prevent that. But I'm just opposed to making it a part of the day's official proceedings, endorsed by the state. This isn't a religious institution. The Legislature's not a religious institution, and we

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

represent people of all faiths and creeds, some of whom have never heard their faith represented in an opening prayer on the floor of the Legislature. And so I think it's inappropriate that we have religious activities as part of our official agenda, because we're here to make policy on behalf of all of the people, and I would hate for some people to feel like there's a bias in this body or that it's going to impact how policy decisions are handled. I also believe that government-sponsored prayer violates the establishment clause and that the government should really remain neutral on matters of faith. You know, all of us are on our own faith journey. We all come from different faith backgrounds. You know, even Christians in this body, of course, come from different denominations and beliefs and things like that. But when government breaches this fundamental principle by promoting prayer as an official state-sanctioned activity, I think that this can pressure people to adopt the positions of the majority voice that's coming through in that religious activity. So for that reason, I think that we have a religious conflict when we have a state-sponsored opening prayer and we should just take it off the agenda, and you can have your prayer before we convene in a different way, without having it on the agenda. Thank you.

**ERDMAN:** OK. Are there any questions for Senator Hunt? Any questions? Seeing none, thank you.

**HUNT:** Thank you very much.

**ERDMAN:** OK. Anybody in support of striking the prayer? Please spell and--

**CAROL WINDRUM:** Good--

**ERDMAN:** --state and spell your name, please.

**CAROL WINDRUM:** Good afternoon. I'm Carol Windrum, C-a-r-o-l W-i-n-d-r-u-m. I live at 3735 North 39th Street in Omaha. For over 40 years I have been and continue to be a clergy woman. The church is my life. It's my vocation. It's my context. I am here to totally support Senator Hunt in saying prayer has no place in this-- in this body. It's the separation of church and state. When we have prayer to open up a government activity, it's making a huge assumption. This body represents all Nebraskans. It represents me as a Christian, but it represents Buddhists and Hindus and atheists, and I think that's what makes our state such a wonderful place. We're a diverse country. So I guess what I might recommend, because I really believe in silence and meditation and centering, is perhaps having a moment just of silence

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

before you all deliberate and do your work. Again-- again, my path is Christian, but I don't think prayer has any place in any of the state's functions, so I totally support Senator Hunt. I pray a lot. This is not the body to have a formalized institutional prayer. Thank you.

**ERDMAN:** Thank you. Were there any questions? Thank you. Anyone else in support of striking the prayer, please come forward. Again, as I said earlier, if you're going to testify, please come up and get one of the front seats. Please state and spell your name.

**ANGIE PHILIPS:** Hello. My name is Angie Philips. It's A-n-g-i-e P-h-i-l-i-p-s. I'm here for this rule, just representing myself. I am an atheist and I am a member of the secular community here in Nebraska. I also watch the Legislature pretty religiously, and I really don't mind if the Legislature or folks in the legislature want to pray. I respect everybody's right to do whatever brings them strength and happiness and joy. I would prefer my tax money not to pay for it to be organized. So if that's something that wants to happen before session starts, that's fine. I don't mind. But once session starts, I would appreciate it if we could just get to business.

**ERDMAN:** OK. Thank you. Any questions? Seeing none, thank you.

**ANGIE PHILIPS:** Thanks.

**ERDMAN:** Any others that support striking the prayer? Those in opposition of striking the prayer, please come forward. Please state and spell your name.

**WILLIAM FEELY:** William Feely. First name's the traditional spelling; Last name is F, as in "Frank," e-e-l-y. I'm in opposition of striking the prayer. Start off with, for the number of years the Legislature has been operating, I don't know that I've heard of any injuries caused by a prayer starting the meeting. Next, I'd like to start off with, you know, what is truth? What is morality? A lot of us, whether we agree on the doctrinal nuts and bolts of it, a lot of us agree on a divine creator. To me, prayer keeps a person humble, keeps them thankful, provides a source of strength. As representatives of the citizens of your area, I think being devoted in prayer gives you a true sense of servanthood. For those that oppose it, I don't know that we're mandating that they recite the prayer that is being prayed. If they could just be polite and let the prayer happen, again, no injuries have occurred. I think this is just one more example of us needing to stop the cancel culture. By eliminating the prayer, one



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

could say that you're actually in support of another religion. That might be secular humanism, whatever you call it. But by eliminating the prayer, you're infringing on others' rights, so, therefore, I oppose this. Thank you very much.

**ERDMAN:** Thank you, Mr. Feely. Any questions?

**WILLIAM FEELY:** Oh, sorry.

**ERDMAN:** Nice hat, by the way.

**WILLIAM FEELY:** Thanks.

**ERDMAN:** Thank you. Anyone else? Please state and spell your name, if you would.

**CONNIE REINKE:** My name is Connie Reinke, and that's R-e-i-n-k-e. And I just wanted to read you the-- the establishment clause which was mentioned. That amendment states that the Congress shall make no law respecting an establishment of religion, and I don't believe that saying a prayer at the beginning of the session establishes that. I also wanted to mention the U.S. Supreme Court has twice considered this issue and held that the legislative prayer is indeed constitutional. The practice of legislative prayer is so embedded in the history and practice of the country that it does not violate the-- the separation of church and state. Right here in Nebraska was the case of Mar-- Marsh v. Chambers. In a 6-3 decision the legislative prayer was deemed constitutional, and legislative prayer has continually-- continuously coexisted with the constitutional guarantee of freedom of religion and the pro-- prohibit-- "prohibition" of-- against the establishment of religion. Then again, in Town versus-- the town of Greece v. Galloway, again, it was determined that it doesn't affect the constitutionality. There was great critical scrutiny at the time and the court agreed that the town's council in this practice fits with the tradition and practice of Congress and most legislatures. The court also held there was in-- insufficient evidence to demonstrate that people were-- that there was coercion--

**ERDMAN:** Ms. Reinke, your red light is on, so wrap it up.

**CONNIE REINKE:** OK. OK. Based on these rulings, I oppose this--

**ERDMAN:** OK.

**CONNIE REINKE:** --and believe this strength in prayer--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**ERDMAN:** Thank you.

**CONNIE REINKE:** --is-- is important.

**ERDMAN:** Any questions? Thank you very much. Come on. Again, we're talking about Rule 1, Section 22, striking the prayer. These people are in opposition, for those watching. Go ahead.

**STEPHANIE JOHNSON:** Hello. My name is Stephanie Johnson, and I live here in Lincoln, Nebraska. I would just like to read the Constitution of the Uni-- of the State of Nebraska of 1875. The Preamble states: Preamble. We, the people, grateful to Almighty God for our freedom, do ordain and establish the following declaration of rights and frame of government, as the Constitution of the State of Nebraska. So I would just like to ask Megan Hunt if she's read the Preamble to the Constitution of the State of Nebraska, because this is what the pre-- this is before all of the articles, before the Bill of Rights. Then, if you continue down and look at Article I-4, under religious freedom, it does state that we should have the peaceful enjoyment of public worship. And God has provided the liberties that we enjoy. No man can take that away. So I am just grateful for the Constitution of the State of Nebraska who cited God the Almighty in the Preamble.

**ERDMAN:** Thank you.

**STEPHANIE JOHNSON:** I strongly oppose removing prayer.

**ERDMAN:** All right. Thank you for your testimony.

**TAMARA HUNT:** Spell your name.

**ERDMAN:** Any questions?

**STEPHANIE JOHNSON:** S-t-- my name is Stephanie, S-t-e-p-h-a-n-i-e, Johnson, J-o-h-n-s-o-n. Thank you.

**ERDMAN:** Thank you. Come on up.

**GEORGE BOLL:** OK, I'll fill out another one then. George Boll, G-e-o-r-g-e B-o-l-l. And Stephanie stole a little bit of my thunder there with the Preamble. I was going to point that out to you. But then we got an older document than that by about 100 years called the Declaration of Independence. And in that, we got: We hold these truths to be self-evident, that all men are are cr-- are created with certain unalienable rights, among them, life, liberty and the pursuit of happiness. Now we also talk about unalienable rights in our

constitution too-- our Constitution also. But I want to just ask, Senator. I-- I heard it was quoted that we have quite a diverse Legislature, and I heard that there was two atheists that are in this Legislature. So my question, and I'm not sure if Megan Hunt is one of those-- I-- I think I've heard rumors that she is, but that's not neither here nor there. My question to those two atheists would be this. If you've given these rights by our creator, by our founding document, then-- and you don't have a creator, where do your unalienable rights come from? Now my understanding is the Progressive movement is based on that doctrine, that there is no creator and that those inalienable rights actually come from the government. Now it is very, very slippery slope you are on if you eliminate that opening prayer that acknowledges an almighty god and a creator. Now, many, many, many religions that I know of, Buddhists, many, many of the non-Christian religions, acknowledge an almighty god and a creator, and I suggest that we keep that in there. And if you want to have one of them espouse the prayer, that is fine with me as long as they believe there is a creator, Almighty God, which I do. Thank you very much.

**ERDMAN:** Thank you. Any questions? Seeing none, thank you. Please state your name and spell it.

**DIANA JOHNSON:** Diana, D-i-a-n-a, Johnson, J-o-h-n-s-o-n. If Americans/Nebraskans forget that the source of our nation's strength comes from our faith in God, then America will cease to be a great nation. Psalms 46:1, God is our refuge and strength, a very present help in trouble. Do we not need him in Nebraska? I strongly oppose striking the opening prayer.

**ERDMAN:** Thank you. Any questions? Thank you very much. Next person. Please state your name and spell it, please.

**JENNIFER HICKS:** Jennifer Hicks, J-e-n-n-i-f-e-r H-i-c-k-s.

**ERDMAN:** Thank you.

**JENNIFER HICKS:** OK. I think it's a little bit disingenuous that we sit here and even talk about rules as if those are things that we even live by in this country or in this state anymore. They're not. They're not. We have rules. What-- what are rules? They're-- they're prescribed conduct that we're meant to follow, and we're not doing that. We have a constitution that the senators in this body reject. They don't follow it. And that's on both side of the aisles. Corruption was rewarded today by a Republican Governor when he

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

appointed Governor-- former-Governor Ricketts to the Senate. What-- you know what Governor Ricketts did? He used the authority of his office, the website of his governmental office, to post an accusation of guilt, a declaration of guilt, not even an accusation, but a declaration of guilt against a candidate. And that-- we have senators. Not-- now I know you're pointing your finger at me. Listen to me. We have senators, Republican senators in this Unicameral who supported that. Where are the rebukes from people? It has to come from both sides of the aisle. If we-- we need honesty. We need rebukes when the laws are not followed, when the rules are not followed, and they are not being followed. They're being rewarded. Corruption is being rewarded. It was rewarded this very day. So it is disingenuous that we sit here and talk about rules. And the reason we don't have rules is because we don't have accountability. We don't have accountability because we've rejected God. So you damn sure shouldn't get rid of the prayer.

**ERDMAN:** Thank you. Any questions? Next person.

**STEVE RAY:** Steve Ray--

**ERDMAN:** Please state and spell your name, please.

**STEVE RAY:** --S-t-e-v-e R-a-y. Well, speaker before me, the Nebraska Constitution clearly states that in the Preamble, but it goes back a lot farther than that. Our founding fathers, Ben Franklin, insisted that there was prayer every day before every session when they were working on the Constitution of the United States. They felt it was very important to pray and ask for guidance for what they were trying to do to bring this nation forth. And I think it behooves the senators to hear prayer today to help guide them and try and make good decisions. And I don't think-- a lot of our founding fathers didn't claim to be Christians. They were just men, but they thought it was very important to them and the proceedings that they were doing to ask God for help. Thank you.

**ERDMAN:** Thank you. Any questions? Next testifier.

**TERRY JESSEN:** My name is Terry Jessen, T-e-r-r-y J-e-s-s-e-n. I live in Oshkosh, Nebraska. When do a lot of people pray? They pray when times are challenging. 2023, after what this country has been through, times are challenging. In my personal life, I had major medical challenges and I am here today only due to the answer to prayer, that other people prayed over my life. It wasn't me. I was in a coma for three weeks. And prayer is important. I can't believe that we even

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

have this subject to discuss. But I think there's a zero chance that this rule change will be adopted by this group. Thank you very much.

**ERDMAN:** Thank you, Mr. Jessen. Any questions? Thank you. Any others? Move quickly, if you can.

**LOGAN BRTEK:** If we can this testifier to go?

**MICHAEL DAVIS:** Michael, M-i-c-h-a-e-l, Davis, D-a-v-i-s. I'd add to that in the record, I sometimes use the abbreviation R-e-v, "Rev." I'm a retired United Methodist clergy person, as of today anyway, in good standing. They still send me my retirement check. I want Senator Hunt, if she's still in the room, to know that you are one of my favorite senators. And I listen to you and I hurt. And I hurt--

**ERDMAN:** You need to speak into the microphone, sir.

**MICHAEL DAVIS:** Yeah. Thanks for the reminder, Senator. I hurt when the bigger majority of all the pronouns that I've heard from previous testifiers against the prayer, it's been "he" and our forefathers. Perhaps one thing we need to do as a state is to pray that the Equal Rights Amendment, for all people, not just men, not just men and women, not just-- and you fill in the blank, because a lot of people are discriminated against. And in closing, I will be asking again to be chaplain of the day. And I understand, Senator Erdman, these rules do not change until the next biennium?

**ERDMAN:** Some of these rules will be in effect when we adopt them.

**MICHAEL DAVIS:** OK, I'm learning.

**ERDMAN:** Yeah.

**MICHAEL DAVIS:** But if the chaplain of the day is still an option and my state senator chooses to invite me, if any of you hear me say something that is--

**ERDMAN:** Your red--

**MICHAEL DAVIS:** --hurtful--

**ERDMAN:** Your red light's on.

**MICHAEL DAVIS:** --you let me know.

**ERDMAN:** Your red light is on. Thank you. OK. We'll make room for this one here.

**JOSEPHINE LITWINOWICZ:** Good afternoon, Chairman Erdman.

**ERDMAN:** Good afternoon. Please state your name and spell it, if you would.

**JOSEPHINE LITWINOWICZ:** OK. Josephine Litwinowicz, J-o-s-e-p-h-i-n-e L-i-t-w-i-n-o-w-i-c-z. And good afternoon, everybody. I just wanted to say that, you know, first of all, it is kind of funny that Ricketts got appointed today, I mean, and-- just to keep it light. And founding fathers were deists, by the way, a lot of them. It's interesting. I don't have to go there, but, I mean, I'm all for prayer. I mean, I pray all the time. But, I mean, to think that all these cultures around the world and, you know, just, you know, somebody, you know, he-- just from here, you know, we're-- I'm starting to stammer-- that we're right, you know? I think they're all right. It'd be funny if God, I think, if-- had us all get together. You know-- you know, it's funny. And so I can't imagine the prayer in school out west is-- yeah, you can't-- they're so entrenched oftentimes in just Christianity and basically the implied correct club that you just-- the teachers out there just, I don't think, can handle it. And I-- I think that this forcing of Christianity, it's-- it's not American. I mean, the ideals, the biblical Jesus, is American because I-- I-- I think he's the one I aspire to, not necessarily the megachurch Jesus, you know, or the-- I call it "Jebus" and, you know, the adherents of "Jeebs." But that's just funny to me. But it's frustrating because I don't understand how we-- we could endorse, a state endorse it, because it's not just the prayer. It's-- it's everything that goes along with it and that you're correct, and there's the other. Well, I mean, this-- this should make sense. And I-- I'm very sensitive about this because of the way things are going. Thank you.

**ERDMAN:** Thank you. Any questions? Thank you very much. Appreciate you coming.

**JOSEPHINE LITWINOWICZ:** Thanks.

**ERDMAN:** OK. Is there anyone else?

**PENNY STEPHENS:** Hello, Senators. My name is Penny Stephens, S-t-e-p-h-e-n-s, and I oppose removing prayer from our house. I have gone-- been down a really dark road in my life, and once I started praying to the creator, to God Almighty, I was set on a path of truth and justice and fairness. And I believe we need to remain on that path that was created for our country so many years ago, so I thank you all.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**ERDMAN:** Thank you.

**PENNY STEPHENS:** And God bless.

**ERDMAN:** Thank you. Anyone else? Please state your name and spell it, please.

**DANIEL BUHRDORF:** Yes, thank you. My name is Daniel Buhrdorf. My last name is spelled B-u-h-r-d-o-r-f. And I would just like to state that I support-- or I-- I'm opposed to-- excuse me. I'm opposed to this amendment, this rule change. And I think that it's-- and I support the Legislature starting with prayer. And I think it's striking that the Senator Hunt made the point to say that there was nothing anyone could do to stop someone from praying in her testimony. And it would have been interesting and I'd be interested to know if the senator would aspire to that, because I would respectfully offer that that would have been a good question to put to the senator to try to understand the motivation for the rule change. But I think one of the reasons that I supp-- I support the prayer as it exists now and oppose the changes is that I think that the senator's proposal would alienate a lot of ethnic and cultural minorities that closely hold prayer to be valuable. And there's a lot of immigrants that are coming to our state, a lot of people that are of different cultures that really endorse prayer and practice prayer daily. So I would ask the-- ask you to consider that. Thank you very much.

**ERDMAN:** Thank you. Thank you. Anyone else? I may make this statement. If you have heard someone testify similar to what you're going to testify that has already been mentioned, for the sake of time, I would ask that you not come forward and share the same thoughts that's already been shared. The committee has already gotten that information once. That would help to expedite things. It's been-- we've been here an hour and we've only moved through 5 and we have 55 bills or amendments to talk about. Go ahead, sir.

**ED KELLEY:** Good afternoon. My name is Ed, E-d, Kelley, K-e-l-l-e-y, and I speak in opposition to this. Just a few comments on a recent, widely reported-on event, and then also on a personal event. If any of you have been paying attention, Monday night before last, we had a football player seriously injured in a football game, Damar Hamlin, and I was pleasantly surprised and amazed to see the outpouring of care and support for this young athlete. ESPN, on one of their broadcasts, their broadcasters bowed their heads, closed their eyes, and said a prayer, and all those at the table also said "amen" at the end. On a personal note, a few years ago, I had to go to the hospital

and have triple bypass surgery. I went through the surgery, came out of it, and several hours later it was looking clear that I had to go back in, had some serious problems. My wife had all of my family come in and say-- talk to me before I went to surgery. I truly felt they were saying goodbye to me. If you've ever had the notion that you are going to die, I had that. But I knew that I had friends and family on three different continents praying for me. And so as it has val-- has been of value to Damar Hamlin, so it has been to me and I think it is of value for us to continue to do as we do. Thank you.

**ERDMAN:** Thank you, sir. Any questions? Thank you so much. How many more do we have testify in favor of-- of-- against removing the prayer? OK. If your testimony is similar to what you've already heard, I would ask you to step down so we can get on with the thing. But if not, you come forward. I don't want to restrict anybody that's different. Go ahead, ma'am.

**JEANNE GREISEN:** Thank you, Senator Erdman. My name is Jeanne Greisen, J-e-a-n-n-e G-r-e-i-s-e-n, and I'm here representing Nebraskans for Founders Values. And our name is about what we are about, is the founders' values, which is based on prayer and religion, and our founders wouldn't have been here if they weren't praying and had God in their life. And the only comment I want to make is that until we decide and realize that man is fallen, and if we keep putting all of our faith in man, we're going to end up in the same situation that we are in right now, not only in the state of Nebraska but across this country. So until we change that and put our faith in God and keeping prayer, nothing will change. Thank you.

**ERDMAN:** Thank you. Next person. Please state your name and spell it.

**SCOTT GRIESS:** OK. Wait for the light?

**ERDMAN:** Go ahead.

**SCOTT GRIESS:** OK. First name's Scott, S-c-o-t-t; last name, Griess, G-r-i-e-s-s. I'm testifying in opposition to this proposed rule change. The fool says in his heart that there is no god. These are the words of the psalmist as he testifies in the Holy Scriptures. God is the foundation of truth and reality. And without him, there is no basis for the law itself, for there cannot be any objective right or wrong. This exercise that we call the Legislature of the State of Nebraska is an exercise in the proper use of power in light of what is morally correct. We do not need less of God but, in fact, we need more of him in our lives, especially in the public square-- in the public



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

square, excuse me. To strike the opening prayer, as is being proposed in this rule change, is a fool's errand. The proponents of it will say something to the effect of making laws is a secular activity, and this is something separate from religion, so we must do this. Well, this is, in fact, not true. All human beings are religious by nature and this so-called secularism or atheism is just a manifestation or another worldview or religion cloaked in the garb of neutrality. This notion of neutrality is a farce. Others have referenced the founding documents, so I won't. But just to-- just to say, it is-- it was never the intention of the founders to exclude God from the activities that take place in this very building here. He is the basis of our rights as citizens, and without him government's-- and-- and government's proper acknowledgment of him, we become subject to the whims of government who seek to supplant him and end up tyrannizing its citizens. A simple look at history teaches us this. This change is another step toward that end. Government must be accountable to somebody, so I stand opposed to this change. Thank you.

**ERDMAN:** Thank you. Any questions? Seeing none, thank you. Anyone else? Move up quickly, sir.

**STEVE STEINKUEHLER:** I am so thankful--

**ERDMAN:** Sit-- sit right there, will you?

**STEVE STEINKUEHLER:** --that I live in a country--

**ERDMAN:** Spell-- state and spell your name. You can fill that-- you can fill that sheet out later.

**STEVE STEINKUEHLER:** OK. My name is Steve Steinkuehler. I live in Lincoln, Nebraska.

**ERDMAN:** Can you spell that?

**STEVE STEINKUEHLER:** S-t-e-i-n-k-u-e-h-l-e-r.

**ERDMAN:** Thank you.

**STEVE STEINKUEHLER:** I'm so thankful I live in a country and a state where, no matter who you are, I get to choose. I get to choose if I want to practice my religion. I get to choose if I want to go to church or not. Let's keep the prayer, Senator.

**ERDMAN:** Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**STEVE STEINKUEHLER:** Thank you.

**ERDMAN:** OK. Anybody in the neutral position, come forward quickly. Please state and spell your name.

**TERI HLAVA:** My name is Teri Hlava, T-e-r-i H-l-a-v-a.

**ERDMAN:** Thank you.

**TERI HLAVA:** And I had not intended on speaking to this rule, but after hearing everyone and thinking of past sessions, I don't object to prayer, but I do object if it turns out to basically be a hidden agenda or offensive to some people. And I am a Christian, but I do-- and I don't object to things like God, a reference to God or creator, but I do object when I listen to the Legislature and I hear people-- I don't know if you could say-- flinging God as being on their side. They imply they are sure that God is on their side. And I don't think that's what the Legislature's all about. I also remember Governor Ricketts establishing a day of prayer or speaking at the day of prayer and was only represented by Roman Catholics, his religion, and the only speakers were those of nuns and-- and people from his particular diocese, and that struck me wrong. That struck me as offensive and-- and hidden agenda type of thing.

**ERDMAN:** OK.

**TERI HLAVA:** And so. I guess if you can pray and not pray in an established religion, that would be OK with me. Prayer to begin the Legislature is not mandated. Many of our founders were not Christian and--

**ERDMAN:** Your red light's on, ma'am.

**TERI HLAVA:** OK, so I guess that's it.

**ERDMAN:** OK. Thank you. Any questions? Thank you. Any other neutral testimony? Seeing none, we will complete the hearing on that rule.

**HUNT:** I don't waive close. I just want to say a couple things [INAUDIBLE] close.

**ERDMAN:** OK.

**HUNT:** Thank you. Thank you, Chairman Erdman. First, I want to thank so many people for being here today and just remark about what an incredible thing it is to have this much transparency for government

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

and this much engagement from our constituents in Nebraska. And I want to tell everybody who took the time to come here to please share your thoughts with these senators, because the reason we have these hearings like this in any committee is so that senators who aren't here can get a scope of what the feeling of the people are. And so I-- I just certainly encourage all of you to keep sharing your views and thank you for doing that. The second point I want to make is, you know, in that Marsh v. Chambers Supreme Court decision, and the Chambers in that decision was Ernie Chambers, of course, if you don't know, they found that the prayer was OK in the Legislature as long as it was a nondenominational prayer. All of us in this room know that that is never the case. That is never what happens. It's always explicitly, you know, for one religion. And I also think that a lot of hay has been made about what this rule change actually does. Nothing about the rule says anything about the importance of religion or the impact that prayer can have on someone's life or, you know, how somebody's life has been changed by-- by-- by their own beliefs. It just says that making it an official state proceeding is not something we're going to do anymore. It doesn't say you can't pray before, after, during. I know many of us do pray before, after, and during, but it doesn't belong on the agenda. Nothing in this rule prevents you from being a person of faith and following whatever you want to do. And with that, I'll close. Thank you.

**ERDMAN:** Is there any-- any questions? Thank you.

**HUNT:** Thank you.

**ERDMAN:** Sorry I didn't give you the opportunity. With that, OK. So the next three will be Senator Day, Hunt, and Conrad, and the three provisions we're going to talk about is provisions for disabled testimony at hearings and allowing written testimony. Those are the-- those are the subjects we're going to deal with. So Senator Day will open it and she's going to speak about provisions for disab-- disabled testimony at hearings, and that is Rule 3, Section 14. Welcome, Senator Day.

**DAY:** Thank you. Good afternoon, Chairman Erdman and members of the Rules Committee. My name is Jen Day; that's J-e-n D-a-y, and I represent Legislative District 49 in Sarpy County. Excuse me. I know we have 57 rules to consider this afternoon, so I will try to keep this brief. Rule number 6 changes the committee section of rule-- of the rules to create a line that no person shall be excluded from participating in public hearings based on disability. Currently, a similar statement appears on the Legislature's website's ADA page, but

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

does not appear within our formal rules. It's written in stone on our capital that "The salvation of the state is the watchfulness of the citizen." Our Unicameral Legislature is built on principles that anyone can participate in our process and, as such, we have a special system in Nebraska where every bill receives a hearing and the general public is invited to make their voice heard. I introduced Rule number 6 after hearing from disabled Nebraskans who sought this accommodation to be better able to lend their perspective as well. For many Nebraskans experiencing disabilities, it can be challenging to be physically present at our committee hearings. While I love our Capitol Building, as all of us know, at times it can be challenging to navigate, especially for those with mobility issues. If we truly care about having a full discussion, we should make a small change that would emphasize our commitment to being a place where all Nebraskans can be heard. In fact, the very challenges that these Nebraskans face are what create a perspective that we might have not considered when bringing legislation and contribute to the richness of the debate that takes place within this building. So it's my hope that we can evaluate this rule beyond the paradigm of accessibility. On a technical level, rule 6 would not force the committees to adopt any specific method of accommodation; but, rather, it is a commitment that-- that committees will make every reasonable effort to include those experiencing disabilities in the hearing process when a request is made. We designed the rule like this out of deference to committee Chairs and staff. In my experience, the Chairs, committee staff and the Legislature's IT support have been more than willing to help when our office has asked for assistance with specific testifiers, so this would merely formalize accommodation efforts that already happen on a case-by-case basis. Additionally, the flexibility in the wording is meant to reflect the Legislature's varied capabilities from committee room to committee room. Put differently, what might work for some committees might not be doable for others, and this rule was designed to reflect this, but it is important that we formalize the commitment that we're making to ensure that every Nebraskan can have their voice heard. And I'm open for any questions.

**ERDMAN:** OK. Any questions? I have one, Senator Day.

**DAY:** Yes.

**ERDMAN:** So in your-- in your inclusion here--

**DAY:** Yep.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**ERDMAN:** --it says measures shall be included as written and also virtual testimony.

**DAY:** Correct.

**ERDMAN:** Are you saying that someone could send in a recording or how would-- what do you mean by virtual?

**DAY:** Virtual would be like a Zoom-type testimony. I don't know if we would allow for a recorded testimony. I don't know if that's ever happened.

**ERDMAN:** OK, so like a Zoom meeting.

**DAY:** Yes.

**ERDMAN:** OK, [INAUDIBLE]

**DAY:** Yes. And I-- I just know that sometimes it's difficult for IT to do that in more than one place at a time.

**ERDMAN:** Right.

**DAY:** So that's why we're kind of leaving the flexibility open for what works best--

**ERDMAN:** OK.

**DAY:** --at the moment.

**ERDMAN:** That was-- that was my question, what was, what was the definition of virtual.

**DAY:** OK. Yep.

**ERDMAN:** Any-- Senator DeBoer.

**DeBOER:** Senator Day, would you-- would you mind if we "word-shopped" it a little bit to be reasonable accommodation to mesh with the ADA?

**DAY:** Absolutely not. Yeah.

**DeBOER:** OK. Thanks.

**DAY:** Yep.

**ERDMAN:** Thank you, Senator DeBoer. Anybody else? Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**DAY:** Thank you.

**ERDMAN:** OK. OK, Senator Hunt. IS Senator Hunt still here? No, we're going to do these three. Is Senator Hunt still here?

**CONRAD:** I think she'll be right here [INAUDIBLE]

**ERDMAN:** OK. Senator-- Senator Conrad-- there's Senator Hunt right there. Join us, Senator Hunt, if you would, and Rule 3, Section 14, was your amendment. We've got these grouped together. They're similar subjects, and so we're going to do three: Senator Day, you, and Senator Conrad.

**HUNT:** OK.

**ERDMAN:** And then we'll have testimony from the public after that. So your rule is Section 3, the same section, the same-- same rule, same section.

**HUNT:** OK.

**ERDMAN:** And yours has to deal with written testimony.

**HUNT:** That's right.

**ERDMAN:** Go ahead. State your name and spell it and--

**HUNT:** Thank you, Senator Erdman. I'm Megan Hunt, M-e-g-a-n H-u-n-t, representing District 8. This rule change would allow us to adopt permanently an option for written testimony. This is something that we temporarily allowed during COVID, when it was risky for a whole lot of people to come in and testify. And we saw during COVID that this method was doable, that we did it well, that there was no harm, so I think it's something that we should adopt permanently into the rules because it makes the second house's participation in this Legislature much more accessible, and I think that's something we should make permanent. This is something that I know my office and other senators over the years have been hearing from citizens and advocates and all kinds of people who want to come down to the Capitol and be involved. And, you know, this way our committee hearing testimony and recording process, the way it's set up right now, it really privileges certain groups of people, you know, people who live close to the Capitol, people who can take time off work during the day, people who can, you know, in many cases travel hours perhaps, come here to sit down and give a two-minute testimony, but it matters so much to them that they're willing to do it. So this is something that will make this

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

accessible to more people. I'm introducing a couple other rules that are of a similar nature, but I'll just close this up here. Thank you very much.

**ERDMAN:** Any questions? I have-- I have like one or two, Senator Hunt. Our-- our current method is we contact or send our email on the day before for a committee. It-- do you understand [INAUDIBLE]

**HUNT:** Can you say that again? The current method is you--

**ERDMAN:** We-- we now have an opportunity. If you want to send in written testimony, you send your written testimony before-- the day before in an email to the clerk or to the committee Chair, and then it is recorded in the record. That-- that has been kind of cumbersome and it's been kind of difficult for people to figure out how to do that. So what you're asking is if, like today, people would send in testimony, you would include that in the-- you would make that an exception from what we used to do now to make it so it would be available in the record. Is that what it is?

**HUNT:** Yeah. You would make that a part of the record, let the written testimony be in the record, yeah.

**ERDMAN:** OK. Any other questions?

**DeBOER:** I'll--

**ERDMAN:** Go ahead, Senator DeBoer.

**DeBOER:** This is mirroring the written, "in lieu of the in-person testimony" that we did during COVID?

**HUNT:** Yes.

**DeBOER:** Thank you.

**HUNT:** Thank you.

**ERDMAN:** Anyone else? Hey, Senator Bostar.

**BOSTAR:** Thank you, Chairman. Thank you, Senator Hunt. Do you have any-- do you have any thoughts on if a rule like this were to be created excluding individuals who are registered lobbyists from exercising this?

**HUNT:** I, I don't think I would, and I'll tell you why. So (A) we already have registered lobbyists come in and have our attention all

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

day long, so I don't think that this-- I mean, I think it would be dumb to cut them out of one thing when they can do everything. I don't want to reduce anybody's access. I want to increase everybody else's access. I think there are lots of people who represent interests and constituencies that don't have a lobbyist down here in the Capitol, things I agree with, things I disagree with, of course, and all of them need to have a voice as well. So I don't care what lobbyists do. That's-- that has nothing to do with the problem. The problem to me is that ordinary people don't have their voices as represented here, so this would be a way for them to, you know, have more influence on what we do because they're the people we should really be listening to at the end of the day, not somebody who earns a salary to talk to us.

**BOSTAR:** So I-- I guess the reason I-- I say, and-- and to be clear-- I don't know, maybe it wasn't-- I was saying that everyday people would have this ability but lobbyists wouldn't. One of the things that we saw during the pandemic is there would be situations where testimony, it would be decided whether or not testimony would be submitted in writing or in person, even though the person, the individual who provided testimony was available, based on whether or not-- how they felt about having to answer questions from the committee.

**HUNT:** Mmm, I see.

**BOSTAR:** And I-- I think there is certainly value in, especially people who are paid a salary to represent an interest, to sit before a committee and answer questions, but you can absolutely disagree.

**HUNT:** No, I don't disagree.

**BOSTAR:** OK. Thank you.

**HUNT:** Um-hum.

**ERDMAN:** Anything else?

**IBACH:** I would just--

**ERDMAN:** Senator Ibach.

**IBACH:** I'm sorry. I would just echo that in that I would be concerned that, during a question-and-answer session, for instance, as we're doing now, that they would not be available to answer any of those questions. And their comments can be put into the record and show that they brought forth their comments, but we wouldn't be able to do a question-and-answer with them. That would be my concern.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**HUNT:** Um-hum. To just respond to that, I mean, as I said before, these folks are here all the time. All they want us is for us to vote for the thing they want us to vote for. So there's time for question-and-answer. It wouldn't be on the record. But I also think it's a little bit embarrassing for the record to show their testimony and that it was submitted and that there was no question-and-answer and they never got to get grilled by the committee. If I was a client of a lobbyist, I would find that very embarrassing, so, you know, maybe there's some market pressure, so to speak, that determine people's behavior. But, yeah, those are all ideas that I-- I think are worth considering.

**ERDMAN:** Thank you.

**HUNT:** Yeah. Thank you.

**ERDMAN:** All right. Senator Conrad. Very similar rule change, the same section--

**CONRAD:** Yes. Good afternoon--

**ERDMAN:** --same rule.

**CONRAD:** Good afternoon, Chairman Erdman, members of the committee. My name is Danielle Conrad, D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d. I'm here today representing the "Fightin'" 46th Legislative District of north Lincoln and appreciate the opportunity to weigh in with my colleagues, Senator Day and Senator Hunt, in regards to making some updates and improvements in regards to how our committee records or committee statements might look for either disability accommodations or otherwise. So at the outset, let me just say how awesome it is to walk into this room and to see the level of care and consideration that Nebraskans have for their Legislature, for our beloved Unicameral nonpartisan Legislature. To see this level of engagement on primarily an internal organizing matter is awesome and perhaps unprecedented and special, and so I want to give a huge shout out to everybody who made time out of busy schedules to be here today on really short notice to share their ideas, both pros and cons, in regards to the-- the different issues before us today. Additionally, I do want to point out, while that's the-- the sunny side of the coin, perhaps the part that's a little bit cloudier is that I-- I know that not all of this procedure is prescribed in our rules. In fact, I think there's maybe a sentence or two in regards to the Rules Committee itself, but like-- and I know everybody's doing their best, Chairman, but I literally received an updated committee hearing schedule at 2:08 via email this

afternoon for a hearing that started at 1:30. And I appreciate everybody's doing the best they can with a busy caseload before us, but I think that's a disservice to transparency and public engagement in general so that people can participate and plan accordingly, so I did just want to note that for the record as well. The final piece, before I jump into the-- the nuts and bolts of it, is I want to make sure to connect the dots about why these internal pieces, these internal rules matter to everyday people. Not only do all Nebraskans cherish our -- our Unicameral Legislature, but by ensuring that we have a thoughtful process in place, by ensuring that we have fair rules in place that honor our proud traditions and help us to conduct the people's business, we get better policy results. So this may seem very inside baseball, but it's actually inextricably interwoven to the results that Nebraskans are asking us to deliver for issues from agriculture to education to tax equity to criminal justice and everything in between. So I-- I just wanted to make sure to-- to put a fine point on that. So I brought forward this measure, actually, and Senator Hunt touched upon this a little bit in her opening for a similar proposal, but I had the opportunity after I left the Legislature to work with a coalition of different advocacy groups and the Coalition for a Strong Nebraska to try and figure out ways that we can increase citizen participation in our state policy making. And one of the projects that the Coalition for a Strong Nebraska identified, and they represent nonprofit organizations, human service providers all across the state, in talking to their members, was that other states had an engagement process available to let people's voice be heard that couldn't make it into the Capitol either because of a work schedule or because of geography. And so looking at how some of our sister states handled that, there were processes available to provide for some sort of indication on the record or in the committee statement, for people to engage and to share their point of view at the committee level, which of course is critical in the process. So-- so knowing we have a state like Nebraska with a huge geographical difference and expanse, there was a lot of excitement and resonance from greater Nebraska to try and improve opportunities and avenues for participation so that people could have their opinion reflected in the record and/or on the committee statement that maybe couldn't take off a day or two to travel in for a two-minute hearing kind of thing, or working families who couldn't get off work or couldn't find childcare, who didn't have transportation. So that's really the impetus for how some of these measures kind of came together, and we worked with prior Rules Committees and prior Legislatures to try and-- and provide some of those avenues and updates. And then, as Senator Hunt said, kind of out of necessity during COVID, some of those ideas were adopted in

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

kind of a temporary or preliminary form, so let's learn from those examples about the best ways that we can bring more voices into the process and think about what a benefit it is, particularly in the term limits dynamic and era, for new senators to have more information available to them when they're deciding how to cast their vote. So we usually look at that committee statement. Let's say you're not on the Ag Committee, and Ag Committee is bringing forward an important measure. That's kind of our CliffsNotes. That's kind of our CliffsNotes version when we take a look at the committee statement to say, oh, gosh, four people came in and they were all in support of it, so maybe not so many red flags; or, oh, gosh, that was a really controversial committee hearing, so I kind of want to get more information about it before we jump into floor debate. So by having that kind of additional levels of engagement available on the committee statement, not only does it honor our second house and bring in more voices, it helps us as policymakers have a better deliberative debate on the floor if we didn't have an opportunity to be in that jurisdictional committee when that bill was heard. So that-- that's really kind of the big-picture thinking around this Rules Committee proposal. And we'd be happy to work with the committee, Senator Hunt, Senator Day and others, on any technical aspects and happy to answer questions.

**ERDMAN:** Are there any questions from the committee? Seeing none, thank you.

**CONRAD:** Thank you so much.

**ERDMAN:** Thank you. OK. Now we'll open it to proponents for any one of those, either one of those three rule changes or amendments. Please come forward. If you're going to be next to testify, please come forward in front row here. Thank you for coming.

**KATHY HOELL:** Thank you.

**ERDMAN:** If you would, please state your name and spell it and then begin when you have done that.

**KATHY HOELL:** OK. First of all, before I do that, I am going to ask for a reasonable accommodation under the ADA that the timer not be used. Because of my speech patterns, I cannot guarantee I am going to stay within your limit. I will try but--

**ERDMAN:** OK.

**KATHY HOELL:** --no guarantees. OK. My name is Kathy Hoell; it's K-a-t-h-y H-o-e-a-- H-o-e-l-l. And I am a member of a grassroots disability organization called Adapt Nebraska. And I want to thank Senator Day for your submission of this rule change. And I-- we are very appreciative of it. And the second thing I want to do is to thank the committee for providing such an excellent example of why people with disability need this change. We heard at this meeting on Monday for people with disabilities there is no transportation. That's why it's in the Olmstead. It's one of the goals of the Olmstead plan that is being developed. And when there is transportation, you have to have a week's notice to get a ride. So there were a number of people in our Adapt chapter who wanted to be here but couldn't because there was no way to get here. The Olmstead plan, their transportation goal will have transportation across county lines maybe within two years. So if you're a person with a disability, you have to wait two years to cross a county line, so basically you're stuck with wherever you live. And in addition there-- with this COVID, there is flu, there's RSV, they're-- they're running rampant in the state and everywhere in the country, and people with disability, many of the us are immune-compromised and basically it could be a death sentence for-- I mean, I hardly ever leave my house now. But I felt this is so important that-- and I did have a means to get down here. The reason we-- for our asking for this rule change is because a number of our group had requested a reasonable accommodation from the ADA person here at the Legislature for virtual testimony and it was denied, then we found that very frustrating. We feel that virtual testimony would actually be the ideal way because it allows for interaction. You have a question, you can ask it and it can be answered. Email does not allow that at all. On your website and on this bill, they talked about people making up the second house, but you don't provide opportunities for people to be involved. According to statis-- statistics right now, one out of every four people has some kind of disability, so, I mean, and disability is an equal-opportunity minority. We're the largest minority in the country and-- but we get the least recognition by our legislators, by other policy makers across the country. So basically, you're ignoring a large segment of the population. People with disabilities are very frustrated with decisions that are being made about our lives without being able to have input. A basic tenet of our community is "nothing about us without us." But Nebraskans, they have to recognize us as an active participator, citizens of the state, and many of us are taxpayers, in addition, and we-- we do get any of the benefits for being citizens of the state. Thank you very much.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**ERDMAN:** Thank you for coming. Appreciate your testimony. Any questions? Seeing none, thank you. Appreciate that. Next testifier, please. As soon as you're seated, state your name and spell it and then proceed.

**RACHEL GIBSON:** Good afternoon. My name is Rachel Gibson, R-a-c-h-e-l G-i-b-s-o-n, and I am the vice president of action for the League of Women Voters. The League of Women Voters believes that democratic government depends on informed and active participation and requires governmental bodies to protect citizens' right to know, and that's including giving adequate notice of proposed actions, holding open meetings, and making public records accessible. What has been handed out is we've gone through and looked at every single rule and taken a stance. The way we looked at this is how we think things would be most transparent, most effective, most efficient, and to the best benefit of the citizens of Nebraska. I will mercifully not be speaking on every single one. You've got that there. So we've got-- we've got a few that we want to highlight and== and this-- this number 31 is one of those. So we do support the-- the use of written testimonies. We really support any effort that allows citizens to participate, especially for individuals who may have extenuating circumstances or challenges, for example, work schedule, care responsibilities, access to transportation, simply geographic distance. So with that in mind, we definitely support the use of written testimonies and I'm happy to answer any questions.

**ERDMAN:** Are there any questions from the committee? Seeing none, thank you. Thank you for your testimony. Thank you for your sheet. I appreciate that.

**DeBOER:** Yeah.

**ERDMAN:** Very good. Next person.

**JOSEPHINE LITWINOWICZ:** I might take a little bit longer, too, because I like to think instead of-- because I have cognitive issues.

**LOGAN BRTEK:** Can I have your green sheet?

**JOSEPHINE LITWINOWICZ:** Oh, yeah, here we go.

**LOGAN BRTEK:** Thank you.

**ERDMAN:** Can you state and spell your name again for us, please?

**JOSEPHINE LITWINOWICZ:** Yeah. Good evening-- or good-- good afternoon. Yes. My name is Josephine Litwinowicz, J-o-s-e-p-h-i-n-e L-i-t-w-i-n-o-w-i-c-z, and I represent the Higher Power Church with the other-- with the other bill, too, with the other hearing, rule change 2. Definite all of what Kathy Hoell said. I mean, she-- I-- I speak here all the time and I know a lot of people that, at least mobility disabled, there has to be-- there's a lot of us out here because I would-- I would get them going and I know that they would participate. People in electric wheelchairs like me is what I'm specifically talking about. And it's-- it's imperative that there's a whole chunk of voice, you know, DHHS, you know. Maybe-- maybe we could have-- we could have as many screens as a-- as a sports bar, you know, because we need to give these voices a chance to be heard. And I, you know, I would-- I would-- I would whip up my building. I got-- I got three other electricians in-- in my building and I know they'd participate. And I just don't want it to be engulfed. I don't want the disabled and those who-- who physically can't get here to be engulfed in some other broiling about including so many people or what-- this or that. It's important, at least the mobility disabled, because I don't know how else to define it, that they be able to be able to speak here, and because I might need to do it one day; and if not, because right now I'll blow through the berms. I'll-- I'll come. I don't care what the weather is, I'll get in the street, and I've done it. But people can't do that. And so that's all.

**ERDMAN:** OK.

**JOSEPHINE LITWINOWICZ:** And it's just really important. I can't state it enough. And, you know, it took COVID to bring out what we need to do here and it's clear. And thank you.

**ERDMAN:** Thank you very much. Next testifier. Can you help her roll the chair over?

**KATHY KAY:** Thank you.

**ERDMAN:** Thank you for doing that. Please state and spell your name, if you would, and begin.

**KATHY KAY:** My name is Kathy Kay, K-a-t-h-y K-a-y. And thank you, Chairman Erdman and other committee members. We appreciate the time. I'm the CEO of the League of Human Dignity. It's an organization that helps support individuals who experience a disability to live as independently as possible, and I'm here to testify in support of the rule change to allow individuals who experience a disability to offer

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

alternative format. I'm not going to repeat. I know that you have a very busy schedule today. Kathy Hoell already said very succinctly how people who experience a disability have a lot of difficulty, whether it's physical limitations, barriers to getting into the building, having an immuno-compromised system, or even just the lack of transportation, a huge problem of getting here. This rule change would allow a frequently underrepresented group to more-- to have more input into the legislative process and to more freely participate, and I think it's a very reasonable accommodation.

**ERDMAN:** Thank you.

**KATHY KAY:** Any questions?

**ERDMAN:** Any questions?

**HANSEN:** [INAUDIBLE]

**ERDMAN:** Senator Hansen.

**HANSEN:** Sorry, just-- who'd you say you're with again?

**KATHY KAY:** The League of Human Dignity.

**HANSEN:** OK. I was just curious, where maybe a majority of disabled people might stay, do they have the facilities required to maybe do virtual testimony, if it required a computer or a webcam or something like that, if--

**KATHY KAY:** Would we have those?

**HANSEN:** Yeah. I didn't know if you were like involved in that aspect or not. May be a better question for somebody else. I was just kind of curious.

**KATHY KAY:** Well, we allow it at our agency. You know, we do a lot of Zoom and stuff, but we wouldn't have that actual equipment to be able to share. Is that what you mean?

**HANSEN:** Yeah, just kind of curious and just get your opinion--

**KATHY KAY:** Yeah.

**HANSEN:** --on it, that's all, so.

**KATHY KAY:** We'd be more than happy to work with you on that, though.

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Rules Committee January 12, 2023

**HANSEN:** Yep. OK.

**KATHY KAY:** We're a nonprofit and this is what we do: to make anything more accessible and people be able to participate and have the same rights as everybody else.

**HANSEN:** Yep.

**KATHY KAY:** Just 'cause you experience--

**HANSEN:** Some-- sometimes video might be applicable. Or you mean a telephone right now that we could do somehow, just to kind of get their voice heard, at least, so I--

**KATHY KAY:** Sure.

**HANSEN:** --some-- some-- just might be more accessible, one of those.

**KATHY KAY:** Any alternative format-- I'm not picky how you do it, but I also agree that it's not only for people with disabilities. I know that because we have offices in Scottsbluff, and just for those staff who don't experience a disability to get to this part of the state is difficult. So I think this is a great win-win for all people to be able to participate more fully in their government.

**ERDMAN:** Thank you.

**HANSEN:** Thank you.

**KATHY KAY:** Thank you.

**ERDMAN:** Any other questions? Thank you. Appreciate it. Next testifier, please. Thank you for coming.

**TAYLOR STERBA:** Hi. My name is Taylor Sterba, T-a-y-l-o-r S-t-e-r-b-a. I'm here on behalf of myself to support these changes. So, like, ever since I was 15, I've worked two jobs and was also a full time student, so haven't had many hours in the day to be here and testify, but now I have a job where I get to do this kind of work. But that's not the case for many youth in Nebraska. I mean, if you look around, I'm one of the youngest people in this room by like ten years. But, yeah, we want to get involved, but our age and our occupation is very limiting in our ability to be here. And many senators and Nebraskans have asked why young people are leaving the state, and I think part of it is that we don't feel heard and these worthwhile changes are not being made to get a better state. And when we hold marches across the state, the



majority of that population is in their twenties and under, so we want to participate and we have the passion and drive to do it, but we just have not had the ability to do so in a more direct capacity, especially with the Legislature. So with the ability to have our opinions included in the committee record for public testimony and included in the count, we're moving in the right direction. And I think, to answer that question that was posed to Megan Hunt earlier about how to contact for future questions and all of that, like we fill out a form that has our name and our email on it and it's pretty easy to do one of those online, so if you ask for their consent to email them and ask questions, I'm sure people would be more than willing to. So thank you for your time.

**ERDMAN:** Thank you. Any-- any questions? Seeing none, thank you very much. Hello.

**GUADALUPE ESQUIVEL:** Good afternoon, committee members. My name is Guadalupe Esquivel, G-u-a-d-a-l-u-p-e E-s-q-u-i-v-e-l, and I'm here to testify in support of Rule change 6 to prevent individuals from being excluded from participation in public hearings by reason of disability. I am here representing the Nebraska Civic Engagement Table. We are a nonpartisan, nonprofit organization that works to support other nonprofit organizations across the state and empower underrepresented Nebraskans in the policy decisions that impact their lives. I am proud to serve on our Diversity, Equity and Inclusion Council, where we strive to ensure that each disability lens is present in all decision-making. The implementation of accessibility measures such as written and virtual testimony are a straightforward, commonsense approach for a Legislature where the people truly are the second house. These are a benefit to every single Nebraskan. States like Montana, Idaho and Maine already offer people the option to present remote testimony via Zoom and through other written communications, as seen on their state legislatures' websites. This is also a common feature for many city council and court hearings and greatly increases participation in the process. In fact, the American Bar Association notes that Nebraska was a pioneer in introducing virtual testimony in our court-- in our courts during the early stages of the pandemic with resounding results. Although the aforementioned is about court proceedings, this is already a regular practice in so many arenas, including right here in Lincoln. This would ensure that Nebraska is up to date on best practices. The Nebraska Table strongly urges the Rules Committee to adopt these measures. We commend Senator Day for bringing this forward and are eager to see this included in the upcoming session. The very layout of the Capitol Building can be incredibly challenging to navigate for those with sensory, locomotor

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

or manipulative disabilities, not to mention the exhaustion experience, potential for injury, and lack of transportation. As part of moving forward with this potential rule change, it is essential that specifics be drafted that lay out what exactly the accessibility measures would entail. I think we can all share the goal of ensuring that we don't merely accommodate people, but we adopt intentional, entrenched practices that freely allow all Nebraskans to make their voices heard. Thank you.

**ERDMAN:** Thank-- thank you. Any questions? Seeing none, thank you.

**GUADALUPE ESQUIVEL:** Thank you.

**ERDMAN:** Please state your name and spell it and begin when you have done that.

**ANGIE PHILIPS:** Hi, my name is Angie Philips; it's A-n-g-e-- A-n-g-i-e P-h-i-l-i-p-s. I am one of the co-founders of a grassroots group called the Nebraska Legislative Study Group. One of the reasons that we organized was so that we could work to educate Nebraskans on the state legislative process and how they have a right and responsibility to participate as Nebraska's second house. So, of course, I'm here today to testify in support of every single one of these and anything that opens up access for Nebraska's second house, which is all of us back behind me today. A couple of things that I-- I did want to mention, you know, it's already a challenging process for folks to participate. It's confusing, even just if we point out-- and-- and no blame, I know everyone's doing their best, but even if we just point in the work that is put into trying to educate Nebraska's second house on this process right here, it is very tiring and time-consuming. I know that I have three different organizers that I work with. We're all putting in full-time hours for no money, just trying to organize so that people understand what's happening here right now. So, of course, we-- we just encourage all access to that. I would also like to make a point about the lobbyists and the written testimony. For me, as somebody that is not a lobbyist and spends time sitting here not getting paid to testify, I would really be OK with them turning that paperwork in at the beginning. And if you guys maybe could spend some more time asking questions to everyday Nebraskans that come in here to share their experiences and stories with you, I think that that would be fantastic. Thank you.

**ERDMAN:** Thank you very much. Any questions? Thank you.

**ANGIE PHILIPS:** Thanks.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**ERDMAN:** OK. Next person, next testifier.

**ANAHI SALAZAR:** Good afternoon, Senator Erdman--

**ERDMAN:** Good afternoon.

**ANAHI SALAZAR:** --and members of the Rules Committee. I'm here representing Voices for Children in Nebraska. I'll condense what I had written down because I don't want to repeat everyone. But we are in support of the rule proposal number 5 that Senator Day brought forward. We think that individuals who have different abilities should have access to public hearings, and that would require them to either be virtual or require written testimony, so--

**ERDMAN:** OK.

**ANAHI SALAZAR:** --we are in support of that.

**TAMARA HUNT:** Will you spell your name?

**ERDMAN:** Thank you. Did you spell your name?

**ANAHI SALAZAR:** Sorry. Yes. Anahí Salazar, A-n-a-h-í S-a-l-a-z-a-r.

**ERDMAN:** Thank you, appreciate it. Any questions? Seeing none, thank you. Thanks for coming. State your name and spell it, please.

**MEG MIKOLAJCZYK:** Good afternoon, Chairperson Erdman and members of the committee. My name is Meg Mikolajczyk, M-e-g M-i-k-o-l-a-j-c-z-y-k, and I'm the executive director of the Nebraska Civic Engagement Table. I'm here in support of rule change 31. Guadalupe already did a great job of telling you who we are. We're a membership organization. We have 70 members across the state of Nebraska. Senator Erdman, this won't surprise you, that we have members in Scottsbluff, and that's a pretty long way to go to get here to participate.

**ERDMAN:** It is.

**MEG MIKOLAJCZYK:** And I'm always asking our members, we need your voices at the-- at the Legislature, we need you to participate. It's a pretty hard ask when it's 800 miles roundtrip.

**BOSTAR:** Thank you.

**MEG MIKOLAJCZYK:** Gas is about-- it's \$3.12 as of this morning. The average gas mileage is 25-- 25.7 miles per gallon, so it's about 100 bucks just in gas.

**ERDMAN:** Yeah, it is.

**MEG MIKOLAJCZYK:** That's not hot-- you know, but for everyone else, it's kind of expensive, as some other folks said, and that's-- that's volunteering their time to share their story, so it's a hard ask. We also have members. Out in South Sioux. City, and we'd love to have them and their-- their clients come and share. But a day's wages or two days' wages, that's 40 percent of a workweek to come and share their story. That's a big ask. And finally, I've been one of these people. I am privileged to get to come do this and be paid to do it. I live down the street, so geography is not my issue. But I have little kids and my daycare ends at 5:30, and last year I had to bring an infant with me and Government Committee got to meet Mick Bowen and it was very charming and it was very stressful, and so there are also times when even paid lobbyists might need to be able to submit some written testimony so they get on the record. So please support this.

**ERDMAN:** Thank you. Any questions? Thanks for your testimony.

**MEG MIKOLAJCZYK:** Thank you.

**ERDMAN:** Next testifier.

**PENNY STEPHENS:** My name is Penny Stephens, S-t-e-p-h-e-n-s, and I will move through quickly. I am in total agreement for rule number 6. I think our disabled individuals of Nebraska need to have the ability to testify virtually or in written. I do oppose 7 and 8 for all individuals in Nebraska to be able to just, you know, write in. I think what's set up right now for Nebraskans to submit their testimony, the way it is, is just fine. I think that's great. I have concerns about basic spamming testimony. You know how we get spam in-- in our email boxes? I have 20 years' experience in computers. My husband's a computer programmer. There are bots and such that can produce spam emails. So if they-- somebody buys the software, you just want to start hammering a bill, whatever, that's doable. So what are the checks and balances for written testimony? I ask that you wait on rule 7 and 8 until there's more checks and balances in order for Nebraskans to put forth their testimonies. I-- that's all. Thank you very much.

**ERDMAN:** Thank you. Any questions? Seeing none, thank you. Any other testifiers in support of the two mo-- three motions? Please state your name and spell it.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**BRAD MEURRENS:** Good afternoon, Chairman Erdman and members of the committee. For the record, my name is Brad, B-r-a-d, Meurrens, M-e-u-r-r-e-n-s, and I am the public policy director at Disability Rights Nebraska. We are the designated protection and advocacy organization for persons with disabilities in Nebraska, and I'm here in strong support of the proposed change to rule 6. People with disabilities in Nebraska comprise around 11 percent of our state's population, and there are Nebraskans with disabilities in every single county. That number is an undercount if we include people with functional needs that may not be considered disabling but still significantly impact their mobility or other activities of daily living. These are our family, our friends and our neighbors, our community, and they have the right to be heard like everyone else. If the motto of the Unicameral that is professing the importance of citizen watchfulness, i.e., participation, to the state's salvation, it is incumbent upon the Unicameral to maximize a citizen's opportunity to provide that input. Increasing testimony options, including virtual and remote testimony, will allow broader participation by those who are unable to get to the State Capitol to testify in person. Living with a disability is expensive, and often people with disabilities live at or below the poverty line. Transportations, like we said earlier, are extremely limited and-- both in the metro areas and in the rural areas. Expenses associated with private travel, assuming your car can make it, make the public hearings cost-prohibitive. COVID is still with us. We are currently in elevated yellow, which means the spread is moderate, and people with disabilities are disproportionately susceptible to contracting and dying from COVID. Remote testimony would be a potential solution to many of these barriers for persons with disabilities. I also want to take the opportunity to thank Senator Brewer and Senator Day and others who allowed the hearing for LB1104 last session to take live testimony over the phone. My impression was this alternative went smoothly and did not hold up the meet-- hold up the hearing. Thus, I firmly believe alternative testimony methods are possible, viable options.

**ERDMAN:** Your red light is on, sir.

**BRAD MEURRENS:** Other states are allowing for remote, as I've included in my handout here, and I think that Nebraska should examine those. I'd be happy to take any questions.

**ERDMAN:** Any questions? Seeing none, thank you.

**BRAD MEURRENS:** Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**SPIKE EICKHOLT:** Good afternoon, Chair Erdman and members of the committee. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t. I'm one of those paid registered lobbyists. I'm here for three organizations and I hope it's OK if I just testify for all three at once. I suspect the Chair would accommodate that.

**ERDMAN:** That would be fine.

**SPIKE EICKHOLT:** I'm here for the ACLU of Nebraska, Education Rights Counsel, and Nebraskans for Alternatives to the Death Penalty. I'm not going to repeat what was said before, but we do support all of these changes because what they do is they remove barriers for citizen participation, whether those barriers are disability, distance or work schedule. I mean, right now, I think it's-- I'm just going to admit it. The current predicament favors those people who show up, and that's disproportionately paid lobbyists, agencies, and people here in Lincoln. Senator Day suggested that some similar accommodation that we did during the pandemic and during the COVID pandemic be developed as well. I think that would make sense. I think what Senator Conrad said is accurate. It's accurate in the Rotunda, I can tell you that much, that when a bill comes up you don't know about, the first thing you look at is the committee statement, who was for, who was against, how was the vote. And I understand the concern that someone raised earlier about if we allow written testimony to be on the committee statement, we're going to encourage spammers. I would respectfully submit that you and your office know what is spam and what is organic. I think that could be easily discernible in some sort of rule accommodation. One other point: Represented or non-represented organizations, sometimes you have an out-of-state expert who can't be here with a week's notice. You have somebody back in their district that has, you know, legitimate and contributory things to say about a bill. Some accommodations should be made to allow those people to testify and have that reflected accurately and completely on the record. And I'll answer any questions if the committee has any.

**ERDMAN:** Are there any questions? Thank you. Anyone else?

**EDISON McDONALD:** Hello. My name is Edison McDonald, E-d-i-- excuse me-- E-d-i-s-o-n M-c-D-o-n-a-l-d. I'm the executive director for The Arc of Nebraska, and I think the previous testimony has covered a lot of stuff today that's really important. I think a couple things that are important to keep in mind also, number one, the Nebraska Legislature is a Title II entity under the ADA, and we do have a number of violations of the ADA, both explicit and some where it's a little fuzzier, here within the Legislature. This has been a

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

conversation that I've had in this role with Speaker Scheer and with Speaker Hilgers, and especially within the HHS Committee. We don't really have a great process for requesting accommodations as is required under the ADA. Earlier we heard Ms. Hoell, who went and presented in a way that, you know, asking for those explicit exceptions, which, Senator Erdman, I thank you for honoring. Not every committee Chair does that. I think we really need to work on standardizing this process and ensuring that we're finding ways to make this more accessible for everyone. I think if there are concerns, especially about the breadth of having everyone be able to provide-- provide virtual testimony, I'd recommend looking specifically at saying that it is a specific ADA accommodation and then providing a request process for that. As to Senator Bostar's comments about registered lobbyists, I'm perfectly OK coming in and talking more, but the one thing I would request is that, if you do look at that, do provide me a way so that then I can go and bring my members' testimony who can't make it and submit it on their behalf, which is what I did a lot during COVID. With that, I'll take any questions.

**ERDMAN:** Any questions? I may have one. If you have to stay--

**EDISON McDONALD:** Yeah.

**ERDMAN:** --till midnight tonight, you get overtime?

**EDISON McDONALD:** [LAUGH] No, I'm salaried.

**ERDMAN:** OK. All right, thank you.

**DeBOER:** Do we?

**ERDMAN:** We don't get overtime either.

**DeBOER:** Dang.

**ERDMAN:** Next testifier. Any-- anybody else in support of those three rule changes? Anybody in opposition to those three rule changes? Seeing none, anyone in the neutral capacity? What--

**JEANNE GREISEN:** Opposition.

**ERDMAN:** Opposition? Come on forward.

**JEANNE GREISEN:** My name is Jeanne Greisen, J-e-a-n-n-e G-r-e-i-s-e-n, and I want to go in as opposition to this, not because I don't want these people to have a voice, only because I'm concerned that if you

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

open that up, how are you going to stop all the bots and the fake accounts? And people can make fake people; they can make fake video. How are you going to control that? Because all of a sudden, you could have a whole screen of fake accounts showing up on a screen if you're doing some type of virtual testimony. How are you going to control that? Because that's going to open up a whole can of worms that you won't be able to control. And so until you have looked at all of those angles, I suggest you not change anything until you know exactly what that's going to do to your process. Thank you.

**ERDMAN:** Any questions? Yeah, Senator Bostar. Just a minute [INAUDIBLE]

**BOSTAR:** Thank you, Chair Erdman. Thank you, ma'am. I just want to clarify. Are you opposed to all three rules, proposed 6, 7, 8, or--

**JEANNE GREISEN:** I'm only opposed [RECORDER MALFUNCTION] change it to like some type of video or something like that, that because you can do written-in testimony right now that you can do that and if people want to participate via a video, how are you going to control to know that you actually have a person? Are you going to have any safeguards in place or how are you going to verify? Because people will go on the record then and so if you get people going on the record, how are you going to prove that they're actually real people?

**BOSTAR:** So I, I think in rule, the proposed Rule 6, that could also be for possibly video, but it would specifically be for individuals with a disability, is that one that you would also object to or?

**JEANNE GREISEN:** For anyone.

**BOSTAR:** OK.

**JEANNE GREISEN:** If you are going to do a video, how are you going to safeguard that process?

**BOSTAR:** Thank you.

**JEANNE GREISEN:** That's what I'm saying.

**BOSTAR:** Thank you very much.

**ERDMAN:** Any other questions? OK, seeing none, thank you.

**JEANNE GREISEN:** Yeah.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**ERDMAN:** Anyone else in opposition? Please come forward. And again, as I said earlier, if you're going to testify, come to the front rows if you would, it expedites the process.

**STEPHANIE JOHNSON:** Stephanie Johnson. Stephanie Johnson, S-t-e-p-h-a-n-i-e J-o-h-n-s-o-n, and I'm also with Nebraskans for Founders Values and I'm actually, sorry, I'm not in opposition. I'm actually neutral. And I am, I am just sitting there listening to all of this. And I completely agree that people with disabilities should have every opportunity. But I strongly encourage you before you make any rule changes, that you would have some sort of way to vet the people, you know, as far as who, what is their disability. There are a lot of ways to, people could get around this. And just from previous experience with what I've seen when I've been in testimony, providing testimony at various places, there are a lot of people who are not honest and who want to take advantage of systems. And I worked with people with disabilities for 20 years and I, and that's my heart and my soul, children. But I would just draw a neutral on this because before any rule changes need to be made, you need to be sure that you have safeguards in place, you vet it and you know that what you're, who you're talking to is who you're talking to, and that we just don't have massive amounts of people providing testimony. And because they have been organized and organized and organized in an organized manner. So thank you.

**ERDMAN:** Thank you. Any questions? Anyone else in the neutral? Yes, sir.

**JAMES WOODY:** Good afternoon, Mr. Chairman, members of the committee. My name is James Woody, J-a-m-e-s W-o-o-d-y. And just real briefly, in the neutral, not taking a position on this set of three, but for the benefit of the committee and for the people watching on television, I would remind the committee a power that you guys have, a tool in your toolbox, is the interim study. We've got 55 proposed changes. We've had a limited amount of time to view those. And it occurs to me that if, if none of these are immediate things that we must do now because we're in crisis, it might be best to take a breath. And when things are not all hectic from bill introductions, when we're in-between the sessions to study what exactly the problems are that we want to solve and what solutions are possible. I would mention that there's precedence for this. I know that we have done interim studies on proposed rule changes before and would just offer that, maybe that would be a good idea for us to do now.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**ERDMAN:** Thank you. Any questions? Seeing none, thank you. Anyone else? Welcome, Brandon.

**BRANDON METZLER:** My name is Brandon Metzler, B-r-a-n-d-o-n M-e-t-z-l-e-r, Clerk of the Legislature. I just want to clarify a few things from a neutral perspective, just give you some background information. I think with Speaker Arch's permission and the permission of his office, we are working on something that looks like an ADA accommodation in a written capacity. There are ongoing discussions on what that looks like and future presentations to be had. But I do want to say I think the concept itself, we don't have an issue with. It's just this form in the sense of, if you make a rule change, Senators, it takes immediate effect. And I'm telling you now that we don't have the ability to, to do this on a large scale, both from a recordkeeping perspective with my office and the transcripts as well as a, our, our broadcasting ability. You heard about the Supreme Court of Nebraska. They were able to do this. Other states are able to do this. I will submit to you that other states don't have the amount of committee hearings and the amount of time spent in committee that we do necessarily. And the Supreme Court operates in a single courtroom. So the difference is you are running five committees, all of which you need the audio of the committee to go out to NPM, and NPM has to bring it back into the committee and it has to be broadcast across the state. So there are a lot of moving, you know, moving pieces, a lot of factors in play. Individuals, devices, we don't have any, you know, bandwidth what they're working on. So from a recordkeeping perspective, if somebody drops the call halfway through or the Zoom, you know, we have problems there. So just want to let you know we're working on options, working with the Speaker's Office we continue to. But there are some logistical hurdles to get through if this is something the committee is interested in.

**ERDMAN:** I appreciate that information. Any questions? Yes, Senator DeBoer.

**DeBOER:** Thank you. This is actually regarding the other or the video testimony or, yeah, the video testimony. Do we have a way of securing that in some sort of manner right now, or would there be a way to look into securing a video so that you could make sure that whoever came and signed the same way anyone who comes in here could be anyone and say they were someone else?

**BRANDON METZLER:** We could look at ways to authenticate who's behind the camera. We'd, again, we'd have to explore that in some, some greater capacity. I submit to you that it's probably something that

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

the Exec Board or the Speaker in unison with the Exec Board or a committee could, could investigate. But yeah, at this time, I think there are avenues out there. I think we've explored some of those, but there's, you know, nothing definitive for you, Senator.

**DeBOER:** Can I ask a clarifying question about the former practice of written testimony in lieu of in-person testimony?

**BRANDON METZLER:** Sure.

**DeBOER:** Was that required that there be like a printed out copy handed in? As I recall, the clerks would stand in the hallway in the morning and people would come out and hand in their physical copy. Was there any way to electronically deliver those source of in-person testimonies in the past?

**BRANDON METZLER:** There was not. This was at the time of COVID. So we were running all day hearings and so it had to be submitted at 8:00 in person outside the committee room, physically walked in prior to the hearing in lieu of having, you know, the thought was that person was there, they were in front of the committee, they would have testified if not for the conflict with COVID. So they presented it in a physical capacity at the hearing room itself.

**DeBOER:** All right. Thank you.

**BRANDON METZLER:** Absolutely.

**ERDMAN:** Thanks for answering that. Any other questions? Thank you. OK. Any other neutral on those three? All right. We shall move on to the next one.

**CONRAD:** Senator, if I could close, please.

**ERDMAN:** OK. Go ahead.

**CONRAD:** Thank you, Senator Erdman. Thank you, members of the Rules Committee. I just wanted to provide a few comments in closing, responsive to some of the questions and concerns that were brought forward by committee members and citizen testifiers here today. So in regards to Senator Bostar's exchange, in regards to maybe we have a bifurcated process for registered lobbyists versus Nebraska citizens who are not registered lobbyists coming in. I understand and appreciate how fun it is to downcome lobbyists for a lot of good reasons. But I do want to remind members of this committee and the public at large under the First Amendment and Nebraska's corresponding

First Amendment in our state constitution, we have a right to organize, we have a right to associate, and we have a constitutional protected right to petition our government for change. And so any time we start to think about those kinds of rules and regulations that might hit the ability of citizens to organize, associate and petition their government, we have to be really careful of First Amendment implications and remember that political speech itself receives the highest protection. So, of course, we're thinking perhaps about the context of a hired gun lobbyist that comes in on behalf of a big corporation, right? But look at the list of registered lobbyists. Look at some of the folks that are here today. Lobbyists come in all different kinds of shapes and sizes, right? There's nonprofit organizations. There's more grassroots organizations that band together to share their points of view. So I want us to think really carefully about that before we would proceed in that regard. Senator Ibach, I really appreciated your questions about, you know, kind of testing out the testimony, so to speak, through Q&A and how important that can be to gleaning a better understanding and ensuring veracity. And a couple of points that I want to note that the testimony that's provided to us is not under oath, number one. Number two, it's not a criminal context. So there's no Sixth Amendment kind of confrontation clause kind of issue that would come into play. And as you'll find out, as you go deeper and deeper into hearings and many of our returning senators know this, there's quite a few testifiers that come forward that there's not a single question asked to. So it's sometimes for efficiency purposes. Sometimes they cover all the ground they might need to cover and the senators might not have a question. But having a more robust exchange, I think is becoming rarer and rarer, other than just kind of stated testimony. I think it's a good thing to have debate, but just wanted to kind of point that out from a practical concern. The other thing that I would draw the committee's attention to in the temporary rules, which we unanimously adopted together under Senator Erdman's motion and that have been in place for the most part for some time, we already allow alternative forms of testimony. Look no further than the Redistricting Committee, which requires that we hold additional hearings in-- to different congressional districts and allows for the utilization of telephonic or videoconferencing testimony. And look no further than the discretion afforded to committee chairs to have telephonic hearings. I've seen this come into play in many instances for gubernatorial appointees, for example, who maybe can't make the trip in for their confirmation hearing. So we already utilize alternative forms of testimony, and we have utilized additional forms of alternative forms of testimony during the COVID period. So we shouldn't continue to kick

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Rules Committee January 12, 2023

this can down the road. We all agree that engagement is a good thing. We need to figure out how to embrace technologies to ensure more voices are a part of the process. And like I said, these questions emanated pre-COVID and everybody agrees, we, we-- we're aligned on the goal. We can't quite figure out the solution. Let's take it upon ourselves to figure out the solution. And it may be not in all in one bite, but we can take a few baby steps together to get a better reflection in the record, to get a better reflection for disability rights accommodations, to get a better reflection on the committee statement about people who want to weigh in. So with that, happy to answer questions, but just wanted to lift up a couple of points for the committee's consideration in that regard.

**ERDMAN:** Any questions? Thank you.

**CONRAD:** OK. Thanks so much.

**ERDMAN:** OK. We're, we're already to Rule 9. At this, at this rate, we'll be here till 3:00 a.m. Senator Hunt, join us.

**HUNT:** Thank you again, Senator Erdman. My name is Megan Hunt, M-e-g-a-n H-u-n-t, and I represent District 8 in the Legislature. This rule change would provide procedures and allow us to vote remotely in an emergency situation. During COVID, we were unable to conduct the people's business for them, and that caused a lot of problems and wasted a lot of time and taxpayer money. Lots of states ended up passing various policies, rule changes, temporary and permanent solutions that allowed voting to happen remotely during emergencies in the wake of COVID. This was something that Senator Crawford, when she was Rules Chair, did some extensive research into, and my office inherited some of her files on this. So for the sake of time, I won't go too deep into what can be done. But there were conversations with clerks and tech staff in many other states, including Utah, Minnesota and Kentucky, about how they were able to do remote voting. And it sounds like something that's really feasible for us to do, though it might take a little adjustment period. And I'm really glad that we're back to our regular business now, but we never know when something like COVID-19 will happen again in the future. None of us were prepared for it. And whatever happens next, we may not be prepared for either. And I think that we will thank ourselves if we have some policies in place to guide us and give us a roadmap for implementation in case there's ever another pandemic or another emergency of that kind of scope. So it's not too late for us now or too early to put rules in place for the next time we might need them for something like this. And if this is something that the committee is interested in

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

advancing, I can have my staff put together some examples from other states of the language that has been used, some of the procedural things that they've done and the specifics we could consider. But for now, I just wanted to give the committee the opportunity to consider the general concept. The rule that I'm proposing there's four little sections. It basically gives most of the power to the Clerk's Office to figure out the videoconferencing method and things like that. And it also says that members participating in distance voting may only participate in a vote taken on items on Final Reading and votes on any item conducted while the Legislature is under a call of the house. So members participating in distance voting shall not be able to participate in debate, offer amendments or motions, or conduct other business that typically requires physical presence in the Chamber. So the whole point is that if we ever have some kind of emergency again, I don't really foresee this necessarily being a regular thing. It's not just like I have a lot to do at home, so I'm staying in Omaha today and I'm voting remotely. But if there's ever a need, this way we at least have a procedure in place to allow the vote to happen. Not necessarily the debate, not the procedural shenanigans or motions or anything like that, but a final vote can then be taken. Thank you.

**ERDMAN:** OK. I appreciate the definitions. Any questions? Senator Hansen.

**HANSEN:** I'm pretty sure I'm reading it right but the Executive Board by majority vote would have to implement the emergency procedures in order to, for this rule to take effect, right?

**HUNT:** That's the way I drafted it. You know, I would be open to if there's a better way, but it would be under the guidance of the Clerk of the Legislature to provide the technology [INAUDIBLE].

**HANSEN:** I think that makes sense when you put that in there. You know, there's an order saying OK, now it's time for this so--

**HUNT:** Yeah.

**HANSEN:** --that would prevent, I would think, some of what you were talking about. My kids are--

**HUNT:** Yes.

**HANSEN:** My kids at home, I vote from home, you know, whatever, so.

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Rules Committee January 12, 2023

**HUNT:** Exactly. The intention isn't to have people staying home. The intention is, heaven forbid something happens, at least we're not screwed next time.

**HANSEN:** OK. Thank you.

**ERDMAN:** Senator Hunt, when you have to have a provision for somebody to call the kill shot, if someone called in and had an excuse, we'd have to verify they actually do have a reason, wouldn't they and--

**HUNT:** Maybe. I mean, that would probably be up to the Executive Board to define. But in the case of a pandemic or an emergency, I think it would probably in context be kind of understood. I think it would be hard to abuse this the way it's written, but maybe so, yeah.

**ERDMAN:** Senator DeBoer.

**DeBOER:** Did you ever envision, I'm thinking here like when we had all the flooding and there was not a way for Senator Walz to get out of Fremont. So would that be the kind of circumstance you're thinking of where--

**HUNT:** I think if there's a natural disaster and it's physically impossible for a member to be here, that would rise to the, to the, you know, the standard. And that would make sense, but it would be up to the Executive Board.

**DeBOER:** Thank you.

**ERDMAN:** Good. Any other questions? Thank you. Appreciate it.

**HUNT:** Thank you.

**ERDMAN:** Those in support of Senator Hunt's rule change, all those for the, for the change? Any proponents? Any in opposition to the rule change? How about neutral? Which position are you in, ma'am?

**JEANNE GREISEN:** I'm opposed.

**ERDMAN:** OK.

**JEANNE GREISEN:** For distant voting, correct?

**ERDMAN:** You're in opposition, yeah.

**JEANNE GREISEN:** Yes. So my name is Jeanne Greisen, again, and I am opposed for reasons that we want everybody to have access in free

government and have a say. And so if we don't have our legislators here in their office and they're voting remotely, how are the constituents supposed to come to the Capitol, to their Capitol, to be involved in Legislature if their senators aren't even here? So that, I think, is something we need to consider. And it's time that we actually get down to business and actually do our work. And as a mother of four kids, I tell my kids, you know what, if you have a job, go to work. And so this is your guys's job. It's the Legislature's job. That's what we vote people into office for. Thank you.

**ERDMAN:** OK. Thank you. Wait, we have a question. Senator DeBoer.

**DeBOER:** Yes, thank you, Mr. Chair. I was wondering, would you, would you continue to have opposition, like in the circumstance where someone was in a natural disaster, where they weren't able to leave their, leave their area? This happened in the past where someone was, their area was completely flooded ground. I mean, short of taking a rowboat across the flood waters, they wouldn't have been able to get here. So would it be still your opposition to developing a procedure in those extreme circumstances?

**JEANNE GREISEN:** So if we were in a natural disaster and you had no way to get on a boat, you're probably not going to be doing legislation at that point, right?

**DeBOER:** So the idea was that she was fine at home. But there's a, you know, I'm just wondering if we, if you would oppose developing a emergency system in case someone really was at the discretion of the Executive Board unable to attend.

**JEANNE GREISEN:** Yes. But then again, then you need to have all kinds of policies--

**DeBOER:** Sure.

**JEANNE GREISEN:** --in place.

**DeBOER:** Absolutely.

**JEANNE GREISEN:** Like how are you going to vet that person? How are you going to make sure that they're voting, that that person is there? Are you going to have things, seeing things set in place, like if you were taking a board exam, that you have to have your whole room cleaned, that they're going to, it's going to be monitoring you on a system, something like that, that you can actually verify who that person is. There's no one else in the room. They're not being influenced. You



have to have all those in place before you could ever set something like that up.

**DeBOER:** OK. I think I understand.

**JEANNE GREISEN:** Yeah.

**DeBOER:** Thank you.

**ERDMAN:** Thank you. Any other neutral testimony?

**CALVIN PEMBERTON:** If you're opposed, is it still available?

**ERDMAN:** You're opposed?

**CALVIN PEMBERTON:** Opposed. Is that still available?

**ERDMAN:** OK. All right. From now on, if I state opposed, please move forward so we don't get these confused. OK, you're opposed. Go ahead, state your name.

**CALVIN PEMBERTON:** My name is Calvin Pemberton, C-a-l-v-i-n P-e-m-b-e-r-t-o-n, and I'm strongly opposed to this rule change. I think that it does leave the ability for that to be abused at some point. When we hire you senators to come to work for us, we expect you to be at work. And I hate to say that the possibility could be abused, but we all know that it can be. We can look at our national level. We can look at Washington, D.C., and the abuse of an emergency reason. And, you know, we're still in that emergency supposedly. So I just, I'm very strongly opposed. I think when you come to work for the people that there really should be no reason not to come to work for the people.

**ERDMAN:** OK. Any questions? Thank you.

**CALVIN PEMBERTON:** Thank you.

**ERDMAN:** Thank you so much. Neutral? Any more neutral?

**STEPHANIE JOHNSON:** Stephanie Johnson. And yes, I am neutral on this because I do think that the only way that somebody should not be here is if the building is shut down because we're on lockdown again.

**ERDMAN:** OK.

**STEPHANIE JOHNSON:** Because then nobody can be here. Any other way, even if it's a natural disaster, would be subjective to the person

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

calling it a natural disaster. And so that's my opinion. And I would say otherwise you're opening up the floodgate to a lot of subjective disasters and a lot of subjective personal emergencies that you're not going to be able to get enough rules in there to define them all. But if we are in lockdown, it affects everybody the same. There's no subjectivity in that.

**ERDMAN:** Thank you. OK, one last call. Any more neutral? All right. We'll move on to Senator Kauth. Perfect timing, Senator Kauth, please come forward. Please state your name and spell it. And then begin.

**KAUTH:** My name is Kathleen Kauth, K-a-t-h-l-e-e-n, last name is K-a-u-t-h, and I would like to move that we change the present not voting rule. I'd like it to read, the cloture motion shall be deemed successful when passed by two-thirds of those present and voting. And I say that because I'm a new senator. And from the outside watching some of these hearings and some of the votes, it's always very frustrating to see people who say present not voting. They're there, but they're choosing not to do their job. Now that I'm on the inside, I've seen it used as a tool. But I do believe that using it as a tool should come at a cost. And so by saying only those who are present and voting are able to be counted in the two-thirds motion, we, we assign a cost to using that tool.

**ERDMAN:** OK. So, so this, what we were just handed is your amendment to the rule opposed to what we first originally sent?

**KAUTH:** Yes, yes.

**ERDMAN:** OK. All right, so that amendment. So, have any questions?

**DeBOER:** So you're not offering the other one?

**KAUTH:** No, this is, this is an amendment because again, it is rather than getting rid of present not voting completely because it is used as a tactic and a tool, this just essentially assigns a cost to using that tactic.

**DeBOER:** Just on the cloture motion.

**KAUTH:** Right, just on the cloture motion.

**ERDMAN:** So then an example, let me, let me ask this. So let's say if we have 49 people in the, we do have 49, and 10 of those people are present not voting, so that would leave 39 that voted--

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**KAUTH:** Correct.

**ERDMAN:** --if they did vote, then you would have two-thirds of that  
39--

**KAUTH:** Correct.

**ERDMAN:** --would be the cloture rule, which would be 26--

**KAUTH:** Correct.

**ERDMAN:** --right?

**KAUTH:** So if--

**ERDMAN:** Would the same apply if ten people had checked out?

**KAUTH:** No. Just, just if they are there, they're present, but they are  
choosing not to vote.

**ERDMAN:** So what if ten people checked out and the same number is 39,  
and your rule says the cloture motion shall be deemed successful when  
passed by two-thirds of those present.

**KAUTH:** And voting, correct.

**ERDMAN:** So those checked-out people would be removed, so the 39 would  
still apply ahead of the checked out.

**KAUTH:** The 39 would still apply.

**ERDMAN:** OK. Thank you. Senator DeBoer.

**DeBOER:** So a concern that I would have would be that if I were, say,  
talking to someone else, somewhere else, somewhere else in the  
building, I'm checked in, I'm unable to come down to vote because I  
don't realize that we've gotten to a vote, then I technically am  
present not voting because I am--

**KAUTH:** You're in the building.

**DeBOER:** --but not--

**KAUTH:** And checked in.

**DeBOER:** --not present, but I'm present.

**KAUTH:** So, and--

**DeBOER:** So how--

**KAUTH:** --that begs the question, do we use a call of the house every time we have a vote?

**DeBOER:** That would, that would make us, that would sort of require us to do a cloture motion--

**KAUTH:** Right.

**DeBOER:** --every time we have, or a call of the house every time we have a cloture motion..

**KAUTH:** Every time we have a cloture, yes.

**DeBOER:** OK.

**KAUTH:** Yeah.

**DeBOER:** Just so.

**KAUTH:** Again, so that we are actually doing the job that we have been sent here to do.

**ERDMAN:** But just for the sake of conversation, I believe I've never voted on a cloture motion where there was not a call of the house. It has always been associated.

**DeBOER:** Probably, yeah.

**ERDMAN:** So I think that's very common.

**KAUTH:** A moot point.

**ERDMAN:** Any other questions? Pretty straightforward. Thank you.

**KAUTH:** Thanks very much.

**ERDMAN:** All those in support of Senator Kauth's motion, please come forward. Supporters, proponents. Welcome back.

**WILLIAM FEELY:** Yes. William Feely, same spelling. Traditional spelling of William. Last name F, as in Frank, e-e-l-y. Kind of threw a wrinkle in it when she amended it, but I'm still in support of, of, if not eliminating it, making some, some penalties to it. I can't tell you

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

how this frustrates myself and many Nebraskans when we see that, present not voting. And I know there's various reasons for it, but to me, it boils down to a matter of transparency. Either you're for it or against it. You, as senators, have a responsibility to study and know what you're voting for. And in my opinion, if it comes down to a situation where you don't know the material, then you vote no. And that's your reason for voting no because you haven't had enough time to study it. And that would lead into a different situation of maybe there needs to be some sort of stipulation to allow you time to study it if it was a last-minute motion. And I also look at it as part of the gamesmanship that needs to be eliminated. Just let your ayes be ayes and your nays be nays. Take a stand, vote one way or the other. Anything else is dereliction of duty, in my opinion. Thank you.

**ERDMAN:** Any questions? Thank you. Any other proponents? Don't be bashful. We don't bite, I don't think. Please state your name and spell it.

**WARD GREISEN:** Good afternoon. My name is Ward Greisen, W-a-r-d G-r-e-i-s-e-n, and I am a proponent of this. Again, the, the amendment there kind of, kind of changes it a little bit. But I do think it's very important that everybody votes and the present not voting has always been a frustration for me as well, similar to what was just said. You know, we elect you all as senators for a job to do and we expect that you do that job: understand the bills that are on the floor, understand positions on it and be prepared to vote for them. And again, if not enough time is given, then we need to make enough time for that to happen. But again, as a citizen, I expect my senator to vote. And I want to, you know, I want to know how that senator votes as well. I mean, that's important to me. But, but I'm definitely for this. Thank you.

**ERDMAN:** Thank you. Is there any question? Seeing none, thanks. Next person, please.

**STEPHANIE JOHNSON:** So my name is Stephanie Johnson and I do support this rules change. But it is my understanding that it would not eliminate, present not voting.

**ERDMAN:** It does not.

**STEPHANIE JOHNSON:** It does not eliminate it. OK. Well, with that being said, I, I do agree that everybody should have a yes or no vote. But if it wouldn't eliminate it, I do agree with what it does then as far as what this rules change would actually do is give more weight to the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

people who actually do take a stand. You senators who do say yes or no to a bill that it would reduce the votes needed down to actually the people that are taking a vote. And the people that are doing present not voting, OK, fine. You're not willing to take a stand right now, then we're not really going to count that. It doesn't count. It's going to count the people's vote, your, you senators that take a stand. So I am an absolute supporter of this because if you're present not voting, then it just should do what that does, is not have an impact. Then you're, you're purposefully not wanting to make an impact. It really if you, if you're voting present, present not voting, then you are making an impact by let-- we are making an impact by letting it count. And you're going to sway the vote to pass one way or another. So I am in absolute support of this to give more weight to you senators who do the work of the people by taking a stand on a bill which we appreciate by voting yes or no. Thank you.

**ERDMAN:** OK. Thank you. Were there any questions? OK. Next testifier.

**CALVIN PEMBERTON:** Calvin Pemberton, C-a-l-v-i-n P-e-m-b-e-r-t-o-n, and I'm very much in support of this rule change. I actually am one of the many people in this room that believe it probably doesn't go far enough, that we would really love to see a decision made one way or the other. That's kind of what we hire you guys for, and that's your representative duty, is to educate yourself on the situation and make a decision. And so I don't want to repeat what everybody else has said, but I didn't want, you know, my testimony to go unheard because there are so many of us in this room that don't think this went far enough, to be honest. So thank you very much.

**ERDMAN:** Appreciate that. Any questions? Thank you. Anyone else?

**JEANNE GREISEN:** Maybe I could just pick another seat and stay up here permanently. Jeanne Greisen, again. And I am for this bill and consensus with the others. I don't think it goes far enough. Again, I'm going to use my kids as an example. It's their job to know what's going on when they have schoolwork or whatever. It's the same thing with senators. If something gets changed, it's your job to know and I'm going to use this. I'm not going to tell you where it comes from, but you're either hot or cold. There's no being lukewarm anymore. Thank you.

**ERDMAN:** Thank you. Any questions? Appreciate that. Anyone else? Please state your name and spell it, if you would, sir.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**STEVEN JESSEN:** Yep. Steven Jessen, S-t-e-v-e-n J-e-s-s-e-n, and I'm in agreement with this. I agree with that, the present not voting is it should be eliminated, period. I think you guys are here to make a vote. However, that being said, after listening to the testimony by the other, if it does not affect a major vote, especially the present not voting, either they got to be in or out. And if they are not participating, I agree with that point that it's, you reduce the number of votes needed to pass. So that's all I have to say.

**ERDMAN:** Any questions? Nice hat. [LAUGHTER] Anyone else in support? Would there possibly be anybody in opposition? Please come forward. Anybody neutral? Come on down, sir.

**MICHAEL DAVIS:** I'm still Michael, M-i-c-h-a-e-l, Davis, D-a-v-i-s, and I'm certainly neutral because I don't quite understand what you're talking about. But I do have a question that if I had a vote up there, I'd want clarified. What if the senator feels that he or she has a conflict of interest?

**ERDMAN:** A conflict of interest, when you have a conflict of interest, present not voting is what you do.

**MICHAEL DAVIS:** So then present not voting would still be an option.

**ERDMAN:** It could.

**MICHAEL DAVIS:** It could. But I've heard.

**ERDMAN:** The hearing is not designed for you and me to have a dialogue, you ask me questions.

**MICHAEL DAVIS:** OK.

**ERDMAN:** It's designed for you to make statements, but I thought I'd answer that so we could move on.

**MICHAEL DAVIS:** I appreciate that. And I would ask that you continue to think about what that mean, because what I thought I heard some of the second house say is that by-- yeah, I'm not going to pray in here.

**ERDMAN:** I understand.

**MICHAEL DAVIS:** But they thought that every time there was a vote, if you were on that floor, you should vote yes or no.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**ERDMAN:** OK. Thank you. Any other neutral? OK. All right. Next rule, we'll move on to Rule 11 on your agenda. And that is Senator Hunt, and that is Rule 2, Section 12. It's a new section describing how seating shall be selected on the floor of the Legislature. And I'm sure the Clerk will be interested in this rule change.

**HUNT:** So, thank you. Megan Hunt, M-e-g-a-n H-u-n-t. All this bill does, or all this rule does, is codifies the norm that we already have of the way we select seats on the floor by seniority. Thank you.

**ERDMAN:** And so what-- how would you like to see it?

**HUNT:** I'd like it to stay the way it is. I'd like it to stay the way it is where, where we basically get preference by seniority and then the Clerk's Office works it out. All this rule does is codify what we already do.

**ERDMAN:** OK, so currently, if I, if I can follow up on other questions. So currently that decision is basically left up to the Clerk. And you're saying we should leave it with the Clerk rather than make it a rule, the seniority or whatever applies to the seating, is that what you're saying?

**HUNT:** Yeah. It's just codifying what the Clerk's Office already does, where they send out the seating request form and we all check the box next to what we want and see what we get.

**ERDMAN:** OK. OK. Is that it on that one?

**HUNT:** That's it.

**ERDMAN:** You have another one coming up. We have a question here?

**ARCH:** Yeah, I think we've got several questions.

**HANSEN:** You can go first, Mr. Speaker.

**ERDMAN:** Mr. Speaker, you're recognized.

**ARCH:** What do you think the definition of seniority should be?

**HUNT:** I think it is the number of years you have served in the Legislature. So in my opinion, if you come back after eight years, for example, you do have seniority.

**ARCH:** OK. Thank you.



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Rules Committee January 12, 2023

**HUNT:** Um-hum.

**ERDMAN:** Senator Hansen.

**HUNT:** That's an opinion.

**HANSEN:** He took my question.

**ERDMAN:** He did? That's too bad, sorry. I appreciate what you're saying and I understand, understand it and, and that's good. So.

**HUNT:** Sometimes we see a rule suggestion that's codifying something we already do.

**ERDMAN:** Yeah.

**HUNT:** And that's all this is.

**ERDMAN:** I think the Clerk will probably like what you did. That's just my thought, so. OK. We'll see if we have any other opponent, any proponents, and then we'll ask you to come back. Well, wait a minute. Let's do 12 while you're there. Senator Hunt, let's do 12.

**HUNT:** Do 12 also?

**ERDMAN:** Step up and do 12. Do 12 as well.

**HUNT:** OK.

**ERDMAN:** You don't need to state your name, you already did that.

**HUNT:** What's that?

**ERDMAN:** You don't need to restate your name.

**HUNT:** OK.

**ERDMAN:** Just tell us about number 12. You want to--

**HUNT:** Sure.

**ERDMAN:** --assign offices. How do you want to do that?

**HUNT:** So Rule 12 is the same thing as the one before it. Just codifies what we already do. The way that we select offices, we, they're just assigned by seniority. So it's the same deal pretty much. Oh, here it is. Yeah, this codifies the norm. The arguments for these two are the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

same. These changes would just codify into rules what's already our established practice and what all of us already pretty much go along with as fair procedure. And putting these into rules instead of leaving them open to interpretation for future bodies protects partisan picking and choosing. It protects people from giving privileges to their friends and it just codifies something we already do. So it's not really changing anything in practice for us at all.

**ERDMAN:** OK. Any questions? Mr. Speaker, any questions? No, OK. All right and the Clerk can't ask questions. So, Senator Hunt, we currently do exactly, I think, exactly as you described it here.

**HUNT:** I tried to just, I tried to put exactly what we do.

**ERDMAN:** And just for the sake of conversation on that lottery pick thing, in four years, I never won once. I've lost every--

**HUNT:** Senator, we have that in common.

**ERDMAN:** My staff said, don't do that next time. Let us pick, so.

**HUNT:** This year, I let my staff pick.

**ERDMAN:** I understand.

**HUNT:** The whole office is happier.

**ERDMAN:** I understand. OK. Senator Moser had a Rule 13 and he wants to, I have a copy of his testimony here and I'll pass that out to the committee and anyone else that would like to see it. But he lives 100 miles from here and he headed home after dinner. And so he's not here, so I'll submit that for your approval. He, he basically what he wants to do is have seniority capped at four years, no matter how many years you serve.

**HUNT:** Am I finished, Senator?

**ERDMAN:** If you serve a-- if you'd like to be.

**HUNT:** Are you moving on to Moser or,

**ERDMAN:** No, he's in the same category you are.

**HUNT:** OK.

**ERDMAN:** We're doing all three of these together.

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Rules Committee January 12, 2023

**HUNT:** OK. Thank you.

**ERDMAN:** So we'll see, if you stick around we'll see if we have supporting testimony and how that works. But anyway, Senator Moser wants us to have four years of, of carry in seniority, not eight if you served eight. So that was his rule change. But as I said, he lives 100 miles and he wanted to head home, so he did. So are there any people, anybody here that would like to support those, those three rule changes, have a position, want to come up and share that with us? Now would be a great time to come to the front. Is there anyone? Is there anybody in opposition? Are you coming, sir?

**GEORGE BOLL:** To oppose.

**ERDMAN:** Are you opposed or?

**GEORGE BOLL:** Opposed, yes.

**ERDMAN:** OK. Any opposition? That would be this gentleman.

**GEORGE BOLL:** George Boll speaking again.

**ERDMAN:** OK.

**GEORGE BOLL:** G-e-o-r-g-e B-o-l-l. You know, I've heard people talk about spam [INAUDIBLE] spam. I've heard people talk about interim studies. I've heard people talk, the chairman of the committee talk about 55 rule changes as more than the past six years put together. And I'm concerned about 432,000 people who voted for voter I.D. and 228 voted against it; 34,000 more than voted for voter I.D. than voted for the governor. Now, I've heard rumors that if you guys don't get voter I.D. taken care of, it's no big deal. Now, I don't know if that's true or not, but I am concerned about the time of this session. And I see a lot of these vote, these proposals that I think might be spam proposals in my opinion. Some of these vote, these rules can be put, be put on interim studies, especially the upcoming ones that are talking about redistricting that need to be done in a year ending with number one. So I'm concerned that you guys might not purposely, but might wound up getting hung up in this. So I'm encouraging to go to interim studies to, especially with the redistricting and don't deal with spam stuff. In general, I'm asking you guys to, you know what? Unless you give us a good reason to change these rules, we're not gonna. That would be my recommendation. And these, a lot of them are that. These three are that, in my opinion. And I hope that we don't have to come to a point where the 432,000 people demand that 20,000 of

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

us go to Columbus and have an all-you-can-eat barbecue, pork barbecue to make sure we do have a special session involving voter I.D.

**ERDMAN:** Thank you, sir. Is there any, any questions? Seeing none, thank you.

**GEORGE BOLL:** Thank you.

**ERDMAN:** OK. You in opposition, ma'am?

\_\_\_\_\_ : No, using the restroom.

**ERDMAN:** There you go. We used to do that in school, you know, you raise your hand. OK. Any, any neutral testimony? All right, hearing none, we shall move on to Senator Hansen's rule. On your agenda, it's 14 and it affects Rule 5, Section 4. And Senator Hansen is attempting to limit the number of bills each senator can introduce. Take it away, Senator Hansen.

**HANSEN:** Thank you, Mr. Chairman. Good afternoon, Chairman Erdman and members of the Rules Committee. My name is Ben Hansen. It's B-e-n H-a-n-s-e-n, and I represent Legislative District 16, and I swear my rule is not spam. It actually has a great purpose and I'm proud of it. I introduced this two years ago. The rule change I propose is the same I brought two years ago. This would change Rule 5, Section 4 to limit the amount of bills members of the Legislature can introduce to 12 bills. It's a simple change, but necessary. We would not be the only state with a limit on bill introduction. Many of the country's Legislatures have set a maximum number of bills elected officers, elected officials can introduce. From the latest info provided, Arizona has 7 as a maximum, Colorado 5, Florida 6, Indiana 10, Louisiana 5, Montana 7, North Carolina 15, North Dakota 15, Oklahoma 8, Tennessee 15, Virginia 15 and Wyoming at 5. So we're in good company when we pass this rule. Something I have learned during my first term as a state senator is that it takes, it takes effort to craft, contemplate, discuss and finalize a bill. Unfortunately, 935 bills were indefinitely postponed last year, and many essential bills didn't get a chance to even make it to the floor. Senators introducing 20, 30, 40 bills can contribute to this overload of legislation in our already limited time during the 90- and 60-day sessions. So let me ask you this. Are we sacrificing quality for quantity? The intent of this rule change is to motivate more specificity and thoughtfulness by both the lobby and the senators. It would narrow our conversations to focus less on statement bills and more on substantial bills. So with that, I

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

appreciate your consideration for this rule change and I ask that you vote in support. Thank you, Mr. Chairman.

**ERDMAN:** Any questions?

**IBACH:** I have one.

**ERDMAN:** Yes.

**IBACH:** How did you come up with the 12?

**HANSEN:** I thought a dozen was great.

**IBACH:** OK.

**HANSEN:** Comparatively to other states what they've done.

**IBACH:** OK.

**HANSEN:** This seems like a good middle of the road. Some are a lot less. Some are, like around 15. So I thought 12 was pretty good.

**ERDMAN:** Senator Hansen, oh, good. Speaker, Mr. Speaker.

**ARCH:** So question. So there's a wide variety of number of bills introduced by senators in a year. I mean, some introduce two, some introduce a lot more. It's, some introduce, a constituent brings a bill, they introduce the bill. You know that, how do you, I mean there's different ways of representing, I guess is what I'm saying. How do you, how do you reconcile that with putting a cap, putting a cap on bills?

**HANSEN:** You choose wisely. Right? And I think if you don't have that limit, it's easy to flippantly just, you know, introduce a whole bunch of bills, which then Nebraska being unique, I think having hearings for every bill ties up a lot of time in the Legislature, that we have less time on the floor to have proper debate sometimes. Because you know this, sometimes we're in a big hurry to get a lot of bills through. And sometimes maybe if we had more time, we might actually debate bills, maybe like a little bit more like we're supposed to. So that's maybe hopefully the intent of this as well.

**ARCH:** All right. Thank you.

**ERDMAN:** Senator DeBoer.

**DeBOER:** Thank you, Chair.

**ERDMAN:** You're welcome.

**DeBOER:** Would you be amenable to something like a consent, a separate consent list of bills? Because sometimes there's like, I mean, I remember in Judiciary we literally had to put a comma in somewhere where one had been forgotten the year before. And I know there's those sorts of bills. I tend to get them. People bring me those weird bills so-- because I care. Yeah. So is there, would there be like an exception for those like minimal? We're going to put them on consent calendar. We're going to handle them like that kind of bills.

**HANSEN:** I think in a way we kind of already have that, but they're not used very often and they're called committee bills. I think every committee has, if I'm right, eight bills they can introduce as long as they have a majority of senators on the committee signing on. So each committee can actually introduce eight bills. And if they're just comma bills, what we like to call cleanup bills, it should be very easy to get the majority of senators on board, maybe put all those together, but they can have eight bills and hopefully maybe we might use those a little more often for some of these smaller bills.

**ERDMAN:** Senator Hansen, if you do the math, 49 times 12 is 588, and that is nearly as many bills as we introduced last year in the long session. I think we did 651. So if you have a 12-bill limit and if I had a friend in the Legislature and I had more than 12, could I go to them and have them introduce some bills for me?

**HANSEN:** That would be up to you.

**ERDMAN:** We would still get the 588.

**HANSEN:** Yep. That's 100 less than we had last year.

**ERDMAN:** Yes.

**HANSEN:** In my opinion, that's moving in the right direction. Now would every, that's every senator introducing 12 bills. The likelihood of that happening, I'm assuming, is probably slim to none.

**ERDMAN:** Slim to none, yeah. So, so--

**HANSEN:** If we even limit it to 400, I think that would be a good start.

**ERDMAN:** Would you be interested or would you be amenable to saying five bills are the limit if we get two Speaker-- two priorities? Make

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

it a rule that says not, not a requirement you can't go-- you can go over five if you want, but if you go five, we're going to reward you for going five to give you two, two priority bills. Would that make sense?

**HANSEN:** Can I, can I plead the Fifth and reserve my opinion? With the Clerk over here and the camera and the Speaker sitting next to me, I would have to think about that actually before I render an opinion.

**ERDMAN:** But I mean, if you're, if you're going to ask for the Speaker, the senators to introduce, introduce less bills, there may be incentive to do that. And that incentive would be we're not putting a limit, you can have as many as you want. But just let it be known if you go to six, you get one priority. But if you stay at five, you're going to get two.

**HANSEN:** Yeah.

**ERDMAN:** I just, just a thought.

**HANSEN:** I think that's a good thought, actually.

**ERDMAN:** Because we don't deal with and I don't know what the number is and maybe the Speaker could tell me; but if we introduce 680, we may deal with on the floor 120, maybe, whatever that number. It's a small number compared to what's introduced. And so personally myself, I would do five and get two priorities because it's difficult getting a bill through. Especially in a short session, it's difficult to get a bill to the floor.

**HANSEN:** OK.

**ERDMAN:** So that was something to think about. Any other questions? Mr. Speaker.

**ARCH:** It's not a question, but I just wanted to let you know, Senator Hansen, that I was told today that Bill Drafters have had requests for 1,100 bills so far this year. And, and that doesn't mean they'll all get introduced. But, but the request to three part, or the request to draft is about 1,100. And we're not, we're not at day ten.

**HANSEN:** So, so this is very timely.

**ARCH:** The discussion is timely.

**HANSEN:** Any other questions?

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Rules Committee January 12, 2023

**ERDMAN:** Any other questions? Thank you.

**HANSEN:** Thank you. Appreciate it.

**ERDMAN:** OK. Those in support of limiting the bills to 12, please come forward quickly. Welcome back. There's a song about that.

**STEVEN JESSEN:** Tthere is. Steve Jessen, S-t-e-v-e-n J-e-s-s-e-n. And, and I'm just be brief. I'm in support of this because I can tell you that I looked through the bills that are being submitted currently. We have bills that are making twine tax exempt. We're making bills that have diapers tax exempt. They're actually there. And what I'm saying is, is you guys are wasting your time and it's causing a backlog in our deal. And I, so I support 12 that make sure that every senator is putting out something that has something that you should be doing rather than decide whether we pay tax on diapers and twine.

**ERDMAN:** All right. Any questions? Thank you. Next person.

**CALVIN PEMBERTON:** Calvin Pemberton, C-a-l-v-i-n P-e-m-b-e-r-t-o-n. You guys will see me up here a few more times. I drove over 3 hours to be here to let my voice be heard in the second house.

**ERDMAN:** Thank you.

**CALVIN PEMBERTON:** You know, the thought of 1,100 bills even being drafted is mind boggling. Being subcommittee chair right now with the Republican Party, it's my job to look through the bills and read what's going on and what you guys are being asked to, to vote on. And to think of even 588 bills, I believe is too much. I am in support of 12, but I would even be in more support of something like six. You know, there are some of the other states that was read off that are around that number. And I believe, like Senator Hansen said, maybe quality over quantity would be a better thing. Better spent time on quality bills. Maybe the ones that you or your constituents or your LAs are drafting might actually have more meaning to you even at that point. And you guys might work across the aisle to get things done better if their bills are, if there's less bills and maybe they're more meaningful. So I am support and I appreciate your time today. Thank you.

**ERDMAN:** Any questions? Thank you. Anyone else in support of 12? Don't be bashful, just step right up.

**WARD GREISEN:** Sorry.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**ERDMAN:** Proceed.

**WARD GREISEN:** Yeah. My name is Ward Greisen, W-a-r-d G-r-e-i-s-e-n. I'm very much in support of limiting the number of bills to 12 or less than. Again, I feel like some of this is a shotgun approach to getting a lot of bills out there. I don't think with that many bills that are currently being proposed that anybody can do, do, do justice to any of them. It's just too much and too overwhelming in the short time that you guys have to review them. And for that reason alone, and there's many more, but for that reason alone, I'm very much in support of limiting the bill number. So thank you.

**ERDMAN:** Thank you. Thank you. Any questions? Next. We pick up the pace, that's good.

**STEPHANIE JOHNSON:** All right. Stephanie Johnson, S-t-e-p-h-a-n-i-e, Johnson, J-o-h-n-s-o-n, and I am a million percent in agreement with this and actually think that it could be five or six because it-- like I did the math like you did, Senator Erdman. And also, I would like to just say, as a woman who'd been in business, my in, my whole life, if I were to go to a meeting and bring, let everybody bring all their proposals and all their to-do list and all their task, we would have gotten nothing done. The company would not grow. There would be no profit. We would have gone nowhere. There's no aim. There is no, you have to, you have to make a priority when you're in business. And this is, you're doing the people's business. And so you're doing the people's business, which means you're having to do what we have to do out in the business world, which is prioritize: what are the things we want to get done? How are we going to do it? We can't try to get everything done. And I want to know, I want you to know from the perspective as, as a citizen, when we see you doing that, we see senators doing that, it, it is so disheartening. It is so disheartening that they would not prioritize bills and they would choose to create chaos and flood the system with hundreds and hundreds and hundreds and hundreds of bills knowing it's going to be a waste of time while we, the people are out there paying our taxes, working our jobs, are watching, watching our elected officials run amok and create chaos and havoc and not have any aim. It's like running around with the chicken, like a chicken with your head cut off. Make a decision, pick your five or six priority bills, do it and get it done. Don't flood the system with hundreds and thousands of bills.

**ERDMAN:** Thank you. Any questions? Anyone else?

**JEANNE GREISEN:** Jeanne Greisen, J-e-a-n-n-e G-r-e-i-s-e-n. I am in support of the 12 bills or less. I wonder with all these bills with NFFE, I'm here representing NFFE and so we are reviewing every bill that gets brought up and so we are already at hundreds of bills on day four. And part of that when you limit 12, we have four Democrats that are already on day four at some around 20 bills apiece, 18, 15 bills and that was on day four. So I want to give you the analogy like the house is burning down, but we're focused on building a white picket fence. That's what some of these bills are. So we literally, the taxpayers of Nebraska are drowning in taxes. But will we just focus on the main issues? Senator Hansen said it very perfectly, is pick your priority bills and then do it good. It's the same thing if you were a mom and you're working and you decided to coach soccer or whatever, you can't give 100 percent because you've got so many things going on. The same thing applies to this body that if you have so many things going on, you're never going to do it 100 percent. So let's not build the white picket fence when we got the house burning down. Any questions?

**ERDMAN:** Any questions? Thank you. Anyone else in support of 12? How about opposition? Anybody in opposition?

**JACOB McCANN:** My name is Jacob McCann, J-a-c-o-b M-c-C-a-n-n. I'm opposed to this. I'd like to think that our legislator has the ability to efficiently manage its time. Likewise, I believe that senators that have a little bit more of that creativity, a little bit more of that passion, shouldn't be artificially limited in that respect. Likewise, when we talk about limiting senators' bills, we're also talking about limiting the people to lobby their senator to bring forward bills. I would be opposed to this. Any questions?

**ERDMAN:** OK. Any questions? Thank you. Anyone else in opposition? How about neutral? OK. Thank you. Senator DeBoer.

**DeBOER:** We are now moving to the rules hearing for what's listed as 15, 16, 17 and 18. So Hunt, Cavanaugh and Conrad. So, we'll do Machaela Cavanaugh.

**M. CAVANAUGH:** I'm going to introduce for Hunt and myself since ours are extremely similar. If it's OK, can I introduce 15, well, 15 and 16 are, are basically the same. And then is it OK for me to also introduce 17 at the same time?

**DeBOER:** Yeah, please introduce 15 and and 16.

**M. CAVANAUGH:** Please.

**DeBOER:** And then introduce 17.

**M. CAVANAUGH:** You'd like me to, to combine?

**DeBOER:** Please.

**M. CAVANAUGH:** All right. Thank you, Vice Chairwoman DeBoer and members of the Rules Committee. My name is Machaela Cavanaugh, M-a-c-h-a-e-l-a C-a-v-a-n-a-u-g-h, represent District 6 in west central Omaha. So the rules that I'm introducing today are raising the threshold for pull motions. The first one, Senator Hunt's and my, my own around Rule 3, Sections 20 (b) (c) (d) would be raising for just a standard pull motion straight from committee to the floor. It currently is a simple majority, which would be 25 votes. And so it's raising it to 33 votes. The second rule is changing, if you were to pull an indefinitely postponed bill to the floor, raising it from 30 votes to 33 votes again. The intention behind this is that, as we've seen and several members on this committee are my, also my classmates, we've all been serving the same amount of time. We've seen, you know, multiple pull motions come. And oftentimes I can't actually think of a time, but I always stand for correction where there's been something that's pulled to the floor that wasn't filibustered. And so, my intention is that if, if you're going to pull something to the floor, it should meet that threshold of that it would pass muster with a filibuster. That's essentially it. I think Senator Conrad also, I'm not sure she was planning to introduce as well. OK. So if you have any questions for me on those two.

**DeBOER:** Any questions for the introducer? OK, great.

**M. CAVANAUGH:** I will waive my closing if I, my first time doing rules, if I have closing.

**DeBOER:** So we are going to now go to, Senator Hunt wants to introduce 15 which is her right to do.

**HUNT:** Thank you. Yeah. This is, Megan Hunt, M-e-g-a-n H-u-n-t. This is the same thing that Senator Cavanaugh was just talking about. If a bill is so important that we need to pull it from committee and bypass the committee process, this is probably a bill that the committee has chosen not to vote out. If a bill is so important that the full body decides we'd like to bring this to the floor debate, I think that it should have to meet the same threshold to come out of committee that it would need to meet to overcome a filibuster. Because odds are, if

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

it doesn't come out of committee the old-fashioned way, it will be filibustered. So if you don't have 33 votes, two-thirds of the body to support the bill coming out through a pull motion, I think it ends up wasting a lot of floor time as we've seen in the past. So I would just ask that we move the threshold from 25 to 33. If the bill is so important, we should be able to get 33 people to agree to that. Thanks.

**DeBOER:** All right. Thank you, Senator Hunt. Questions for the introducer? Yes, Senator Hansen.

**HANSEN:** And just maybe an example to get your opinion on it. So say there's a bill that the majority of the body might be in favor of, but it goes to an unfriendly committee or the, the chair does not want to let it out for personal reasons, for whatever reasons, political, what recourse does the senator have then to get that bill on the floor, even if they do have 33?

**HUNT:** I may be misunderstanding your question, but the recourse under this rule change would be if the majority of the people in the body want it to pass, they get their 33 people to support a pull motion.

**HANSEN:** OK. You just think that should be, it should be a higher threshold.

**HUNT:** I think it should be the same threshold as cloture.

**HANSEN:** OK.

**DeBOER:** Any other questions? All right. Thank you, Senator Hunt.

**HUNT:** Thank you.

**DeBOER:** Senator Conrad, if you would like to open on your bill or your, your rule change number 18.

**CONRAD:** I'm not sure exactly. Hi, good afternoon, I was going to say good evening.

**ARCH:** This is the three-fifths vote.

**DeBOER:** Yes, she said it.

**ARCH:** Oh.

**CONRAD:** Oh, sorry. I was just involved in a game of semantics with Senator DeBoer. Measure proposal--

**ARCH:** OK.

**CONRAD:** --instead of an LB. I wasn't exactly sure what we were, were designated in terms of right to analogy. Hi, I'm Danielle Conrad, D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d. I'm here today representing the "Fighting 46th" Legislative District of north Lincoln and in support of this rules change proposal. So I won't belabor the point. I think Senator Cavanaugh and Senator Hunt did a good job of kind of laying out some of their thinking in regards to perhaps opening up this rule to a higher vote threshold to achieve, to utilize, to utilize this, this parliamentary maneuver. And so I think the main distinction in the proposals, of course, is whether or not we would select two-thirds or three-fifths or trying to find exactly what might be the sweet spot in terms of, of the right vote threshold essentially to utilize the pull motion. So the other thing that I want to make sure to take a broader lens on in regards to this issue as well, is that, you know, we see an increasing use of pull motions in the Nebraska Legislature to subvert and weaken the committee process. And I'm not here to give a nostalgic speech about the good old days, but I do want to point out the fact that that is problematic to achieving good policy results for the body and for the people of Nebraska. Particularly in a Unicameral Legislature, it's critical that our committees are strong, that people can develop subject matter jurisdiction and knowledge and expertise about the committees that they have been assigned to, and that we provide a certain level of deference to our committees and to our colleagues who have built that expertise, who've sat through the long hearings, who heard all sides of an argument. And so when we frequently utilize pull motions to subvert that normal committee process, it weakens the committee process and it weakens the ability to achieve good policy for the state. So that's one reason, in addition to the fact that I do think we should have a higher threshold, more maybe along the line of Senator Arch's thinking for efficiency purposes, maybe we shouldn't be pulling bills that otherwise couldn't pass-- beat a veto or a filibuster or something of that nature to hold it to perhaps a higher standard at the very least. But it is related to a weakening of the committee process, which I think is a disservice to this institution and to the citizens of Nebraska. I also want to note that I think that we need to connect the dots on, again, this pattern of practice that is meant to stifle dissent and is meant to fast track legislation through this body. Efficiency matters, but so does deliberation. And we're the only deliberative body in the state of Nebraska. And so whether it's scheduling memos to group all day committee hearings together and push things through faster, to move up the deadlines on everything, whether

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

it's a frequent utilization of pull motions, all of those things that weaken critical, key junctures in the process itself, weakens the process and weakens the results. So if we're going to leave these pull motions in place for extraordinary purposes, we should at least have a higher threshold to have a better balance of efficiency. Happy to answer questions.

**DeBOER:** Any questions for the introducer?

**ERDMAN:** I have one.

**DeBOER:** Chair Erdman.

**ERDMAN:** Thank you. So you had mentioned too many pull motions. What do you mean? How many did we have last year?

**CONRAD:** Handful, maybe, if memory serves.

**ERDMAN:** Two, maybe.

**CONRAD:** --I wasn't a member of the body then, but as an active observer, I, maybe a "handfulish." Maybe, and please correct me--

**ERDMAN:** Two.

**CONRAD:** --if I'm wrong.

**ERDMAN:** So how many, how many would be, how many would be not too many? I mean, we had three last year, two, maybe. Is that too many?

**CONRAD:** Well, I'm not quite sure if there is an exact number that, I mean, it would be arbitrary to select any single number, right? But I think it has been utilized as an extraordinary measure for extraordinary reasons. And now it's kind of pattern in practice. We didn't get our way in the committee level, so we're just going to subvert the committee process. And I think that that's a disservice to the process. And so I see, you see, you're seeing an increase utilization of the pull motion. I don't know if there's a magic number, Senator, in terms of how many is too many.

**ERDMAN:** Well, I've not been here as long as you have, but in the six years I've been here, I don't believe we've used ten pull motions in six years.

**CONRAD:** Sure.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**ERDMAN:** So to say there are too many pull motions and not have an answer about what the number should be, I find it very unusual that you want to increase the number of votes to get it, to get it on the floor through a pull motion. I don't know that it's been abused.

**CONRAD:** Sure.

**ERDMAN:** So later on, and this is kind of maybe toot my own horn, later on I have an amendment that makes all committees odd.

**CONRAD:** I saw that.

**ERDMAN:** And we won't then have the issue as much with slow motions because we won't have ties.

**CONRAD:** Sure.

**ERDMAN:** And I don't know who set those committees up, but we're going to see if we can fix it.

**CONRAD:** I think that was before my time, much before my time, Senator Erdman.

**ERDMAN:** I believe so. mine too.

**CONRAD:** And to your point, one thing that I think is elegant about each of the proposals under this section is it doesn't do away with the pull motion. It just increases the threshold for utilization to provide a better balance. So that's something to keep in mind as well. And I'd also ask you, Senator, it's more than just a numbers game, right? It's also a matter of the time and energy for, for deliberation. We only have 60 days or 90 days to do our work together. So when some of those measures are pulled that perhaps are not ready for primetime, look no further than, for example, the measure Senator Groene brought about student restraint, right? So he brought forward that motion, kind of subverting the committee process, which was his right under the rule. But then it didn't, the body didn't have the opportunity to have that important committee amendment available to it to help structure debate. And then the committee, the, the body as a whole spent, gosh, days and days, weeks and weeks. It felt like weeks and weeks, I don't know-- on that measure, but it couldn't be a filibuster threshold. So just, you know, in addition to the straight numbers of pulls--

**ERDMAN:** Right.

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Rules Committee January 12, 2023

**CONRAD:** --it's also kind of trying to think through. Usually the most controversial measures are going to be pulled, right? We usually don't need to pull like a Revisor bill or a technical cleanup kind of thing. So what does that mean for pressure on the floor for other senators' priorities as well?

**ERDMAN:** Yeah, but quite often when pull motions are used, they usually pass.

**CONRAD:** Yeah, and I may tell you, I've used them in the past before for a variety of different reasons, unsuccessfully.

**ERDMAN:** So we're on proponents after Senator Conrad. OK.

**CONRAD:** OK. Thanks so much.

**ERDMAN:** Thank you. Are there proponents supporting the, the number of votes needed to pull a bill from committee? OK. Any opponents?

**STEVEN JESSEN:** OK. Steve Jessen, S-t-e-v-e-n J-e-s-s-e-n, and I oppose these for the purpose of-- I'm in agreeance with I think that we should have odd numbers of committees. I personally was part of a pull motion, and it eventually was successful. And the, what the pull motions are that I have seen that have been pulled is, is it's been the committee that has held people's voices, people's desires, it has kept them from coming to the floor for a vote. That's what's going on with the committee process as I see it now. Not having odd numbers on these committees is causing these pull motions to have to be done in order to bring any good legislation. And I can take, you can take it all away from our Second Amendments to our, you know, I was part of the Convention of States Resolution LR14 and all those things. None of those things would have, would have ever got out of committee if it wouldn't have been for a pull motion. Now I'm opposed to pull motions just as much as you are. So why are we having this conversation is because you have structured the committees so that, that's the only alternative. And senators do not take pull motions lightly. They do not. But when they cannot get something out that the people are demanding to happen and the committee is tying it up, that is why that pull motion is there. And to make it a higher standard, you're asking us to, you're silencing the people. And that's why I say that.

**ERDMAN:** Any questions? OK. Any more in opposition? How about neutral? Nope. OK. That completes that discussion on that section. Moving on to 19 and on your agenda 19, it is, Senator Halloran. And his rule is



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

affecting Rule 1, Section 1, written votes or votes for chairman shall be recorded. Welcome, Senator Halloran.

**HALLORAN:** Thank you, Chair Erdman. Steve Halloran, S-t-e-v-e-H-a-l-l-o-r-a-n. And I hate to start this off, Senator Erdman, by giving you an opportunity to rule me out of order. But I got a compliment your idea on, on number of bills being sponsored to be an option of five or six bills with the opportunity to have two priorities. It's a brilliant idea.

**ERDMAN:** OK. Proceed forward. Thank you.

**HALLORAN:** Thank you, Chairman Erdman and members of the Rules Committee and good afternoon. As, as legislators, we all have taken an oath to support the Constitution of the United States and the Constitution of the state of Nebraska. Section 11 of our state constitution states that the Legislature shall keep a Journal of its proceedings and publish them, except such parts as may be required secrecy and the yays and nays of the members on any question shall at the desire of any one of them be entered into the Journal. All votes shall be viva voce, which is Latin for by word of mouth or orally. Historically, how did this section become part of our state constitution? In the year 1934, George W. Norris campaigned across the state of Nebraska promoting the adoption of a one house Unicameral to replace the existing two house, bicameral Legislature. I provided you, to the committee a copy of the initiative petition that was approved by George W. Norris in his effort to campaign across the state to put this as a constitutional amendment to the ballot for the voters to vote on the issue of turning to Unicameral. Embedded in the language of this initiative, as you can see, the petition is the following, quote, The request from any one member to be sufficient to secure a roll call on any question. End of quote. Clearly, the father of the Unicameral, George W. Norris, was a strong advocate of transparency to the voters in regard to business conducted by the one house Legislature. For decades, this Legislature has chosen to disregard our state constitution by using a secret ballot for choosing electing Speaker and chairpersons of the various committees. In conclusion, this permanent rule change I'm proposing to require recorded votes will promote transparency to the Nebraska voters and will bring us in compliance with our state constitution and finally will honor George W. Norris's design for a one house Unicameral Legislature. Thank you for your time. Any questions, I would be glad to try to address those.

**ERDMAN:** Are there any questions? Seeing none, thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**HALLORAN:** Yeah.

**ERDMAN:** OK. Those in favor of recorded votes, those proponents, please come forward.

**WILLIAM FEELY:** William Feely, traditional spelling of William, last name, F as in Frank, e-e-l-y. I'm in favor of this. And again, it goes back to the transparency issue where I like the need to eliminate the present not voting. But on this, the constituents that vote for you, they want transparency and they want accountability. And in secret votes, you can't have that. We, the people, expect professionalism and to know where you stand on the issues through the documenting of your votes. Therefore, I am in support of this. Thank you.

**ERDMAN:** OK. Any questions? Thank you. Appreciate it. Next testifier.

**DIANA JOHNSON:** Diana Johnson, D-i-a-n-a J-o-h-n-s-o-n. And I am very much in favor of this. I, I'm not going to say a whole lot because time and William said it exactly how I feel about it. I have been told that part of the reason for the secrecy is so that the senators can get along within their committee. And I'm thinking, isn't everybody over 18 in this body? I mean, shouldn't we be able to get along? So I am totally in favor of Senator Halloran's bill.

**ERDMAN:** OK. Does anybody have a question? Seeing none, thank you. Good afternoon or evening.

**STEVE RAY:** Steve Ray, S-t-e-v-e R-a-y. I'll just be very brief. I'm in favor of this also. We've had problems in my city government with this, and I think all your votes should be recorded so everyone knows how you voted. I mean, that's part of the process to be transparent and what have you. We elect you to be there and take the vote. And I think as a citizen and a constituent, we have the right to know how you voted and who you voted for, because it does go into what we think and how we see you, so.

**ERDMAN:** Hang on. There might be questions. So, sir, where are you from? What city are you from?

**STEVE RAY:** Fremont.

**ERDMAN:** Fremont. OK, thank you. Anybody else? Anybody else in support of record, of record vote? Please come up. Don't be hesitant.

**CALVIN PEMBERTON:** Calvin Pemberton, C-a-l-v-in P-e-m-b-e-r-t-o-n. I am very much in support of you guys going on the record for who's been

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

placed in there. I'm going to keep it short, but I just wanted to go on the record. You know, that's what we're here for is to let you know. And the best way to do that is to come up here and let you know, so thank you very much.

**ERDMAN:** Thank you. Thanks for coming. Any questions? Thank you.

**WARD GREISEN:** Ward Greisen, W-a-r-d G-r-e-i-s-e-n. I am also very much in favor of this. The transparency was already talked about. Obviously, we want to know what our elected officials are doing. I think it's very important that, you know, that it goes on record in what they are doing. And it's important for us as a second house, as has been referred to many times, to know what's going on as well. And we can't do that without transparency. And so it's just vitally important and so I am very much in favor of this, so. Any questions?

**ERDMAN:** Any questions? Seeing none, thank you.

**WARD GREISEN:** OK. Thank you.

**ERDMAN:** Anyone else?

**STEPHANIE JOHNSON:** My name is Stephanie Johnson and, S-t-e-p-h-a-n-i-e J-o-h-n-s-o-n from Lincoln, Nebraska, obviously, and I am very much in support. Number one, first and foremost reason is by taking a secret vote you are not upholding the oath that the Constitution in the state of Nebraska that you swore to uphold. And so it is, that's the first and foremost reason. And also anything that is done in secret lends itself, just absolutely lends itself to deceit and to not being transparent. And I just don't understand how being an elected official that even has gotten to this point. I want to tell you from the standpoint of someone as a mom and a wife, we have six children, have a grandson. I just recently, about a few years ago, started opening my eyes to what was going on in our government. When I first found out and heard that the very first vote that the senators take is a secret ballot vote, I was mortified. I can tell you, people like me, common sense, just common people who vote for you to represent us and then we find out that the senators are taking secret votes so that they can make deals under the table to get things out of committee, it was mortifying and absolutely devastating.

**ERDMAN:** Any questions? Thank you.

**JEANNE GREISEN:** Jeanne Greisen, J-e-a-n-n-e G-r-e-i-s-e-n, and I want to thank Senator Halloran for introducing this rule change. I think it is great. And when our government is transparent 100 percent, you will

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

have 100 percent backing of the people. And when that, that will be a glorious day when that happens. And I look forward to that day and this would be a step in the right direction.

**ERDMAN:** Any questions? Thank you. Anyone else?

**BRAD JOHNSON:** Brad Johnson, B-r-a-d J-o-h-n-s-o-n. Thank you for giving me the time. I mean, I agree with what everybody said. I'd like to think about it and like to have you think about it a little bit differently for just a second real quickly. Let's imagine that up to now it was transparent and an open vote. And now the proposal was let's go to secret voting. What do you think your constituents would say? Let's move to secret voting? I think it would be overwhelming where people would say, no, no way, we want transparency. So just think about it like that. If you were going to propose secret voting, what would, what would it be? So that's all I got.

**ERDMAN:** Any questions? Thank you. Any other proponents? OK. Welcome. State and spell your name if you would.

**MYRON SMITH:** My name is Myron Smith, M-y-r-o-n S-m-i-t-h. I only wanted to say that to by not doing this, we may not know who we want to vote for next time and we feel like we need more information of who we want to vote for or not vote for when the next election comes up.

**ERDMAN:** OK. Senator DeBoer, she has a question.

**DeBOER:** I have a question and this is going to be more rhetorical because I don't want to just put you on the spot, but--

**MYRON SMITH:** Thank you.

**DeBOER:** --but I'm just curious if you saw that your senator voted for someone, let's say they voted for Steve Erdman for Chair of the Rules Committee, because let's say it was me and I just felt he was better for the job because he's been on Rules or whatever. And the other person was, I don't know, Senator Bostar. Senator Bostar is on the same party as me. Senator Erdman is not. Would you be less likely to vote for me because I voted for someone, because I felt that that person had the better job or not? I'm just curious.

**MYRON SMITH:** Depends on what the other record is that you vote, how you voted on other issues.

**DeBOER:** OK. It's interesting. OK. Thank you.

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Rules Committee January 12, 2023

**MYRON SMITH:** I'm not a one, I'm not a one-issue voter.

**DeBOER:** OK. Yeah. I didn't mean to put you on the spot.

**MYRON SMITH:** That's OK.

**ERDMAN:** He answered well. Anyone else? Senator Bostar, do you want to do a rebuttal on Senator DeBoer's comment?

**MYRON SMITH:** Thank you.

**ERDMAN:** Thank you. Anyone else? OK.

**CONNIE REINKE:** Hi. Connie Reinke, C-o-n-n-i-e R-e-i-n-k-e. I just feel absolutely that this is necessary what Senator Halloran has presented. He's laid out all the facts, that it's constitutional and intended to be that way. It's transparent, and we need that in all levels of government. And so I support this whole, wholeheartedly.

**ERDMAN:** Any questions? Thank you. Anyone else in support? How about opposition? Is there someone in opposition? Welcome, Mr. Leach. Long time no see.

**NATHAN LEACH:** Thank you. I think this is, I've been to every single Rules Committee since 2017. Mr. Chairman, members of the Rules Committee, my name is Nathan Leach, N-a-t-h-a-n L-e-a-c-h. I'm from Kearney, speaking in opposition to proposed rules change 19 now offered by Senator Halloran and speak on behalf of Nonpartisan Nebraska. Nonpartisan Nebraska strongly opposes changes to the Unicameral rules that would eliminate the tradition of ballot votes for leadership elections in the Legislature. When they wrote the rules for the first session of the new Unicameral in 1937, the members realized that electing the body's leaders by ballot would preserve and support nonpartisanship by assuring that leaders would be elected on the basis of their experience, knowledge and expertise instead of solely on the basis of party affiliation. Ever since, the Unicameral has operated by these rules. While it is inevitable that some senators will campaign behind the scenes for themselves or others to be elected to a particular post, the actual written vote is up to the individual senator. Were the voting to be done by public or done in public by voice or roll call vote, we are certain that the two major political parties would be watching and would reward or punish senators depending on how their votes align with their party's wishes. Over time, that party influence would be obvious and that the party with the majority of members of the Legislature would automatically elect members of their own party to all leadership positions. How lawmakers

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

vote and whether they support their party would be used against them in determining which committee assignments they are given and whether they are supported by their partisan peers. This would be trading the ballot vote for the image, not the reality of transparency. Leadership should continue to be elected by secret ballot, and for that reason we ask that you oppose this rules change both here in the committee and on the floor, and I would be very happy to answer any questions. There was a lot of different things that were brought up that I would love to address for the record.

**ERDMAN:** Thank you, Mr. Leach. Any questions? Senator DeBoer.

**DeBOER:** Sorry. I'll ask--

**ERDMAN:** Don't be sorry.

**DeBOER:** --Mr. Leach one question. Mr. Leach, I heard some of the opposition saying, you know, what's the real damage here? What's the real danger? How is this really going to cause any trouble if we had open ballots? Could you address that question directly? Like, what is the real risk? That's something that I'm wondering. What is the real risk here?

**NATHAN LEACH:** When the Unicameral, when we went to the Unicameral system, lawmakers needed to put into place certain safeguards. Since we didn't have a second house, we needed additional safeguards and checks and balances in the system. And so one of the things that they adopted was a nonpartisan system where the political parties, big monied interests, lobbyists, the executive branch, they couldn't come in and say, these are going to be the people that are in leadership. It's strange to me that there was so much uproar over our use of secret ballots in this Legislature when the GOP caucus uses a secret ballot for leadership elections in Congress. Every single voter uses a secret ballot when they go and vote. Our city councils, our county commissioners, we all use secret ballots. Our local organizations and clubs when we vote for officers, it has long been a element of our democracy when we elect people into leadership positions. Mind you, this isn't voting on policy positions. This isn't voting on rules or laws. When we elect people, we have always, for as long as we've had a democracy, used this concept of using a ballot. I have never heard any objection to the ballot vote outside of the context of the Nebraska Legislature. And I strongly believe that is because there is a, a group of people who believe that their party should be the one that controls every single element of this Legislature. And I'll tell you, I worked as a page in the Arizona State Senate in 2016, one of the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

most partisan Legislatures that you can find in this country. And growing up in Nebraska and watching the process and the system we had, the debate and the back and forth and then going to a system there where, I mean, the senators would just stand up and say, well, I'm in the, you know, the majority leader would stand up and say, I oppose this amendment and that was it. There was no debate. There was no back and forth. And so I, I'm sorry, that's a long answer to your question, but it all comes down to this idea that we would have a nonpartisan process in our leadership selection.

**ERDMAN:** Any other questions? Mr. Leach, I was going to ask a question, but I'm afraid you're going to another long explanation.

**NATHAN LEACH:** I'll hold myself back.

**ERDMAN:** So here's, here's the issue we have. A moment ago, a few minutes ago, someone on this committee mentioned, I'm from a different party than they are. They mentioned Democrat and Republican. For the last week, we have heard nothing but Democrat and Republican when we were discussing Committee on Committees. There is no such thing in the Nebraska Legislature as nonpartisan. The only place that nonpartisan exists is on the ballot when you don't have an R or D. The rest of that is a figment of somebody's imagination. So my question to you is, if it's nonpartisan, why do the rules state in redistricting you should have no more than five from one party and four from another? Why do we state all these things? Why do we figure when we do the Committee on Committees? The comments by the chairman of those committees is my committee is even, 4-4. We're nonpartisan. Why do they say it's 5-3?. We're nonpartisan, right? Are we nonpartisan or not? So the question is not whether we're partisan, that's already been proven. It's like saying the sun comes up in the east. Well, let's wait and argue that to see if it's true. Well, no, it's true. We all know that this body is partisan and always has been, and it always will be. Because the beliefs that I have when I walk in the Chamber don't change when I walk in there. Senator DeBoer, Senator Bostar's beliefs are their beliefs when they walk in there. They happen to line up with a different party than me, so what? So what? That doesn't make any difference. So to say here that because we want open voting, it's a partisan issue and it's the political parties are pushing this, is a far cry from the truth. People want transparency. And you say all other bodies, the city council and all these others are elected by secret ballot. My question to you is how many Unicamerals are there in the nation? One. And so if a Unicameral is one, only one state, we can choose to be different and we can do open voting. We don't have to do like everybody else. What do you have to say?

**NATHAN LEACH:** Senator, if you look in that pamphlet and I provided this, this definition to you before. If, if we were trying to say that the Nebraska Legislature is nonpartisan in the sense that senators walk in and they, they don't have a political ideology or they're not connected to a political party, then you're correct. We've never had a nonpartisan Legislature under that definition. You're right. That's not what we're saying. We're talking about a process that doesn't have formal partisan leadership that controls it. It's correct that we do not have a majority leader in this body. We do not have a minority leader in this body. We don't caucus by Democrats. We don't caucus by Republicans. So from a parliamentary procedure standpoint, what else do you describe us? I mean, we, by definition a nonpartisan Legislature. That's the only thing that we can call it. What we want to do is preserve those principles. The idea that, that bills should advance based on merit. They shouldn't advance just because the senator who introduced it had an R or a D next to their name. You happen to be a Republican. I think that that's true for the record. But that doesn't, if you were in this body 30 years from now and your party was in the minority, I think you'd look at those rules and say, I like the fact that I have a chance to put my ideas forward and have them be considered based on their merit. Your constituents out in western Nebraska would like the fact that you are able to compete in this institution fairly and not be judged just based on that, that little letter next to your name. That's what this idea is based on. Now, I can't help the fact that this institution has become more partisan in the sense that you see senators who are ideology, ideologically more conservative and ideologically more liberal. I attest, I think that's due to term limits. That's due to, I mean, every single election we break records with the amount of money in elections. I mean, those are really hard factors to control. But what we want to preserve is this idea of, of merit being what puts ideas forward. And I know that's a hard, hard thing for us to keep. It seems like it more and more people are just basing their ideas based on that political party. But it's worked for 90 years and we would hope that we can maintain that process here in the Legislature.

**ERDMAN:** Any questions? Senator Hansen.

**HANSEN:** Thank you. I don't think I've ever met you before yet, but you bring up some pretty good points and I appreciate you handing out the brochure. I think you make some good points in what you said is I do think we are becoming more partisan. I think it's kind of mirroring what's going on in the nation, I think, too, right? A whole host of things, term limits, social media, you know, echo chambers. I think we're becoming more partisan, but I think what we're lacking is



integrity as politicians. And so sometimes I think if we have secret ballots, one was robbing our representatives to show their integrity and either vote with their party or if they even have more integrity and they find a politician who might be on the opposite side of their political party, vote for them. It takes a lot of integrity to vote for somebody against their own party. But I think sometimes integrity can be like a muscle. Sometimes you have to, it has to be tested in order to get built. And so sometimes I feel with, with this secret ballot, we kind of rob our representatives to show, you know, whether they have integrity or whether they don't sometimes. And so, like Senator Bostar, he might have a better philosophical approach if he's running for the chair of Transportation that I would like versus Republican. You know, his government intervention with roads and bridges. So I might vote for him. But I think sometimes then we kind of, our representatives don't get a chance to really kind of see maybe where we stand on issues and whether they do have integrity or whether they don't. And whether they do vote for somebody against their own political party, their ability to explain it. And that also takes integrity to stand in front of your constituents and say this is why I voted for a Democrat or Republican. I think it happens on both sides.

**NATHAN LEACH:** And, Senator, I would just encourage you to consider that there's a lot of folks who are, you know, we talk about transparency. We want to know how senators vote. And usually when we talk about that, we're talking about how they vote on public policy. There are, I mean, 14 standing committees, 2 select committees, then you have Executive Board. I mean, you have a huge number of leadership elections and posts that occur in the Legislature. I would venture to say that the vast majority of Nebraskans really don't know who these chairmen, these senators are. The people who do know are the lobbyists. The media pays pretty close attention to that. People like me who are just really like to watch the Legislature, the Governor's Office and the political parties. Everyday Nebraskans, the only thing they really have to go by is usually that political party. And so if we went to a system where it was a roll call vote or a open vote, this, this keeps the ballot for some reason and just records it from the ballot but-- or this proposal that we're looking at today. But I would venture to say that the vast majority of Nebraskans aren't, aren't really not having that information in terms of, of, of that ballot vote.

**HANSEN:** I get your point. Thank you for listening. Appreciate it.

**ERDMAN:** Any other questions? One other, one, I'll follow up on Senator Hansen, if I could. In the past, some people have asked people to vote

for them and they have a record of 27, 28 people said yes, I'm going to vote for you. And this follows up with what Senator Hansen is talking about, integrity, and when the vote comes he has 24. So where did the other three or four go? I don't know. That's what he's talking about. That's the integrity. That's the issue that this brings about that solves. If you said you're going to vote for me and you put your light on and you're voting for me, you matched what you said. If it's secret vote and you told me you're going to vote for me and three people didn't vote for me, who are they? I don't know who they are. And so that is the issue. It is forcing, as Senator Hansen said, it's exercising their effort to vote, to show their integrity. Because if you told me you're going to vote for me, vote for me. Just tell me you're not going to vote for me. I don't care. It don't make any difference. And we all here that are elected are old enough to understand that you don't win every election. People don't like everything you do. And so if somebody votes no against you, so what? Move on. So I have, I have nominated Senator Wishart for Vice Chairman of Appropriations. She's a Democrat. Why would I do that? Because I think she's qualified to do the job, that's why. And so that doesn't affect me. But the point is, when somebody gives me their word they're going to do something, that's what I want them to do. OK. That's where I'm at.

**NATHAN LEACH:** And, Mr. Chairman, I agree with you. It's always very unfortunate and disheartening when you think you have the votes and you don't.

**ERDMAN:** Yeah.

**NATHAN LEACH:** For me, what it all boils down to is there is a sense of security knowing that ultimately this vote that you make as a state senator is something that no one can influence you in that decision. It's a, it-- just like how a voter makes, casts their ballot on election day. That's between you and the ballot. And that does provide some insulation and some security from outside influences. And that's what we think is, is the benefit in this situation. We can, of course, agree to disagree on the weighing of which one is more important.

**ERDMAN:** The point is, you can't, you can't discover who didn't tell you the truth if you have closed voting, secret voting. That's the issue. Anybody else? Thank you for coming in. Appreciate you coming all the way from Kearney. So you have others?

**NATHAN LEACH:** Yes, they're pretty brief. I'll keep it briefer than this one.

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Rules Committee January 12, 2023

**ERDMAN:** The way we changed the schedule, I think it helped you.

**NATHAN LEACH:** Oh, yeah, it did. Thank you, Senator.

**ERDMAN:** Thank you. Anybody else in opposition?

**CAROL WINDRUM:** My name is Carol Windrum. I reside at 3735 North 39th Street in Omaha.

**ERDMAN:** Can you spell your name?

**CAROL WINDRUM:** C-a-r-o-l W-i-n-d-r-u-m.

**ERDMAN:** Thank you.

**CAROL WINDRUM:** For almost two years, my spouse and I traveled all over the United States: New England, Florida, Alaska, Hawaii. We missed, we mixed business with pleasure. And when folks learned that we were from Nebraska, usually not a surprise, the Cornhuskers were at the top of the list of our state attractions. And then occasionally someone would mention our spectacular zoo. And yes, there were those who admitted to simply speeding through our state on the way to get to someplace else. And I confess at the time that I did not fully appreciate, nor did I boast appropriately about what perhaps makes our state the most unique, our Unicameral, you all, this system, which has been an example to the nation since 1937 on how to represent the will of the people without the bitter partisanship that often is found in other state governments. And now there is a concerted effort to dismantle a tradition of about 86 years. And on the surface, seeking to rid the body of the secret ballot seems like a noble thing. Let's be transparent. But in reality, I have to agree with Mr. Leach. It's only going to be a slippery slope. It's going to lead some senators to feeling the pressure of a political party support or punishment if she or he doesn't vote along the party lines, not necessarily for the best person for the position. So I rearranged meetings and a medical appointment so I could be at this hearing. I'd rather be home. But I'm here because I believe that more important than the Cornhuskers, sorry, everybody, more important than a world famous zoo, we Nebraskans have the Unicameral. I hope that keeping the secret ballot allows you all to not be beholden and not be punished by any political party. Thank you.

**ERDMAN:** Hang on, hang on, hang on.

**CAROL WINDRUM:** Oh.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**ERDMAN:** Any questions? I have one. So in the example I gave--

**CAROL WINDRUM:** Yeah.

**ERDMAN:** --that someone had people tell them they had 27, 28 votes and then wound up with 24, tell me how secret vote solves that issue. Tell me how secret vote can fix the problem we have with people not have, not people of integrity. How does that fix that?

**CAROL WINDRUM:** I don't know that I'm arguing to fix that actually.

**ERDMAN:** That's what we're arguing to fix. That's what Senator Halloran is trying to do.

**CAROL WINDRUM:** Well, Senator Hansen talking about the need for integrity and for senators to be able to break away from their party when they feel like they need to, I mean, I can't address the personal conversations you have, Senator, and their relationship to you.

**ERDMAN:** I'm not talking personal, I'm talking about people of integrity. People some--

**CAROL WINDRUM:** Yeah.

**ERDMAN:** --some people tell you they got the vote and then they change their mind, how do you find out who it was? And so, let me ask you this.

**CAROL WINDRUM:** And why do they change their mind?

**ERDMAN:** I have no idea.

**CAROL WINDRUM:** I don't either.

**ERDMAN:** Here's the question I have. If I give you my word, my word is my word.

**CAROL WINDRUM:** Yeah.

**ERDMAN:** And if someone else gave me their word they'd vote for me and they change their mind, what else were they not telling me the truth on? That's the problem. That's the problem with this open, with secret vote.

**CAROL WINDRUM:** And I don't, yeah, I don't know the, the relationships you have. I don't know if that particular senator has any kind of fear of retribution later if they don't vote for you or somebody else. I

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Rules Committee January 12, 2023

mean, I don't know those dynamics. I just think we have a, we have an 86-year tradition in this Legislature. And I think, I think ultimately it ought to allow you all to vote your conscience and not be pressured by a political party.

**ERDMAN:** Right.

**CAROL WINDRUM:** So.

**ERDMAN:** We're not pressured by political party. Thank you. Anyone else in opposition? Please come forward and line up. Thank you.

**RACHEL GIBSON:** Hello again. My name is Rachel Gibson, R-a-c-h-e-l G-i-b-s-o-n, vice president of action for the League of Women Voters. I have a quick statement here, but I also wanted to give some context about our organization. We have been around for about 100 years nationally, and our focus really is to empower voters and make sure they have the information they need to be involved. I also want to highlight that although we're national, we have 400 members all across the state and all of us are volunteers. We have one paid person. It is not me. So these are, you know, we bring together Nebraskans to see what their thoughts are on things. So on this particular proposal, we are opposed requiring a public record of written votes for committee chair positions. While we often advocate for transparency in voting, we also look at the systems that are put in place, and we oppose this particular issue because of the context of our unique Legislature. Our nonpartisan Unicameral has a structural and process elements that combat partisanship, and this is definitely one of them. In Congress and in other legislative bodies, committee assignments and leadership are determined within the parties. And that's why this is different. Our Legislature works as one group to elect our leadership. Currently, the secret ballot allows legislators to vote for the most qualified candidate and hopefully protects against political retribution. So that is why we are in opposition. I'm happy to answer questions.

**ERDMAN:** Any questions? Thank you.

**RACHEL GIBSON:** Thank you.

**ERDMAN:** Next. There you go. Hi.

**GAVIN GEIS:** Chairman Erdman--

**ERDMAN:** Yes, sir.

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Rules Committee January 12, 2023

**GAVIN GEIS:** --members of the committee. My name is Gavin Geis, that's spelled G-a-v-i-n G-e-i-s, and I'm the executive director for Common Cause Nebraska. Common Cause is a nonpartisan, nonprofit organization dedicated to upholding the core values of American democracy. We stand in opposition. I will not belabor the point since those before me have said most of what I would say. I stand mostly to express our opposition and to note that changing the rules, whether or not we believe this body is nonpartisan in practice, whether or not we believe nonpartisanship is attainable by the Nebraska Legislature, it is built into our structure, and we cannot deny that. We do not have, as Mr. Leach noted, we do not have members of political parties that are chairing or whips. We have chosen to exclude those elements from this body. As such, we require other rules along these lines, such as the selection of committee chairs, to uphold those values. Now, if we want to discuss the overall changing of nonpartisanship in this body, that is another discussion. But Common Cause does not believe we should pick away at these elements of nonpartisanship through changing rules like the secret ballot. It is simply a part of our structure and we have to continue these processes that uphold those values of whether or not we believe they work throughout the body. It is legally, well, how we, I'm sorry, legally how we are structured. So that is all I will say. I will stop there. Thank you all for your time.

**ERDMAN:** Any questions? I do have one. Explain that--

**GAVIN GEIS:** Please.

**ERDMAN:** --legally, what did you say about it's legally your obligation, is that what you said?

**GAVIN GEIS:** My, my point was that we are in other ways other than the secret ballot, this Unicameral is structured in nonpartisan fashions, right? We don't have chairs that are right party whips, things like that. We have chosen to exclude multiple components of partisanship.

**ERDMAN:** OK

**GAVIN GEIS:** This is just one of those components and it undermines all the other components. So it's a dominant, right? If we're going to talk about nonpartisanship, let's talk about nonpartisanship as a whole thing, not chip away at it through one rule change or another and leave these other elements still kind of part of our structure.

**ERDMAN:** OK. Thank you. Any other questions? Any other opponents?

**TERI HLAVA:** Teri Hlava, T-e-r-i H-l-a-v-a. I feel like voting for a committee chair is a lot different from voting on a piece of legislation. And also today's world of politics is especially difficult. I have become increasingly disappointed, bewildered and disillusioned with my Republican Party. We have had and do have the majority of power both in the state and the Legislature. But a desire for complete power is at the expense of views other than the official state Republican Party position. It is not elected to govern us. That makes things like not being able to vote by written ballot for committee leadership vulnerable to punishment by the state party. Chairs need to be chosen by merit. Complete power by essentially one state party makes the Legislature cannibalistic for acting in accordance to a nonpartisan entity and a Unicameral. We have seen this punishment in action. Each senator entered their office with the expectation of nonpartisanship in accordance to one house nonpartisan concept form of government as a Unicameral. I severely object to those senators now wanting to change this long established form of government to a partisan one. I believe that is ultimately greed for power. Committee leadership is a part of this nonpartisanship. We need to strive for balance, fairness and many views. Let's not attempt to shut every door in every way. Let's get rid of our warrior mode. Thank you.

**ERDMAN:** I have a question.

**TERI HLAVA:** Sure.

**ERDMAN:** When you refer to punishment by the party, give me an example.

**TERI HLAVA:** Well, I remember, for example, a Republican senator who was attempted to be punished by the Republican Party and kicked out of the Republican Party for, for expressing views, voting on different pieces of legislation that were in opposition to that legislation, to that party's position.

**ERDMAN:** Can you be more specific?

**TERI HLAVA:** What do you want to know?

**ERDMAN:** I want to know who it was.

**TERI HLAVA:** Senator Mc-- McCullough. What is-- John McCollister was one. And then I've also seen and been, become aware of a lot of dark money and that's tied up. And I'm sure a lot of these people will relate to that with the Governor and the dark money and, you know, that type of thing.

**ERDMAN:** So.

**TERI HLAVA:** As far as your, I don't understand your concern with people not voting the way they said they would because to me that's kind of disingenuous to try to count your votes before the vote is even taken. That to me, that doesn't make any sense.

**ERDMAN:** Thank you.

**TERI HLAVA:** Yes.

**ERDMAN:** Anyone else in opposition? How about neutral?

**JAMES WOODY:** Good evening, Mr. Chairman--

**ERDMAN:** Good evening.

**JAMES WOODY:** --and members of the committee. My name is James Woody, J-a-m-e-s W-o-o-d-y. I'm here in the neutral position so I don't express support or opposition to this particular measure. Just wanted to make two observations for the record. First observation, six weeks ago or so, the United States Senate, which is the world's greatest deliberative body, no offense to current company--.

**ERDMAN:** No offense taken.

**JAMES WOODY:** --the United States Senate they did a leadership election. And from the best of my knowledge that leadership election took about an hour. It wasn't particularly contentious. They selected Mitch McConnell as the minority leader and they performed this leadership election by secret vote. I would secondly observe that the United States House of Representatives also recently had a leadership election which was contentious for the first time since the Civil War. It was, it took more than one ballot. And I would note that this particular leadership election was taken by a record vote. And so having made these two observations, I would yield back.

**ERDMAN:** Thank you. Any questions? Thank you for your testimony. Anyone else in neutral position? OK. We'll move on from Rule 19 to 20, 21 and 22 and 23. Is Senator Hunt here? Senator Hunt, please join us. This rule is Rule 1, Section 17 for those watching at home and the proposal is to strike Speaker major proposals. You have the floor, Senator Hunt.

**HUNT:** Thank you, Senator Erdman, colleagues. I'm Megan Hunt, M-e-g-a-n H-u-n-t, and this rule change proposal would strike the entire section



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Rules Committee January 12, 2023

of Rule 1 that provides for Speaker's major proposals. Currently, each session the Speaker is allowed to designate up to five bills as major proposals. This is a very powerful tool that's available to the Speaker because he or she has the power to set a certain date by which the bill must have a committee hearing, require the committee, which the proposal has been referred to, to take a vote on it by a certain date. And then if the bill gets to the floor, the Speaker can determine the scheduling of the proposal and the order in which any amendments or motions on the bill will be taken up. This is an enormous amount of power that is given to the Speaker in addition to his or her many other privileges and responsibilities. And I think it circumvents the process and is unnecessary. If a bill is good policy, it can make it to the floor and be debated on its own merit. It can get a committee priority or a Speaker priority or a senator priority, and there's no reason to ignore the order of amendments or motions that have been filed on it. Reasonable people can disagree. This is my view and I wanted to introduce a rule around it. Thank you.

**ERDMAN:** Are there any questions?

**HUNT:** And of course, I hope present company understands this is not personal.

**ARCH:** I do not take it personal. So I can tell you in my first few days, my, my skin has thickened considerably.

**ERDMAN:** Senator Hunt, I may have a question.

**HUNT:** Sure.

**ERDMAN:** Let me ask you a question about this. I'll give you just a little example. I'll try to make it quick. Several years ago, I was president of an organization and I was in a position of if I came back in as second vice president, I'd become president again. And I tried to change a whole example of that organization, tried to change the whole structure. They didn't like it. So they put in an amendment that you can't succeed yourself as president. And I cautioned them and I said, what you should do is make a motion that Erdman can't come back. Because if you make a motion that the president can't succeed himself, you may at some point have someone you'd like to have come back, but you prevented that.

**HUNT:** Like term limits.

**ERDMAN:** Yeah. So my question is, what happens, what happens if a Speaker is elected that lines up with your beliefs, with your

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

proposals and is favorable for promoting your issues that you are concerned about, would you feel the same way?

**HUNT:** I would feel the same way. I think, I actually have a principle about this that is similar to Senator Hansen's 12 bill type of thing. I don't think the Speaker needs that much power, and I don't think that our structure would prevent any good bill from coming out. I don't think that we need a Speaker to do a major proposal for a bill where if it's a good enough bill and it's a good idea that it could come out of the committee the normal way.

**ERDMAN:** OK. I may have to ask this question to our resident expert on Unicameral, Mr. Leach, but I'm wondering if this was set up when George Norris established the Unicameral.

**HUNT:** It's a good question.

**ERDMAN:** So I'll ask him later.

**HUNT:** It's a good question for the Clerks too.

**ERDMAN:** I'll ask him. Yeah.

**HUNT:** Thank you.

**ERDMAN:** So anyway, any other questions? Senator Hansen.

**HANSEN:** I'm torn because it's not too often that Senator Hunt and I agree on stuff, and I actually agree with her that she's in favor of less government by getting rid of five more bills.

**HUNT:** You know what?

**HANSEN:** But I'm torn because I see the purpose of doing it as well, so.

**HUNT:** Yeah. I, many people are shocked to know and to many people it makes sense, I am for less government, I am for smaller government. And I think sometimes we disagree on how to get there. But I think we need to give more power to the people and less to [RECORDER MALFUNCTION]

**HANSEN:** I appreciate your fervor for--

**HUNT:** Thank you.

**HANSEN:** --fighting for this thing.

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Rules Committee January 12, 2023

**ERDMAN:** Anyone else? OK, thank you.

**HUNT:** Thank you.

**ERDMAN:** OK. Senator Conrad. Same rule. Is Senator Conrad here? Senator Conrad, you are up. Same rule, Rule 1(17), strike Speaker major proposals. It is your turn.

**CONRAD:** All right. Good evening. Hi, Chairman Erdman, members of the committee. My name is Danielle Conrad, D-a-n-i-e-l-l-e, Conrad. I'm here today representing the Fightin' 46th Legislative District of north Lincoln. And similar to Senator Hunt's proposal, I brought forward a measure to strike the Speaker's major proposal. I think that this measure has been controversial since adoption and I want to additionally point out that the Speaker really shouldn't receive this additional sort of ability to order motions and amendments for various proposals that are moving through under individual senators' or committee auspices. It's important to remember that by striking this proposal-- and of course, it's not personal to Senator Arch. He happens to be the Speaker right now. So just noting that coincidence, but it's not, it's not specific or personal to his leadership. I think it, it has been controversial since adoption and there have been other efforts to, to kind of reexamine this proposal. So I just want to be really clear about that. But, of course, the Speaker does retain the right to designate individual personal priority bills and Speaker priority bills. And so having this additional kind of prerogative to change around motions and amendments, which again, I think kind of subverts the committee structure and process in some ways, should be revisited. So that's why I brought it forward.

**ERDMAN:** Any questions? Hearing none--

**CONRAD:** Thank you.

**ERDMAN:** --thank you. Senator Cavanaugh, Machaela Cavanaugh. There she is. Welcome to the Rules Committee.

**M. CAVANAUGH:** Thank you, Chairman Erdman and members of the Rules Committee.

**ERDMAN:** You have the floor.

**M. CAVANAUGH:** Senator Machaela Cavanaugh, M-a-c-h-a-e-l-a C-a-v-a-n-a-u-g-h, representing District 6 in west-central Omaha. I have a similar, but my rule is slightly different than Senator Hunt and Senator Conrad's rule. It strikes the same language, but creates

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

the budget as a major proposal. And kind of to answer some of the questions that Senator Erdman has already posed on this, my reasoning behind this is not actually to do with the Speaker at all, but to do with the power that we are giving to the Executive Committee. We're giving more power to one committee over all of the other committees and therefore over all-- over the entire body to decide what is or isn't a major proposal. And, and so that's really where I think it's a sticking point for me. I think it-- I know that when it comes to the budget, that's our constitutional responsibility is to pass a budget. And so to have the opportunity to re-order amendments I think is important for the budget specifically. But when it comes to anything else, it can be politicized. And I just would like to see a little bit less of that infused into our decision making. And so that's sort of the angle I'm coming from, is that I just think if we're going to have a major proposal, then maybe instead of striking it, it could even be a majority vote of the body. I don't know. But I do think that giving one committee the authority to create something as a major proposal over any other committee's authority is just not proportional. That's all I got.

**ERDMAN:** OK. Yes, Mr. Speaker.

**ARCH:** The Speaker has a question.

**ERDMAN:** Go ahead.

**ARCH:** So you're talking about making the budget bills major proposals automatically.

**M. CAVANAUGH:** Yes.

**ARCH:** Is that how I read that?

**M. CAVANAUGH:** Yes.

**ARCH:** And then, and then the Appropriations Committee, does the Appropriations Committee-- I'm just-- the language of a--

**M. CAVANAUGH:** Oh, who has the, who has the authority then?

**ARCH:** Yeah. Does--

**M. CAVANAUGH:** It would be the Speaker's authority.

**ARCH:** Oh, the Speaker's authority, not the, not the committee's authority.

**M. CAVANAUGH:** I-- if it's-- it maybe needs to be amended.

**ARCH:** OK.

**M. CAVANAUGH:** The way it's written, I'm not entirely positive.

**ARCH:** OK.

**M. CAVANAUGH:** The intention is that it would be ordered by the Speaker if, if we wanted it to be by the Speaker and the Chair of Appropriations or something like that. But because we have to pass the budget--

**ARCH:** Right.

**M. CAVANAUGH:** --we have the main parts of the budget.

**ARCH:** And so there would be the ability to not allow IPP or those things? Is that how I read that or just order them, take action, including voting, take action?

**M. CAVANAUGH:** Yes, take action, ordering them, so.

**ARCH:** That's the ordering of them?

**M. CAVANAUGH:** Yes, yeah.

**ARCH:** OK, all right.

**M. CAVANAUGH:** So if we-- if somebody put an IPP motion up, it wouldn't--

**ARCH:** Which, which is--

**M. CAVANAUGH:** --it wouldn't--

**ARCH:** Which is like it right now on major proposals.

**M. CAVANAUGH:** Right.

**ARCH:** That's the point, right?

**M. CAVANAUGH:** I wouldn't automatically be a priority motion then. It would be up to you to order when it came up.

**ARCH:** Got it. OK.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**M. CAVANAUGH:** I know because I have put motions such as this on major proposals in the past and been told, you know if you put that on, it doesn't really matter because they're not going to ever--

**ARCH:** Because the Speaker can--

**M. CAVANAUGH:** --go to your proposal.

**ARCH:** --the Speaker can order them.

**M. CAVANAUGH:** Yes. And I'm like, oh, all right, well, then I won't put it on, so.

**ARCH:** All right, thank you.

**ERDMAN:** Very good. Thanks for the clarification. Any other questions? Hearing none, thank you.

**M. CAVANAUGH:** Thank you.

**ERDMAN:** OK. We'll move to rule 23, and that is Rule 1, Section 17, Governor budgets for major Speaker proposals opposed by Senator Slama. Join us in the front if you will. The floor is yours.

**SLAMA:** Good I guess now evening, Chairman Erdman, members of the Rules Committee. My name is Julie Slama, J-u-l-i-e S-l-a-m-a, and I represent District 1, southeast Nebraska. I'm here today to introduce a permanent rules change regarding Rule 1, Section 17, echoing off of Senator Cavanaugh's proposal. Mine also makes budget bills automatic Speaker major proposals. It does do two additional things on top of that. One, I believe, is a simple cleanup bill in that Speaker major proposals can be named if they are senator personal priorities or committee priority bills. The second part of this would add Speaker priorities to that list as well. I think that's a simple putting the Speaker on even ground compared with his colleagues to allow his priorities to be elevated to Speaker majors as well. The real meat of my rules change proposal is the final part, which would lower the threshold for-- to cloture for Speaker majors to 30 votes from the current 33. Speaker majors normally cover critically important bills to the continued operation of the state. Thirty-three of 49 senators in support is one of, if not the highest threshold for passage of state bills in our country. This rules proposal would prevent those critically important bills from being held hostage or falling victim to gamesmanship by a small minority of senators. Nebraska's speakership by design-- and don't take this personally-- is the weakest in the country, which can be empowering to the other 48

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

senators. But it also creates some real hurdles to good governance. This rules proposal makes responsible changes in that spirit. Thank you for your attentiveness and I'm more than happy to answer any questions you may have.

**ERDMAN:** Any questions? So Senator Slama, may I ask, we currently have a 30 vote to override a governor's veto.

**SLAMA:** Yes.

**ERDMAN:** And when we were here, when I first arrived in '17, we talked about the rules for 29 days. And that was-- the essence of our conversation was why does it take more votes to stop debate or have cloture than it does override the Governor?

**SLAMA:** Yeah.

**ERDMAN:** And that has always been a peculiar vote to me that the threshold is that high, so.

**SLAMA:** Mr. Chairman, I completely agree with you on that point.

**ERDMAN:** So thank you. Any other questions?

**SLAMA:** All right. Thank you very much.

**ERDMAN:** Thanks for coming in. Thank you. OK, that completes that section. Now, we will go to those who want to testify. Those who are in support of those rules, any one of the four, please come forward. Any one of the four. And when you come, please notify us which ones you're supporting. We won't be able to figure it out by your testimony. No one? Anybody in opposition to any one of those four rules? OK. No one? Anybody neutral on those four rules? And I'm not surprised that Mr. Leach has come back.

**DeBOER:** You did ask.

**NATHAN LEACH:** Mr. Chairman--

**ERDMAN:** It was my fault.

**NATHAN LEACH:** --members of the Rules Committee, my name is Nathan Leach.

**ERDMAN:** Was it my fault?

**NATHAN LEACH:** Yes.

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Rules Committee January 12, 2023

**ERDMAN:** Your time starts now.

**NATHAN LEACH:** OK. Well-- so I would have provided research on the history of the Speaker's proposal because it is really fascinating, but I wanted to respect your time and it, it really didn't need to be put into the record. So I have copies of every single legislative rule book since 1937. I-- this rule first shows up in 1997. Historically, the way that leadership has been organized within the Unicameral, especially in the first session, was very, very decentralized. The idea was you'd have 49 independent contractors. They'd all be able to come to consensus. There was no-- you know, you didn't have an Executive Board. The Speaker didn't control the agenda. And then as time went along-- I won't give you any dates because I didn't prepare, but as time went along, that's slowly gotten more and more centralized. The Speaker has gotten more power. And, and that's really been the status quo. There's a lot of different factors in that. And I would love someday to do more research on that and be able to provide something that's just not off the cuff. But to answer your question, no, the first session definitely did not have major Speaker proposals. They didn't even have a way to control the agenda. They had to suspend the rules every time they wanted to do so. So thank you for mentioning me. I'm glad I was able to put a little bit of that on the record. I'd be happy to try and answer any questions.

**ERDMAN:** Any questions? Mr. Speaker.

**ARCH:** Thank you. And thank you for that, for 1997. Good information. When I go to conferences and talk to other, talk to other states, we are very different in our Speaker control, Speaker authority, however you want to call it. I mean, in some states, no bill gets to the floor without the Speaker. Chairmans are appointed by the Speaker. I mean, it's amazing. And, and I'm not advocating for that at all. I would assume that some of this was done to-- if you started out with nothing, it's to keep the flow, right? I mean, it-- there's a balance between, between efficiency, effectiveness, all of that, and, and allowing for, for true debate, good, healthy, good, healthy debate. So my, my-- I guess my perspective on all of this is that you're probably going to be on one side of the line or the other, depending upon how you look at-- how you, how you view that. Any, any comments about that observation?

**NATHAN LEACH:** Mr. Speaker, I would say that the best answer to this question is to go back and see what other Speakers and other senators have said to answer that question. Because, I mean, this Legislature had Senator Ernie Chambers in it for-- I think it was 40 years, is



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Rules Committee January 12, 2023

that right? I mean-- 43? I mean, we-- there was senators again and again who had to-- and I say that because he was just someone who was so good at being kind of a one-man minority. And over those 43 years, again and again, some of the greatest statesmen in our state history have held back and they have said, you know, we, we have the votes to shut down debate. We know we can do that. We can move forward and do whatever we want. But I think that there's an element of wisdom here that is we don't have a second house. We only have 49 members. And the idea of making sure that we don't legislate too quickly, I think that's where that wisdom kind of comes from. I would encourage you-- and if, if you'd like, I can go back into the record and find some points of personal privilege and different things that previous Speakers and senators have said on that question because it's a fascinating one. And I think it's really relevant today as we think about how we want to move forward as a Legislature and in the balance that we have between the minority and the majority and the power of the Speaker and the committee chairs and so forth. So thank you for the question.

**ARCH:** Honestly, it's-- even in my, in my first proposal-- proposed rule change I, I mentioned, it's that it is that balancing of, you know, some of what I proposed in the early, in the early rules was not that you can't do it, but it's when you can do it, you know, so that there is some flow. And the rules aren't used to, to stop. It's, it's used to make sure we have good debate but not used, not used-- you know, we don't end up debating rules instead of policy and the, and the rules become the thing that we go back and forth on. And that's-- it's frustrating. And not-- and I'm, I'm not speaking just as a Speaker, but as, but as just a senator. It's frustrating when, when what-- I think what the people want is they want debate on policy and not, and not back and forth on rules. And so it's, it's, it's a balance that we're, we're, we're trying to strike. And part of our rules discussion today is really reflective of that tension, so thank you.

**NATHAN LEACH:** Thank you.

**ERDMAN:** Thank you. Appreciate you coming back up. Any other neutral? OK, that completes that section. We'll move to 24.

**CONRAD:** I'd like to close, please.

**ERDMAN:** Make it brief.

**CONRAD:** Absolutely [INAUDIBLE].

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Rules Committee January 12, 2023

**ERDMAN:** Because going forward, we're not doing no more closings.

**CONRAD:** I'm sorry, I didn't hear you.

**ERDMAN:** Going forward, we're not doing any more closings for the senators. Go ahead and finish. Because we are at four and a half hours--

**CONRAD:** I understand.

**ERDMAN:** --and four and a half-- and we're not halfway and we've got to be done by midnight. And so that's the issue so make it brief. Go ahead.

**CONRAD:** OK. Number one, I think Nathan Leach may have pointed this out and you may have had a chance to see this in your review of the record, Speaker Arch, because I know that you're an enthusiastic student of, of the institution as well. But I think Senator Chambers usually referred to this rule as Lola's role. Whatever Lola wants, Lola gets. He would kind of, in a moment of levity, kind of describe as bestowing kind of superpowers upon the Legislature-- upon the Speaker to really shut down what he saw as another opportunity to utilize the rules for his debate. And other senators as well, of course. But I, I do want to, to just kind of make sure that we have clarity in some of the, the comments that you brought forward, Speaker Arch, because I think that there's probably a dissonance there. Absolutely, I agree we need to have efficiency and we need to have deliberation and we need to find the right balance there and that's a challenge on a good day, right? But I think the difference in terms of perhaps lens that we're utilizing to make that calculation-- and I'm going to take exception and maybe it's late and so we'll give a lot of grace to each other here, of course. But there's no such thing as good versus bad debate. There's debate. That's a value judgment that none of us have a right to put on each other. Each of us got here, received the same certificate of election to do the best that we can according to our abilities, according to our strategy, according to our judgment on behalf of the people that elected us. It's not up to each other to judge what is good or thoughtful debate and what-- and to characterize as bad debate. So I do want to push back on that a little bit. And I do want to also recognize that I think it's a cultural problem in this institution where we see debate as bad, where we see dissent as rude, and that is wrong. Each of us worked really hard to get here to debate things, and it's good that we have healthy debate. And that doesn't mean that we dislike each other. It doesn't mean that we don't have good manners. It's part of our job to debate, to ask hard questions,

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Rules Committee January 12, 2023

to tease out the issues, to challenge our own thinking through that-- through the course of that peaceful free expression. So I do just want to kind of note that in terms of the broader issues inherent in this rule change. Thank you.

**ERDMAN:** OK. We're going to move to section-- to rule 24 and 25, that section there, personal privilege. We'll start with Senator Hunt. This rule is Rule 2, Section 11, personal privilege and the use thereof, and Senator Hunt has a rule change suggestion.

**HUNT:** Thank you, Mr. Chair. I'm Megan Hunt, M-e-g-a-n H-u-n-t, representing District 8. This rule change would strike the line in the current rule that says, "personal privilege shall not be used to permit any discussion or debate pertaining to any measure pending before the Legislature." The reason for this is that this really allows for interpretation of when a point of personal privilege is or isn't in order to be very subjective and arbitrary. In this body, we are all representatives of people in the state and were brought here to debate issues. And sometimes issues are so personal to members of this Legislature and sometimes the issues we discuss do affect us personally and individually. And nothing about that really impacts the dignity or the integrity of the legislative process. Just because some of these issues may be embodied in substantive debate about a bill doesn't mean that we shouldn't be able to discuss it in some form on the floor. So I introduced this rule amendment because the Speaker indicated that he did not want to discuss anything that is divisive as a result or as a resolution or as a point of personal privilege. And unfortunately, some of the proposals that I've seen introduced this session, even today, are inherently divisive and actively harmful to people. And they are things that can be so offensive and discriminatory that they are, merely by introduction, impacting the integrity and dignity of this Legislature. So I don't want this personal privilege rule to be so narrowly interpreted as to only serve for discussions of things that are popular or not offensive to people in the body. I think that if we allow a rule like this to pass, we would be better served because we would have a forum for open debate. And if somebody proposes a law change that is so inappropriate and so offensive, to a degree that it impacts the very nature of this institution and somebody personally, I think we have the prerogative to use a point of personal privilege to raise that point. Furthermore, beside all of that, I don't think that I've seen points of personal privilege be abused in the past. And so I don't think that we need to change the norms around the use of this tool in this rule change, which is clarify how this tool should be used. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**ERDMAN:** Thank you. Any questions? Seeing none, thank you.

**HUNT:** Thank you.

**ERDMAN:** Senator Conrad. This is Rule 2, Section 11. Very similar to Senator Hunt.

**CONRAD:** Yes.

**ERDMAN:** Personal privilege, use thereof.

**CONRAD:** Yes. Good evening. My name is Danielle Conrad. It's D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d. I'm here today representing north Lincoln's Fightin' 46th Legislative District. And it is a very similar proposal that you just heard from Senator Megan Hunt. And I want to make sure to reaffirm to the committee to, to read the language of the existing rule. The, the, the rule of personal privilege, both collectively and individually, is a parliamentary safeguard and safety valve to protect the institution and each of us as individual members. And if you can see, again on the rules that are in existence today that Senator Erdman moved, that we all adopted unanimously, that have been in place for some time, there may be some discretion to call out a personal-- a point of personal privilege if there is a matter pending before the Legislature, which, of course can be very broad, due to the nature of our work. But I do want to point out there is really no discretion to not recognize a point of privilege. If you look at the rule itself, they may-- the request may be channeled through the presiding officer, but then it says the presiding officer shall-- not may, shall. It is required-- determine not whether or not they're in order, but the order of consideration. And if you'll also note, looking at the rule itself on its face, this matter has priority over everything except for a motion to adjourn. So this is an important parliamentary safe valve-- safety valve available to the body as a whole and individual members. I understand and appreciate that perhaps it was being used a little bit too much to recognize people's birthdays or other sort of occasions and it was taking too much time on the floor. So Senator Hilgers developed and Senator Arch has indicated a willingness to continue maybe a special announcement section to have a little bit more order in regards to how those measures that maybe don't rise to a level of personal privilege to defend the institution or an individual might be better suited to, to utilize in floor time. So I appreciate and understand the Speaker has the ability to set a component for announcements, so to speak. But I want to be very, very clear that this measure in particular is not discretionary and it takes precedence and it's important that we

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

maintain it and I think should expand it rather than, rather than limit it to be very, very clear. And to do otherwise would be an impermissible prior restraint. The Speaker doesn't have the right to control the content of our speech as individual members. They might not agree with it. They might not like how we express ourselves, but the Speaker doesn't have the right to control the content of our speech. And I think that this institution and each of the worthy members therein are strong enough and bold enough to be able to hear hard things, to debate difficult things, and to be able to face very clear eyed, even challenges to the institution or each other. And so any effort that's going to stifle debate and dissent, I, I think, is-- undermines the integrity of the body. Thank you very much.

**ERDMAN:** Thank you.

**CONRAD:** And I had to add a little bit more since I lost my close.

**ERDMAN:** Any questions?

**CONRAD:** OK. Thank you.

**ERDMAN:** It's going to be the same for everybody.

**CONRAD:** All right. Thank you, Senator.

**ERDMAN:** Thank you so much. OK. Are there those who are in support of either one of these two rules, personal privilege, use thereof? Is there anyone in opposition to these two rule changes? How about neutral? Here we go. Surprise, surprise.

**NATHAN LEACH:** Mr. Chair, members of the Rules Committee, I'll be very brief. My name is Nathan Leach, N-a-t-h-a-n L-e-a-c-h. I'm speaking in a neutral capacity and speaking on behalf of myself. Since my sophomore year at Kearney High, I have taken a keen interest in the study of parliamentary procedure, particularly the app-- its application in legislative bodies, and specifically the Nebraska Legislature. In order to better assist in research, I have compiled an index of every legislative ruling documented in the Journal since 1937. And as the committee considers this rules change, I'd like to respectfully place those rulings into the legislative record for future researchers. May 8, 1995, Journal page 2018, transcript page 6321. That was overruled. November 10, 1992, Journal page 46, transcript page 125, overruled. June 1, 1977, Journal page 2296, transcript page 5035, unchallenged and this ruling was not documented in the General Legislative Index. March 17, 1977, Journal page 890, transcript page 1511, overruled. May 2, 1975, Journal page 1594,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

transcript page 3621, overruled. April 30, 1975, Journal page 1515,  
transcript page 3343, overruled. April 23, 1975, Journal page 1394,  
transcript page 2927, overruled. March 20, 1975, Journal page 976,  
transcript page 1637, overruled. March 5, 1975, Journal page 79-- 739,  
transcript page 1170, overruled. January 30, 1975, Journal page 312,  
transcript page 354, overruled. I wanted to note that in every  
instance in which the presiding officer has ruled that a point of  
personal privilege was out of order and that order was subsequently  
challenged by a member of the Legislature, the Legislature has  
overruled the Chair. An online spreadsheet with links to copies of the  
relevant journal and transcript page may be accessed at the following  
url: <http://t.ly/sevb>. I'd be happy to answer any questions.

**ERDMAN:** Thank you. Any questions? Thanks for the information. All  
right. Anyone else in the neutral position? OK. Welcome back.

**BRANDON METZLER:** Thank you

**ERDMAN:** You been here all this time?

**BRANDON METZLER:** I have been.

**ERDMAN:** Amazing.

**BRANDON METZLER:** Upstairs.

**ERDMAN:** The floor is yours.

**BRANDON METZLER:** For the record, my name is Brandon Metzler,  
B-r-a-n-d-o-n M-e-t-z-l-e-r, Clerk of the Legislature. I just wanted  
to respond from neutral capacity. The problem we will see on the  
floor, Senators, is that if you pass this rule, you will allow debate  
within a personal privilege, an untimed, mind you, debate. So if  
somebody stands up during the course of LB100, they have the floor,  
they ask for personal privilege. Even if they've exhausted their three  
speaking opportunities, they are now given an untimed opportunity to  
speak. The reason that language was placed within the personal  
privilege, parliamentary procedures is the baseline. Your rules can,  
can modify that. You know, you just can't be unconstitutional. I will  
state that, that if you were to adopt this rule, you would be allowing  
debate beyond the three five-minute opportunities on the subject of  
the bill. I think that presents some problems for how we operate up on  
the floor.

**ERDMAN:** Thank you. Any questions? Seeing none, thank you. Thank you  
for that. Anyone else in the neutral position? OK, we're going to move

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

to rules 26, 27, 28. And it has to do with redistricting. And I have, I have a rule to introduce so I'm going to turn it over to our able Vice Chairman-- Viceperson Senator DeBoer. Thank you.

**DeBOER:** Senator Erdman, you are welcome to open on your rule change proposal.

**ERDMAN:** Well, thank you so much. I'm glad to be here. I'll make this very simple and quick. The, the issue that I have when I read through the Rulebook is those things that we currently do that are not listed there, some of them we do that, that aren't listed. So this issue has to do with redistricting and there will be two, two senators following me with opinions on redistricting as well. What the rule is, I'll just read it to you so it's-- it goes into context so you'll see. The committee shall-- this is the Redistricting Committee shall be comprised of nine members of the Legislature, three from each congressional district existing on January 1 of each year ending in zero. The Executive Board shall appoint the members of the committee in January of each year ending in one-- and this is the stricken line, this is the stricken language-- no more than five members appointed to the committee shall be affiliated with the same political party. So we are nonpartisan. And so in the spirit of "nonpartisanism," I have included the new language. It says members of this committee shall be appointed by point-- the members appointed shall be three from each congressional district. Instead of by party affiliation, it's each congressional district has three members. It's a nine-person board, nine-senator board. And so that is my solution to actually have the rules read, as our nonpartisan friends tell us that we're nonpartisan. So if there's any questions, I would try to answer those.

**DeBOER:** Are there any questions for the introducer? I do not see any.

**ERDMAN:** Madam Vice Chair, I'll let you do the--

**DeBOER:** Yes.

**ERDMAN:** --the next two.

**DeBOER:** We'll invite now Senator Conrad. Senator Conrad will be speaking to rule 27, rule proposal 27.

**CONRAD:** Thank you, Vice Chair DeBoer, members of the committee. My name is Danielle Conrad. It's D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d. I'm here today on behalf of the Fightin' 46th Legislative District of north Lincoln. I wanted to put forward this measure as a placeholder and would be happy to work with the committee if they decided to

advance this measure on additional amendments or delineations if appropriate. But both through rule and through statute and through legislative bill and resolution, in addition to, of course, the constitutional and statutory framework that already governs our redistricting process and Supreme Court case law on the state and, and federal level as well. There's, there's a complex legal kind of regulatory structure that governs redistricting and one aspect of that is included in our rules, both in the selection of committee members and how we go about our business. The legislative resolution that kind of lays out the parameters or considerations for redistricting, for most of the last many decades, has included a provision that redistricting should be conducted in a nonpartisan manner. That has been relatively noncontroversial in terms of the adoption of that resolution generally. Now, I think what we have seen is, unfortunately, in terms of both process and result, we've seen an increasing amount of partisanship, particularly in redistricting. And when you talk to Nebraskans and you look at some of the polling that's out there, Nebraskans want us to focus on maintaining our nonpartisan traditions and nonpartisan results. Again, we voluntarily ran to serve in a nonpartisan office. We took an oath to honor our constitution, which demands nonpartisanship. And we-- when we take up redistricting, it-- we, we should honor that as well. We should look at the data, we should look at the existing districts, and we should update according to the census parameters. We shouldn't be playing partisanship and partisan games with redistricting. And I think I wanted to bring this forward at this moment because I know redistricting was rocky in the last go-around, as it typically is, and is fresh in the minds of many of our returning senators. And there was some agreement by senators who were involved in that process that we should have a better process moving forward. So whether that's through rules or through legislation, we have a little time before the next redistricting go-around to improve our processes to make it work a little bit better. So I, I put this forward quickly as a placeholder to either start or continue that conversation and figure out how that-- we, we can have a better process and a better result in the next round of redistricting. So thank you so much.

**DeBOER:** Are there questions for the introducer? I do have one.

**CONRAD:** Yes, please.

**DeBOER:** This language seems sort of aspirational to me. Is there any way-- do you have an enforcement mechanism in mind? I mean, I don't know how you would enforce someone not to be partisan.



**CONRAD:** Right. I, I think yes and no, I guess-- perhaps would be the answer there, Senator. So I, I think it's-- well, I'm going to say no, actually, now that I had a chance to think about it a little bit so I amend that previous statement. I don't think it's just aspirational. And I think that when you look again at the parameters that the body has adopted to govern redistricting, it includes nonpartisanship. So I think perhaps the question would be more so around standing in terms of who has the right to bring that forward and test what that really means, perhaps an aggrieved taxpayer, perhaps somebody aggrieved by the, by the outcome of redistricting, a candidate or an elected official. I mean, that remains to be seen who would have standing. But that provision has been a part of our law and our process on redistricting that does have the force of law. So whether or not some taxpayer would have the ability to, you know, challenge abuse of our rules prob-- it remains to be seen. The Supreme Court gives great deference to the Legislature to set their own rules, right? So I'd need to tease that out and think about it a little bit more. But whether we do it by rule, resolution or legislative bill, very-- in very recent history, we've made strides. Senator Murante and Senator Morell-- Mello came together across the aisle and figured out a better way to do redistricting. It was later vetoed by Governor Ricketts, but there is common ground to be found on even the toughest political issues that are out there. And we should really examine all tools in our rules and our legislation and our processes to try and update and improve our, our redistricting process. So let me think about-- I'm on-- and I want some CLEs for that, Senator DeBoer. But let me think about enforceability and standing and, and I'd be happy to get back to you.

**DeBOER:** If only I could grant those CLEs. Are there any other questions for the introducer? Thank you, Senator Conrad.

**CONRAD:** Thanks so much.

**DeBOER:** And then we have Senator Hunt, rule change proposal number 28. I think this marks-- this is the halfway mark, folks. Everybody watching there in the audience, this is the halfway mark.

**HUNT:** Thank you, Vice Chair DeBoer. For the record, we might be past halfway because I think a lot of testifiers have left, so we might--

**DeBOER:** The number of proposals.

**HUNT:** That is, that is right. So this is a rule change that was introduced in 2017, which is based on the bill that was passed by

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Rules Committee January 12, 2023

Senators Mello and Murante in 2015, which was ultimately vetoed by the Governor. And Senator Conrad spoke about that already a little bit. This rule would create an Independent Redistricting Citizen's Advisory Commission to assist in the process of redistricting every ten years. The original bill that this rule is based on is the result of a year's worth of research into how to effectively draw Nebraska's districts. It had bipartisan support at the time. It's been introduced as a rule a couple of times. And this commission would be established each redistricting year. Each of the three legislative caucuses would appoint three people to serve on the commission, with no more than two people with the same political party from each caucus. To be eligible to serve on the commission, a person from Nebraska-- they would have to be a Nebraska resident and a registered voter who had not changed their political affiliation in the past year. Residents registered as lobbyists within the past 12 months, public officials, candidates for office and those holding a political party office would also not be eligible. I was here when we went through the redistricting process. Senator Conrad was here when we went through it before and it was an ugly and rancorous process. I'm concerned on every step of the way at what we can do to better preserve and nurture and grow the nonpartisan, fellow-feeling productive environment that we can have in this Legislature that we've seen in the past, that I do feel is slipping away quite a bit in the past several years. And I think that modifying the way we do redistricting in the future is one way that we can do that. This may also be sort of an ambitious or aspirational type of idea, but the rule has been introduced before and it's based on legislation that was vetted through the committee process, that was supported in a bipartisan way, and that passed but was ultimately vetoed. So the language is good, the language is solid. It's a solid idea that was already vetted in the past and I do think it merits serious consideration from this committee. Thank you.

**DeBOER:** Any questions for this introducer? Thank you, Senator Hunt.

**HUNT:** Thank you, Vice Chair.

**DeBOER:** We will now take proponent testimony for any of these three proposals, proponent testimony.

**SHERI ST. CLAIR:** I am Sheri St. Clair, S-h-e-r-i S-t. C-l-a-i-r. I'm with the League of Women Voters and with the-- if it's OK with the committee, I'm going to address all three proposals and hopefully all three at once in interest of time, unless there are objections. OK. I didn't resubmit my written things. You have them already. They're the document you received earlier this afternoon or probably seems like

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

yesterday by now, but the numbering in that document is the old numbering rather than what we're using now. So my first comment is old rule 17, now number 26. The league is opposed to the elimination of consideration of party affiliation in this process. It looks like an effort to reduce partisanship, but I think it actually does the opposite. Current rules say no more than five members can be from the same party, but the voter makeup of the state, as provided by the Secretary of State's office in December, is roughly 48 percent Republican, almost 28 percent Democrat, 21 percent nonpartisan, 1 percent and a half Libertarian, and 0.3 percent Legal Marijuana Now. So these current guidelines related to party affiliation in the redistricting process ensures the committee needs to represent people from all political backgrounds. And so we-- the league opposes this change. So similarly, we support the new number 27, the old number 49, redistricting without partisanship. It reads similar to rule 17 to remove party affiliation, but it kind of has the opposite effect when you look at the numbers, the voter registration numbers. Political party can't be ignored in redistricting because you don't want to have the majority completely exclude meaningful involvement of minority. So political party cannot be the sole guiding principle because that-- then you have the same outcome as if everybody is from the same party. That's not good either. We are supportive of now rule 28-- was 38-- creating new guidelines for redistricting. We support the nonpartisan, nonpartisable-- it's getting late-- nonpartisan equitable redistricting process reflective in many of the details that are in this proposal. The role of nonpartisan citizen involvement is imperative. Redistricting has historically been written in the rules, so we support these changes but actually would like to see this codified into state law through legislation. We know that eight states have already adopted independent redistricting commissions and it's in those states that they have had the least amount of issues legally following redistricting, certainly from this last 2020 Census, 2021 process. So--

**DeBOER:** Thank you very much. Are there--

**SHERI ST. CLAIR:** --with that--

**DeBOER:** --any questions for this testifier? Seeing none, thank you. Next testifier in the proponent position.

**GAVIN GEIS:** I'm doing it on all three, is that OK? It's in opposition.

**DeBOER:** Yeah.

**GAVIN GEIS:** Thank you.

**DeBOER:** Yeah, we are doing these sort of as joint hearings. So we expect that you're testifying on all three. You can give your position about all three. You can designate within which portions you like or don't like.

**GAVIN GEIS:** Thank you. Thank you. Hello, members of the committee. My name is, again, Gavin Geis. That's spelled G-a-v-i-n G-e-i-s and I'm the executive director for Common Cause Nebraska. I will begin testimony with a rule change number 26. We stand in opposition to that rule only because it does nothing to actually address the problems inherent in our current redistricting system. There are certainly issues that can be addressed, as rules 27 and 28 attempt to do. Rule 26 does nothing to actually fix those problems and so we oppose it merely on the fact that there are better options to improve our system. Both rules 27 and 28 we do-- we believe are improvements on the system, although we would ideally see the redistricting process move to something citizen led, rule 29 focuses on. Common Cause has been involved in the redistricting process for the past 20 years-- actually, 30 years. We've watched the last three cycles. And throughout that time, we have advocated for a nonpartisan process, a publicly engaged and accessible process, and one that puts communities at the forefront. Redistricting, honestly, has done best when people of Nebraska are put at the front of that and putting people actually in the lead rather than senators is the ideal. As Ms. St. Clair noted, the states that use citizen-led commissions have the best results, the best outcomes, the less loss-- the least lawsuits. Overall, it works better for the people of the state. And as we saw during the 2021 redistricting cycle, state senators are well aware of the political and electoral outcomes of the redistricting process. It is no surprise. It is no surprise to anyone in this audience, in Nebraska. That is bias that is inherent that none of you can avoid, but that bias should not take part of this process. Redistricting should not be influenced by the outcome of an election for any sitting senator. And so the best way to go about that is to put the people of Nebraska at the forefront of drawing these maps, of starting the task of talking with the communities that are impacted, of working to draw the initial maps. At the very least, we need the people of the state to be guiding this process rather than senators who have bias they can't avoid. So I would leave with that. Thank you.

**DeBOER:** Thank you very much. Any questions for this testifier? Seeing none, thank you very much.

**GAVIN GEIS:** Thank you.

**DeBOER:** Let's have the next proponent testifier.

**CASSANDRA GRIFFIN:** Sorry. Hi there, members of the committee. My name is Cassandra Griffin, C-a-s-s-a-n-d-r-a G-r-i-f-f-i-n, and I'm the associate data director at the Nebraska Civic Engagement Table. I'm here in-- to testify in support of rule change 38, now 28, to establish new redistricting rules and amend Rule 3, Section 6. At the Nebraska Civic Engagement Table, our focus is to ensure that all Nebraskans are represented and able to participate in our democracy. This proposal will help ensure we do exactly that in establishing an independent redistricting committee and ensuring our elections are free and fair. That's an essential cornerstone of building trust in our democracy, something we really feel we should be prioritizing as much as possible in the moment that we are in. When partisanship dilutes the will of the people and breaks up neighborhoods, cities and towns into nonsensical boundaries not designed to represent the will of the people but a predetermined result, we all lose. Every Nebraskan deserves to have their voice heard and their vote counted, and our district line should be nonpartisan and fair. We believe that an independent commission would best accomplish that. In 2021, as noted before, we had a really contentious redistricting process. The hope is that during redistricting, you have a census result and make fair and equitable maps that prioritize keeping communities of interest together and low deviation between districts. One of our members, League of Women Voters who testified before, made a great map that was a great example of that, with low deviation at or below 1 percent. But the final map we saw had deviation as high as 4.9 percent, which measures a difference of over 1,000 people from district to district. Our hope in the future is that we see more fair and equitable maps. And the last map that we saw also saw congressional districts that split District 2 in an interesting way, Congressional District 2. Douglas County, rather than being in a district with its suburbs, and Sarpy County, as has been has-- as has been done historically, was drawn with Saunders County. To the general public, the current maps appear not to be evidence of a independent process, but a deeply partisan one. And this body, we believe, should be dedicated to preserve the nonpartisan legacy of putting people's voices first as the second house of the Legislature. So the Nebraska Civic Engagement Table will continue to work to ensure that the voice of the people will continue to triumph over partisanship. And we look forward to supporting your efforts to do the same. Thank you so much.

**DeBOER:** Thank you. Questions for this testifier?

**HANSEN:** I got one question real quick.

**CASSANDRA GRIFFIN:** Yeah.

**DeBOER:** Senator Hansen.

**HANSEN:** Thank you. Now, when you say a more fair and equitable map--

**CASSANDRA GRIFFIN:** Yeah.

**HANSEN:** --what do you mean by that?

**CASSANDRA GRIFFIN:** A more fair and equitable map is one that keeps communities of interest together, keeps deviation low between districts, is in a way that makes sense to a lot of community members. And when-- the simple fact is that when we have state legislatures drawing these districts as people who are elected by these districts, it can't be as independent of a process as going through an independent commission that doesn't have those kind of stakes involved.

**HANSEN:** You talking about partisanship?

**CASSANDRA GRIFFIN:** I'm talking about partisanship. I'm talking about even just making reelection as easy as possible. It can-- gerrymandering can have a number of different influences, which is why we really believe it's best left to an independent commission.

**HANSEN:** OK. OK, thank you.

**CASSANDRA GRIFFIN:** Awesome. Any other questions?

**DeBOER:** Other questions? Thank you very much--

**CASSANDRA GRIFFIN:** Thank you.

**DeBOER:** --for your testimony. Any other proponent testimony?

**NICK GRANDGENETT:** Good evening. My name is Nick Grandgenett. That's spelled N-i-c-k G-r-a-n-d-g-e-n-e-t-t. I'm with Nebraska Appleseed. So Appleseed is a nonprofit, nonpartisan organization dedicated to justice and opportunity for all Nebraskans. So we're testifying in support of proposed rules 27 and 28, in opposition to proposed rule number 26. So specifically on rule number 26, you know, as Nebraskans, we all live in a representative democracy. Our state is not monolithic. We, as a community of people, have diverse identities, backgrounds, thoughts and beliefs. The diversity strengthens each of

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Rules Committee January 12, 2023

us individually and us-- all of us together collectively as a state. These characteristics inform not just decisions we make in our daily lives, but also how we express ourselves politically in the state's-- in our state's representative democracy. So at the core of our representative democracy is the redistricting process, obviously. The consequences of redistricting are enormous. It influences not only who represents us, but it also influences and determines who chooses who represents us. At their best, elections, lawmaking and governing should be a contest of ideas, accompanied by the arguments that persuade Nebraskans. Rule 26 creates the possibility that in the future, a single party can control the entire Redistricting Committee and we find that to be problematic. So with that, we just ask the committee to reject proposed rule number 26 and then also to adopt rules 27 and 28. Thank you.

**DeBOER:** Thank you very much. Any questions? I don't see any today.

**NICK GRANDGENETT:** Thank you.

**DeBOER:** Thank you. Next proponent. First opponent. Welcome again, Mr. Leach.

**NATHAN LEACH:** Madam Chair, Members of the Rules Committee, my name is Nathan Leach. That's an N-a-t-h-a-n L-e-a-c-h. I am speaking in opposition on only to proposed rules change 26, offered by Senator Erdman, and speak on behalf of Nonpartisan Nebraska, a nonprofit organization dedicated to preserving the nonpartisan structure of the Nebraska Legislature. This proposed change eliminates the requirement that the Legislature's Redistricting Committee have no more than five members affiliated with the same political party, and provides that the redistricting committee consist of three members from each congressional district. Adopting this rules change will open the door to future Legislatures appointing only members of one political party to the Legislature's Redistricting Committee. Which may be of great benefit to whichever party is in the majority at the turn of the decade, but would be a serious disservice to the people of Nebraska. It is no secret that partisan politicians across the country from both parties have taken advantage of their ability to draw political districts in such a way as to unfairly advantage themselves and in some cases cement their majority in legislatures, congressional delegations and other political institutions. But when politicians draw districts in favor of themselves and/or their political parties, they disrespect the very institutions they aim to serve and serve-- subvert the principles of representative democracy. Nonpartisan Nebraska strongly urges the committee to reject this blatant partisan

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

power grab and instead explore ways to remove partisanship from the legislative process, not embolden it as this rule clearly aims to do. I would be happy to answer any questions.

**DeBOER:** Any questions for this testifier? I don't see any. Thank you very much. Next opponent testifier. Opponents? Next, we'll go to neutral testimony. Is there anyone here in the neutral capacity? Seeing none, that ends our hearings on proposed rule changes 26, 27 and 28. And we will now shift to proposed rule change number 29 and Mr. John Cavanaugh, Senator John Cavanaugh.

**J. CAVANAUGH:** Thank you, Vice Chair DeBoer, and thank you, members of the Rules Committee. I really appreciate your attention. After-- I've been watching on the TV in my office. This has been a very long and interesting conversation. So I proposed rule change number 29, which is a change to the priority bill deadline. Currently in the rules, all that it says is that you have to designate your priority bill in the 90-day session by the 60th day or in the 30-- in the 60-day session, by the 30th day. I'm sorry, the 90th-- the 90-day session by the 45th day and the 30-day-- the 60-day session by the 30th day. And what it does is it allows the Speaker to set any date before that as the deadline. And so what I'm saying is not trying to change-- move back that timeline, just trying to establish that we have a clear time by which individuals can set that. So hypothetically, in a session like this, not that the Speaker Arch would do this, but a Speaker could come into the session and say the priority bill designation deadline is Day 10. So before any bills have had any hearings, before any bills have-- really right when all the bills have all been introduced, a Speaker could require that we establish which bill we're going to have as our priority. So all I'm saying is, let's just say we've already established that that's the outlier, the maximum time at which a designation could be made. I'm just saying, let's put that as the deadline and have a firm deadline. I think that, that certainty will help everyone, clarity. And that, I think, ability to know what you're going into is helpful for all senators. So we won't have any kind of question. The Speaker won't have to make that kind of determination. It won't potentially be used as some sort of, you know, weapon or cudgel against people in conflicted situations. I know again, Speaker Arch wouldn't do that, but we're not talking about making rules just for this session. We're talking about the rules for every session going forward. And so just in the interest of clarity, just saying that the priority designation would be the 45th day in the 90th session [SIC] and 30th day in the 60th session [SIC], so. Any questions?



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**ERDMAN:** Senator Hansen.

**HANSEN:** Thank you, Chairman.

**ERDMAN:** You're welcome.

**HANSEN:** Senator John Cavanaugh, don't put it past Speaker Arch to wield a cudgel because I've been in HHS with him before and he can. Why-- so I'm assuming the 45th day just because it's halfway through the 90. That's why you picked that date?

**J. CAVANAUGH:** I didn't pick that date. That's currently the date. So in the rules right now, it is-- the priority--

**HANSEN:** prior to the 45th.

**J. CAVANAUGH:** --designation deadline cannot be any day after the 45th day, but it could be any day prior to.

**HANSEN:** OK.

**J. CAVANAUGH:** And so I'm just saying, let's just make it the 45th day. I know last session, Speaker Hilgers set it somewhere very close to that, but not right at 45th day. It was something like the 40th day or something like that.

**HANSEN:** OK. You're right, I apologize.

**J. CAVANAUGH:** No--

**HANSEN:** That makes sense.

**J. CAVANAUGH:** --that's why I'm here to answer questions.

**ERDMAN:** Senator, Senator Arch.

**ARCH:** So I, I've got a question here. So you're saying strike prior to, right? So you're saying, like, on the 45th day, all of these priority bills have to come in?

**J. CAVANAUGH:** They all have to be designated by the 45th day. So you can designate at any time you want before that.

**ARCH:** So, so the challenge, I think, is, of course, scheduling. And, and-- because we, we do, I mean, generally agree that the priority bills are the ones that-- I mean, that should-- those are the ones that we want to hear. We got about 120 or I don't know exact-- the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

exact number, but, but at any rate, so if they-- if you wait until-- you can't do it prior to the 45th is what you're saying.

**J. CAVANAUGH:** I'm saying that the Speaker couldn't, the Speaker could not require individuals to make their designation before the 45th day.

**ARCH:** Oh, I see.

**J. CAVANAUGH:** So any designation. So if I wanted to wait until the 45th day to designate my priority bill, that would be honored as a priority. Under the current rules, you could, Mr. Speaker, could say the 25th day is the deadline and that any--

**ARCH:** I see.

**J. CAVANAUGH:** --any bill that's not designated by then would not be honored as a priority.

**ARCH:** I get it. All right.

**ERDMAN:** Senator Cavanaugh, one of your amendments only gives you five days, right?

**J. CAVANAUGH:** Five days for what? I'm sorry.

**ERDMAN:** To intro-- one amendment you have, rule 30, it says this: the designation deadline shall be after the 40th day-- legislative day and prior to the 45th day. So that's, that's five days.

**J. CAVANAUGH:** Well, I can speak to-- that was my next amendment, if you want me to just--

**ERDMAN:** Yeah.

**J. CAVANAUGH:** --to speak to that as well. So that one, I'm just trying to give options to the committee here. That one just gives the Speaker a window of five days in which they could set the limit. So anybody could prioritize their bill before that, again, like normal. But the Speaker would have-- be able to say, I'm going to set the deadline at the 40th day or the 41st day or the 42nd day up to the 45th. So it just narrows the window, window from the entirety of the first half of the session down to those five days for the deadline. Anybody could still prioritize before that, just not after that.

**ERDMAN:** Yeah, so I should have been a little more clear on that. We're doing those two bills at the same time you're here. So you're, you're

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

not saying that you only have five days. You're saying he could designate it, but you could do it before the 40th day?

**J. CAVANAUGH:** Right. That-- I'm limiting the Speaker's window that he can set the deadline in to five days.

**ARCH:** So you could do it on the 40th. You could do it on the 41st, 42nd--

**J. CAVANAUGH:** Correct.

**ARCH:** --but no-- yeah, no, no--

**J. CAVANAUGH:** So--

**ARCH:** --earlier than the 40th and no later than the 45th.

**J. CAVANAUGH:** Exactly. So it just-- it would--

**ARCH:** OK.

**J. CAVANAUGH:** The whole purpose of that-- and I can speak a little bit since I didn't address that one. That, that is just, again, to give certainty but still allow that amount of flexibility to the Speaker. To not take away all the power, but to give the leg-- the senators, the legislators a, a certain date by which it can't be before. So if you want to make sure that you're going to be ready to go, you've got your bill ready, you know what you can prioritize by the 40th day. So just trying to narrow that window and create that certainty.

**ERDMAN:** Thank you. Any other questions? Hearing none, thank you.

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

**ERDMAN:** Any, any proponents that would like to speak to the rule change on designation of priorities? Now would be a good time. Any, anybody in opposition? How about neutral? [INAUDIBLE]. OK. All right. That concludes on those. What we're going to do now, we're going to take a 15-minute recess. We will start again at, well, 6:45 is a little late. Make it quarter to 7:00. Thank you. We'll be back at a quarter to 7:00.

[RECESS]

**Unidentified:** So I tried.

**Speaker 1:** To pull.

**Speaker 2:** The trigger.

**Speaker 3:** In there and I said, Wait.

**Unidentified:** Prime Minister. Right. OK. Just.

**Speaker 3:** Just to come up to. Three.

**Unidentified:** I feel like I.

**Speaker 3:** Was really here after.

**Speaker 4:** My.

**Speaker 5:** My. As high as three.

**Speaker 6:** I gave it extra candy if.

**Speaker 3:** That's what happened. So this is what I told you.

**Unidentified:** What we have so far. Yeah.

**Speaker 3:** OK.

**Unidentified:** What do we got for. OK. I joke. That's why I voted for you. One.

**Speaker 1:** He's right.

**Speaker 6:** Fielder.

**Speaker 3:** Wait for it.

**Speaker 6:** I can't whistle.

**ERDMAN:** OK, thanks for coming back. We're short one, but he will be here, I'm sure.

**DeBOER:** Two.

**ERDMAN:** Maybe two. OK. All right, we're down to rule 31.

**DeBOER:** We have to get Hunt here.

**ERDMAN:** And that's Senator Hunt. Is she here?

**DeBOER:** She does not appear to be. Let's give her a-- can you guys call her office?

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Rules Committee January 12, 2023

**ERDMAN:** Is Senator Conrad here? We can do her.

**DeBOER:** It's not-- probably calling her office now.

**ERDMAN:** Who's here?

**DeBOER:** We're just missing our

**ERDMAN:** kids. We just don't know.

**DeBOER:** That's fine. We're just

**ERDMAN:** wondering if we could go some.

\_\_\_\_\_ : No, we don't have anything of that.

\_\_\_\_\_ : But we are very.

**Speaker 7:** Very lucky.

**Speaker 2:** Six sailors and counting have.

**Speaker 5:** 3799.

**Speaker 6:** I mean, I mean, it's never there.

I mean, it's actually broken. A land speed record for fastest. Bird killed. By a human being.

Goodness.

**ERDMAN:** Senator Hunt, you are up.

**HUNT:** Great.

**DeBOER:** Did you say meat?

**HUNT:** Great.

**DeBOER:** Great. I thought she said meat.

**HUNT:** Great.

**ERDMAN:** We're going to do a Senator Hunt's 31 on the agenda. It's Rule 3, Section 2(b): votes required to place a member on a committee. Senator Hunt, the floor is yours.

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Rules Committee January 12, 2023

**HUNT:** Thank you, Senator Erdman. I'm Megan Hunt, M-e-g-a-n H-u-n-t, and I represent District 8. This rule that regards votes required to place a member on the committee, this also codifies some of our long-held institutional norms around selecting caucus members. This rule would also provide that the four members representing each caucus in Committee on Committees would have the authority to assign their caucus members' committees with three votes needed. So, you know, in our caucuses, each, each caucus puts four people in Committee on Committees. This just codifies that a majority of the members of that caucus can decide who goes on the committees. It also codifies our institutional norm that the committee shall consider seniority, incumbency and personal preferences. As several of us spoke about on the floor earlier this week, this year's Committee on Committee's process was the perfect example of why we need to enshrine some rules and expectations, lest they be forgotten or ignored. I think it's fair that each caucus' Committee on Committee representatives have the authority to set assignments for their own caucus rather than allowing it to go to a vote of the entire committee, for example. And this will prevent the Legislature from turning into a kind of a free-for-all with dealmaking and subversion of tradition and gamesmanship and giving favors to friends. And it also says that if any of us wants to keep our incumbent status on a committee that we're already sitting on, that that codifies that in the rules as well. More norm codifying, basically.

**ERDMAN:** Any questions? So, Senator Hunt, let me ask you, if-- let's use, for example, the Education Committee.

**HUNT:** Um-hum.

**ERDMAN:** We went from caucus 1 as the chairman to caucus 3, which then changed the number of people from caucus 2 that will be on the committee from 3 to 2.

**HUNT:** Um-hum.

**ERDMAN:** And one of the people who had been sitting on Education lost their seat, not because we removed them, but because that district, that caucus district only had two seats instead of three. How do you deal with that when you use those rules?

**HUNT:** Well, as we talked about for over 8 hours on the floor, you know, if we followed the norms, the person on the committee who had incumbency would have been given priority. And what the, what the proposed rule change says, the wording is: The committee shall give

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Rules Committee January 12, 2023

consideration to seniority and personal preference in their considerations. No member may be removed from a committee they served upon in their immediate prior session without that member's permission. And so, you know, we're talking about Senator Jen Day, she did give permission to be removed from that committee. She knew that that was coming and she had kind of come to terms with that and said, OK, it's fine. I know that this is what's going to happen. So under this rule, it still would have given room for that situation to have ended up the way it did this time. You know, if, if a senator is OK getting moved off a committee, it allows that to happen. It also says that members have to give consideration to seniority and personal preference. It doesn't say, you know, "must" or that you have to do it. It just sort of codifies what is typically the norm, perhaps could avoid some arguments like we had this year about what the norm is.

**ERDMAN:** All right, thank you. Any other questions? Seeing none, thank you.

**HUNT:** Thank you.

**ERDMAN:** OK. We'll move to Senator Conrad, rule 32, which is dealing with Rule 3, Section 2(b), announcement of Committee on Committees meeting two hours in advance.

**CONRAD:** Yes. Thank you so much, Senator Erdman. Danielle Conrad, D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d, representing north Lincoln's 46th Legislative District. I also brought a committee amendment to the committee for your consideration in regards to this proposal. Thank you. Our hardworking pages are still here late into the night with us. Appreciate that. But I really was working to try and get forward a placeholder in regards to some of the issues in process that we discovered in this year's committee assignment and selection and caucus processes. So I've worked with the Clerk's Office and my office to try and put a little bit more detail into that placeholder rule, and would suggest that you take a look at the proposed amendments, the proposed rule change that I brought forward thus far. I think to echo some of-- some of Senator Hunt's comments, we have in our existing rules a requirement that if there is not a controlling rule on point, that we default to custom, precedent and tradition. I think there is a great deal of disagreement about whether or not we were doing that in our caucus and committee assignment processes. Some of that might be part of the political nature of our work, some of it might be a product of term limits. And it might be the simple fact that we don't have members serving as long who maybe are as deeply rooted in those customs, precedents and traditions. I know when I entered the body, a

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Rules Committee January 12, 2023

lot of this actually wasn't particularly contentious the last go around. It was a more orderly process that set clear expectations for everybody involved and helped to diminish the rancor and helped us get a stronger start together as we ordered our business. So if we're going to lose some of that institutional knowledge in deference to the will of the voters in adopting term limits, perhaps we need to provide more detail in our rules to set order amid chaos and to provide clear expectations for all stakeholders. So I'd encourage you to take a look at the proposed rules amendment and then the amendment thereto that I'm bringing to the committee today, which really just sets forward kind of more clarity about ensuring caucus meetings happen in the public, that there is an agenda provided, that the committee votes are recorded, how we take into account consideration and selection for those key members of key committees and then for committee assignments as well. And they're really just good governance things: transparency, clarity, notice and opportunity to be heard. Those, those are really the nuts and bolts of good governance and that's what's reflected in past practice and in the committee amendment before you. Thank you.

**ERDMAN:** Any questions? Senator Conrad, in your, your proposed amendment that you handed to us--

**CONRAD:** The amendment to the amendment, I guess. Yes.

**ERDMAN:** --it, it goes on to say that the caucuses will be open to the public and the press.

**CONRAD:** Um-hum.

**ERDMAN:** OK. And--

**CONRAD:** Just like our executive sessions are.

**ERDMAN:** --it makes, it makes significant changes to the rest of that. So that's quite a bit different than what you had submitted earlier. Was this the one that you wanted to bring in Monday and you said, I'll just bring it into the Rules?

**CONRAD:** Yes. Yes, that's right, Senator. We-- I-- it was a little murky in terms of the process. And I know everybody was working quickly, but there was, I think, some wiggle room to bring in additional proposals on Monday. And instead of putting forward a new proposal, we just decided to bring it forward as a committee amendment.

**ERDMAN:** OK. I understand. Any questions?



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**CONRAD:** Thank you so much.

**HANSEN:** I got one.

**ERDMAN:** Yes, Senator Hansen.

**HANSEN:** Thank you, by the way. Sorry.

**CONRAD:** Good to see you. Hi.

**HANSEN:** And in your amendment--

**CONRAD:** Uh-huh.

**HANSEN:** --in the third line.

**CONRAD:** Uh-huh.

**HANSEN:** Each caucus should be call-- called at the discretion of senior members. What, what would-- is a senior member almost kind of like the seniority aspect--

**CONRAD:** Yes.

**HANSEN:** --again, that we were talking about before?

**CONRAD:** That's right. I think that's historically how it's been called and conducted.

**HANSEN:** I don't know if we have-- do we have anything in statute that talks about seniority or is it right now kind of subjective?

**CONRAD:** Well, I think it is a part of our internal policies as set by the Executive Board. For example, it's utilized for floor seating assignments and for committee seating assignments. I can't tell you off the top of my head, Senator Hansen, whether or not there's a definition therein. And if there's not a definition, of course, we'd default to its common usage, which I think it's not particularly complicated or confusing in this regard.

**HANSEN:** OK.

**CONRAD:** Yeah. Yeah.

**ERDMAN:** Any other questions?

**HANSEN:** Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**CONRAD:** Thank you.

**ERDMAN:** Seeing none, thank you.

**CONRAD:** Thank you so much.

**ERDMAN:** All right. OK, any proponents to rule change 31 or 32? Any opponents to those two rule changes? Are there neutral testifiers? OK. Hearing none, we shall move on. Senator Conrad, you're up next, rules 33 on the agenda-- 33 and 34. Rule 33 deals with Section-- Rule 5, Section 8: racial impact statement on each bill. And we'll do that one first.

**CONRAD:** Thank you so much, Senator Erdman, members of the committee. My name is Danielle Conrad D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d, I'm here today on behalf of north Lincoln's 46 Legislative District. Racial justice impact statements is an issue that is not new to legislating or new to Nebraska. There have been measures put before this body in recent years, both through the rule process and the Planning Committee and through substantive legislation. You may have seen that our colleague, Senator McKinney, has already reintroduced legislation on this topic this session. And I had a chance to touch base with him very briefly at the start of the session to discuss a companion approach through our rules, because that's another opportunity that past Legislatures have looked for in addressing these issues. So it will be no surprise for new member-- or for returning members and then something you'll quickly get up to speed on as new members. But typically each piece of legislation comes with a fiscal note. So we have a chance for local entities of government, state agencies, the fiscal analysts to weigh in and kind of calculate what the price tag is, the fiscal impact is for that particular legislative bill. And that's a key piece of information that helps to ensure we have a balanced budget and make decisions about the measures before us. Very, very similar to that approach, when it comes with fiscal statements-- I'm sorry, fiscal notes, is a practice, a best practice that's been adopted by nine of our sister states, including our neighbors of Colorado and Iowa. And Iowa has had this on the books for some time in regards to legislation, I believe, surrounding educational policy and criminal justice policy, where they also prepare a racial justice impact statement so that policymakers also have quickly available and readily available credible, nonpartisan information to understand if there is a significant disparate racial impact in the legislation that is before us. Why is this important not only in terms of best practice, but it's also important because some of the systems and the big questions that we're asked to take up

continue to have significant racial disparities in Nebraska, and sometimes more pronounced than many of our sister states. So in recognizing that we each have an obligation, as Senator Arch said during his his Speaker's race, to pursue justice, we each need to fully make ourselves avail-- aware of how some of these systems and circumstances in history are impacting the decisions that we make and how we move forward together. So take, for example, the fact that in Nebraska, black students are suspended and expelled from school six times more than white students. Keep in mind that a black Nebraskan is 4.65 times more likely to be arrested for marijuana possession than his white neighbor. Keep in mind, in my home in Lancaster County, only about 4.5 percent of our population in Lancaster County identify as black, but over 30 percent in our county jail are black. These are just a few examples of some of the systemic disparities that we all have a responsibility to address. So rather through-- whether it's through rule or through legislation, there are proven, commonsense, nonpartisan, credible tools to help us get better policy to address these issues in a thoughtful manner, to ensure that we're all educated about the racial disparities that exist so that we can confront them clear-eyed and head-on and move forward together. It's not an indictment of any one person, but it's, it's, it's a fact. And we need to figure out how we can include these key considerations officially in our, in our policymaking. In years past, people-- I believe it was some policy experts at Creighton University have even offered to conduct and provide these for the Legislature at little to no cost. We have resources available in Nebraska with our institutions of higher learning and through legislative staff to get those additional pieces of information to make sure that we're making the best decision that we can that centers racial justice on key decisions. So that's a little bit of background on the measure, and I'd urge your adoption.

**ERDMAN:** Any questions? I guess I have one.

**CONRAD:** Sure.

**ERDMAN:** So we get the racial impact statement back and it is disproportionate to a certain group.

**CONRAD:** Um-hum.

**ERDMAN:** So then do we have different laws for each group? We have different laws for white people and brown people and black people? Do we do that? Is how do-- what do we do with this racial impact statement? And--

**CONRAD:** Sure. Great question.

**ERDMAN:** And then I'll ask you something else after you as well.

**CONRAD:** Sure. You know, Senator, I think that would a racial justice impact statement does is, again, it operates in a manner very similar to a fiscal note. A fiscal note doesn't provide an automatic veto to a piece of legislation. It's just one piece of information that we utilize to say, is this a good investment? How does this compare to other investments that we're making? So as a companion piece, you could say, boy, if we move forward with this measure, it might show a disparate impact or it might not. And that might be one thing, one additional helpful piece of information when deciding to vote yea or nay or make appropriate amendments or reform as the measure makes its way through the process.

**ERDMAN:** So then we would, we would make a decision based on it's got an adverse effect on this group. So we changed the law to, to make it, what, less, less invasive for those-- I'm not sure why we use a racial impact statement..

**CONRAD:** Sure. Sure we would utilize it-- I would hope that senators would utilize the information as one consideration amongst many when deciding how to cast their vote. And if we did identify through a racial justice statement that there was a significant disparity, a disparate impact that could be corrected, we should look at alternatives to try and ensure that we could correct that. Because I know that we all care about ensuring equity and equality in the application of our laws and the enforcement of our laws.

**ERDMAN:** So the next question I have is, so if there is a disproportionate share of one group in jail over another--

**CONRAD:** Um-hum.

**ERDMAN:** --would you agree that they're there because they broke the law?

**CONRAD:** Yes. And Senator, I would also agree that if you look at the data and the information, say for example, when it comes to the use of illicit drugs, that the use of illicit drugs happens across demographics, racial, socioeconomic, et cetera, generally at very similar rates. So knowing, for example, in that, in that scenario where we have people breaking the law at the same percentage across different demographics, why we have the disparity in arrested and incar-- arrests and incarceration, is it's something important for us

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

to figure out together and to address and think through together. Now, it may not move your heart and your mind when deciding how to cast your vote, but I do think it is an important piece of information that may be of value to senators in this body, as it is to our colleagues in nine other states that have this information available.

**ERDMAN:** Wouldn't it make more sense to try to figure out why one group breaks the law more than the other?

**CONRAD:** I-- Senator, again, I think if you look at the data and research, for example, that I just talked about, that that conclusion or that statement actually wouldn't be accurate. When you find, for example, that one group isn't breaking the law more than another group, but one group is being arrested and incarcerated at a higher percentage. So that's really I think that's the difference there.

**ERDMAN:** OK. Any other questions? Hearing none. OK.

**CONRAD:** Thank you so much.

**ERDMAN:** Stay there.

**CONRAD:** OK.

**ERDMAN:** Number 34 is up next.

**CONRAD:** OK, I--

**ERDMAN:** You are 34 as well.

**CONRAD:** I would also be, just because it addresses a very, very similar kind of proposal in regards to, to different aspects of the rule, I would be happy to stand on, on my intro for both in regards to racial justice statements. And I know that there's other testifiers that are, are coming today.

**ERDMAN:** OK.

**CONRAD:** Perhaps if I don't bore you with an additional opening, you might afford me the privilege to close again.

**ERDMAN:** So then--

**CONRAD:** But we can revisit that together, Senator.

**ERDMAN:** Right. So then your second rule, 34, has to deal with juveniles, I believe. Is that correct?

**CONRAD:** That's right.

**ERDMAN:** OK. Thank you.

**CONRAD:** Thank you so much. But I think that's very similar in terms of proposal.

**ERDMAN:** All right, thank you. OK. Any proponents? Thank you for sticking around.

**ANGIE PHILIPS:** Thank you for sticking around. I don't. Can I have one? I'll fill it out. I don't have one for this one.

**ERDMAN:** You can fill one out later.

**ANGIE PHILIPS:** My name is Angie Phillips, A-n-g-i-e P-h-i-l-i-p-s, I am one of the co-founders of the Nebraska Legislative Study Group, and I'm actually here today-- I think that I know for sure there's going to be some good testimony after me. And I believe that Senator Conrad gives some good testimony. And the only thing I really want to point out is that when it comes to the people of Nebraska, membership we have throughout the state, this is very important legislation for them-- or a rule for them, because they do want to make sure, especially whereas we don't have the diversity in our state Legislature that we have in our state, that we are taking into perspective the impact that this has on different races, especially when some of them might not be a part of the conversation on the floor. So and then I also wanted to bring up that previously when this had been introduced, I believe it was Senator Vargas that had proposed this rule change once before, that interest was there as well. And if you were to go back and look on the record, you would see that there was a considerable amount of emails and testimony sent in for that. And that was on a Rules Committee that's kind of more normal, where not very many people are showing up and there's maybe only like 25 rules or whatever it was. So that's really all I had to add tonight.

**ERDMAN:** Thank you. Are there any questions? Seeing none, thank you. Next proponent. Thank you for sticking around as well.

**KIMARA SNIPES:** No problem. Thank you, Chair Erdman and other members of the Rules Committee. My name is Kimara Snipes, and that is K-i-m-a-r-a S-n-i-p-e-s, and I'm director of equity and community partnerships for the Nebraska Civic Engagement Table, where we invite and encourage people from all communities to have a seat where they can participate in the decision-making processes that happen every day that affect their lives. I serve as our head of diversity, equity and

inclusion and know firsthand how important it is to apply an equitable lens to our legislative processes. I want to thank Senator Conrad for proposing this rules change that promotes a legislative process that ensures that our most vulnerable communities are not left behind. We have the Nebraska Table Understand that the proposed change would help legislators center fairness in their policymaking by having access to additional information regarding legislative impacts on the black, brown and indigenous communities. Legislation has historically impacted and harmed racial minority communities differently than white communities, especially through the criminal and juvenile justice systems. It is well established that interaction with the criminal and juvenile justice systems disproportionately harms people of color. One way this disparate impact shows up is through eligibility and ability to participate in civic life. For example, black people, indigenous people and people of color comprise 22 percent of the state population, yet make up only 8 percent of the voting population. System involvement creates barriers to civic engagement and democratic participation, including through legislation that overtly strips people of their voting rights. As an organization supporting our communities and growing their civic engagement programs, we believe in eliminating any barriers that lead to underrepresentation at the voting booth, in elected office, and at other levels of power where decisions are made. When black, brown and indigenous people are disproportionately impacted by the criminal and juvenile justice system, so is their ability to vote and otherwise exercise their right to civic participation and democratic processes. In order to adequately address any existing gaps or disparities, it is absolutely necessary to be intentional and look at policy through a race lens. As Nebraskans, we believe deeply in fairness for all people. By making the effort to study the impact of proposed legislation on--

**ERDMAN:** Your red light is on.

**KIMARA SNIPES:** --communities of color, policymakers have an opportunity to advance fairness and reduce harm. For these reasons, we ask for you to adopt this rule. Thank you.

**ERDMAN:** Thank you.

**KIMARA SNIPES:** You're welcome.

**ERDMAN:** Senator DeBoer. Hang on, got a quick question.

**DeBOER:** Thank you, Senator Erdman. Miss Snipes, are there are circumstances in which policymakers may not be aware of the impact that their legislation has on communities of color?

**KIMARA SNIPES:** Absolutely. I would say, especially in a state like Nebraska. Of course, I live in Omaha, which has large amounts of even just segregation, correct? And we're limited to the communities that we are exposed to. So I would say absolutely.

**DeBOER:** And how might a racial impact statement tease out that sort of impact?

**KIMARA SNIPES:** I know often we talk about an equity lens. For us at the Table, we'd like to take it a little bit deeper than that. I'm sorry, it's hot in here, so I'm taking off my glasses. We actually prefer to really talk about being "equity-LASIK". Because like my glasses that I just took off, you can't take equity off and on, like I did these glasses. This is something that needs to be, like we talk about equity-LASIK, permanent and all of the time. And so when we talk about being equity-LASIK, it means asking questions in this particular case about policy to make sure that we're making the right choices. If we do research and pay attention, we see that people are affected at a disproportionate rate. And so having these statements is a way to ask the questions ahead of time to again, make sure that we're making the right decisions.

**DeBOER:** Would we have the ability then, as lawmakers sort of armed with these racial impact statements, to change the impact or to modify the impact or, you know, how would we use those? What, what would be the pragmatic aspect of how we would use them?

**KIMARA SNIPES:** As someone who has been a policymaker herself, I think you use them as an opportunity to get with your constituents and have conversations. I don't think that-- you might make a vote by yourself, but essentially you're not making a decision by yourself. In my opinion, you should be talking to the people, and you have these conversations and you get the information that you need. It's unfair to think that you, Senator DeBoer, Senator DeBoer can come up with all the answers alone. So in my opinion, you as legislators, you talk to us as your constituents and the people who deserve to have a seat at the table.

**DeBOER:** OK, thank you.

**KIMARA SNIPES:** Thank you.



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Rules Committee January 12, 2023

**ERDMAN:** Any other questions? Thank you very much.

**KIMARA SNIPES:** Thank you.

**ERDMAN:** Next testifier, proponent.

**JOEY ADLER RUANE:** Good evening, Chairman Erdman and members of the Rules Committee. My name is Joey Adler Ruane, J-o-e-y A-d-l-e-r R-u-a-n-e, and I am the policy director at OpenSky Policy Institute. I'm here to testify in support of the proposed change to Rule 5, Section 8, because we believe racial impact statements would provide crucial data regarding the populations affected by proposed legislation and are thus important part of evidence-based policymaking. This is especially too with regard to fiscal policy as the way the state and local governments raise and spend revenue has major implications for racial and ethnic equity. Historically, policies in this area have often-- have too often increased racial disparities in power, income and wealth. Racial impact statements would help ensure proposed policies provide equal opportunity for all people, which in turn would help promote economic prosperity throughout the state. Several policy areas in particular would benefit from disaggregated data. Changes in the tax code, especially those that impact income groups differently, can significantly impact ethnic and racial disparities. This is the case in the inheritance tax, and the Earned Income Tax Credit as both, as both have an outsized effect on the particular racial or ethnic groups. As with raising money, how we spend money also has impacts by race and ethnicity. Other states have found that communities of color are more likely to be uninsured, live in counties with less access to high-quality clinical care, attend school in aging buildings, and are less likely to own a car. And it's important to understand how Nebraska's investments in these areas are impacting various communities. As nine other states, including a few neighbors, have concluded that this disaggregation of data enables better transparency and allows for evidence-based solutions to the socioeconomic problems our society faces. With the increasing availability of disaggregated data, the policy process will be improved when senators are able to evaluate the racial impact of proposed legislation. We urge the committee to advance this proposed rule change. And I'd be happy to answer any questions you may have.

**ERDMAN:** Are there questions? Seeing none, thank you very much.

**JOEY ADLER RUANE:** Thank you.

**ERDMAN:** Welcome back.

**SPIKE EICKHOLT:** Thank you. Good evening, Chair Erdman and members of the committee, my name is Spike Eickholt. And if it's OK, I'd like to testify for two of my clients, if I could. I'm sure you'd accommodate. I'm here for the ACLU of Nebraska and for Voices for Children in support of the proposed rule change from Senator Conrad. We want to thank her for introducing it. I think the committee has an idea at least of what this concept is, and that is, it would suggest to modify the rules to prepare racial impact statements or certain pieces of legislation. Senator Conrad already explained that we can see a clear disparate impact based on race in our criminal justice system, our juvenile justice system, and our child welfare system. I'm handing out-- I'm having being handed out a minority impact statement from Iowa. That's what Iowa calls their racial justice or racial impact statement, call them a minority impact statement. And what Senator Conrad explained is similar to what Iowa does. The first two pages that you have in the handout is what Iowa calls the fiscal note. And the second two pages after the first two pages, the two pages that are not numbered, is the referenced minority impact statement. And I just got online this morning early and just printed this off. And this is just a bill that Iowa, the Iowa legislature considered related to obscene materials and whether this crime would have any kind of disparate impact based on race. The conclusion was it would not. So the legislature at least considered that. And I can give an example if somebody asks a question. But to answer Senator Erdman's very good questions, the idea is not necessarily to shame or call people who propose certain bills that might have a racial disparate impact racist. That's not productive. Because you are right, we don't have laws that say: the following law applies to black people only or the following laws apply to white people only. It's more systemic than that. There can be situations where something at first glance may not necessarily appear to have a racially disparate impact, but in practice it does. And we saw that in the federal system. Senator-- or excuse me, President Trump did address that in 2018 with his First Step Act. It was done also in 2010 by the Congress, that dealt with the prosecution of people who had cocaine versus crack cocaine. The federal system said that it was against the law for you to possess or sell cocaine. If I could finish.

**ERDMAN:** Make it quick.

**SPIKE EICKHOLT:** OK, thank you. That it's against law for anyone have cocaine. And they said, how much cocaine you have depends on how much punishment you have. So people are breaking the law equally. But people who had crack cocaine had things that weighed a lot more, because the way that the federal system define what cocaine was, it

was cocaine and any substance that had detectable cocaine in it. So if somebody has a lot of money, they can buy some nice cocaine. They don't have that much raw weight, they're not going to do that much time. And that's the disparity that was addressed. And that's a neutral thing that has a disparate impact that perhaps something like this could capture at the front.

**ERDMAN:** All right. So this isn't your first rodeo.

**SPIKE EICKHOLT:** No.

**ERDMAN:** So can you spell your name?

**SPIKE EICKHOLT:** I'm sorry. Spike Eickholt, Eick-- the first name, S-p-i-k-e, last name, E-i-c-k-h-o-l-t.

**ERDMAN:** Thank you. Anyone else? Proponents.

**ANDREW FARIAS:** Howdy, you all.

**ERDMAN:** Good.

**ANDREW FARIAS:** My name is Andrew Farias, that's A-n-d-r-e-w F-a-r-i-a-s, and I'm here testifying as the policy fellow with the Asian Community and Cultural Center here in Lincoln. And I'm speaking in support of this proposed rule change to require racial impact statements for each bill. So if you all aren't familiar, the Asian Community and Cultural Center supports and empowers all refugees and immigrants through programs and services, and advances the sharing of Asian culture and other cultural heritages of our clients within the community at large. For over 30 years, our organization has served the Lincoln area by increasing the stability of immigrant and refugee Nebraskans who face economic and cultural barriers to self-sufficiency as new Americans. In 2021, we served 1,658 clients from over 32 nationalities. This includes people who have escaped persecution from their home countries, they have lost family members to genocide. These are folks who have sought better lives for themselves and their families because they have heard from other community members about how great it is to live in Nebraska. They tell their relatives and their loved ones about the good life that we have here in our state. We have staff members who work with clients to make sure they are aware of how to adapt to living in Nebraska. This can include everything from how to take the bus, to how to apply for housing, to how to interact with law enforcement. So given that the proposed rule requires a statement of the adverse racial impacts and also asks for evidence of consulting with representatives from impacted communities,

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Rules Committee January 12, 2023

I want to say that our organization is one of those connections. When these bills are being introduced that can have a potential impact on underrepresented people based on color, race or national origin, we want to make sure that our elected officials know too. For example, we have community leaders with lived experiences who know how a bill that limits translation or interpretation services could harm a specific ethnic group that has higher rates of illicit-- illiteracy, such as the Karen, an ethnic group subject to persecution and ethnic cleansing by the Burmese government. There are approximately 5,500 Karen living in Nebraska, with an additional 300 refugees from other ethnic groups in Burma. I ask that you to support the proposed rule change to require racial impact statements for each bill. Let's make it feel like home by doing research on adverse racial impact statements that could pose problems to our most vulnerable populations.

**ERDMAN:** OK, thank you. Any questions? Seeing none, thank you.

**ANDREW FARIAS:** Thank you.

**ERDMAN:** Any other proponents? OK, anybody in opposition?

**PENNY STEPHENS:** Hello, Senators, and good evening. My name is Penny Stephens, S-t-e-p-h-e-n-s, and I oppose both 33 and 34. There are more ways in our country than-- of people being oppressed than just by the color of their skin. I believe this is discriminatory. And my heart goes out to all people who are oppressed and struggling and having a very difficult time. Thomas Jefferson back in 1776, our Declaration of Independence, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator". We know this. We understand people are equal. I believe that this rule would really put a damper on other people, not just because the color of their skin. I hope I made sense there. So I oppose it, and I think education for all people to help them earn and find their way is the way to go about it. Thank you.

**ERDMAN:** Thank you. Are there any questions? Seeing none, thank you. Thank you. Any other opponents?

**JEANNE GREISEN:** Jeanne Greisen, J-e-a-n-n-e G-r-e-i-s-e-n, and I am here to oppose this for reasons that we've already stated in this hearing about we are already filled with so many bills, we can't get through them. There's too many. We can't focus on what we're already doing. And then in addition, this language is very dangerous language that we've already seen at the university system, we've seen it in the public education system. The equity diversity, all of these kinds of

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

language is being used with Critical Race Theory, is really on the verge of Marxism. And the last place that we need that is to come into this Legislature. So it's only going to make this process much worse. The thing that we need to focus on is the government. We need less government, not more government. That is how people are actually free. They're free to do what they want without the government intervening. Thank you.

**ERDMAN:** Thank you. Any questions? Seeing none, thank you. Are there other opponents? Now's a good time. State your name and spell it and continue.

**CONNIE REINKE:** Connie Reinke, C-o-n-n-i-e R-e-i-n-k-e. I again will echo the last speaker, and I would just say we do, we do want equality and to have-- to protect the citizens of the United States. But, but what, what this intends to do, I believe, separates instead of protecting individual rights, as we see in the Constitution. We've just seen Critical Race Theory, which basically is what we're talking about here, across other countries where the fist and the-- that symbol has actually divided and is destructive for those countries. And so I don't think it should be in the Legislature. I think we need to protect individual rights, everyone's individual rights. Thank you.

**ERDMAN:** Any questions? Seeing none, thank you.

**CONNIE REINKE:** OK.

**ERDMAN:** Any other opponents?

**CALVIN PEMBERTON:** Calvin Pemberton, C-a-l-v-i-n P-e-m-b-e-r-t-o-n, and I am opposed to these rule changes. Coming from Denver, Colorado, in a very minority-filled community, I can see how they feel like there's a disproportional incarceration rate, but I don't believe that. I believe people that make bad choices should be punished for those bad choices. And to assume that this legislative body would be so-- I don't want to mean this offensive, but would be too ignorant to see a bill that would be racially impactful and still vote for it, that's an insult to you guys. And I don't believe that you would do that intentionally in any way. I've gone through about 200 of the bills that are going to be voted on or at least looked at this session, and out of all of those, I personally-- I'm not, you know, a professional, but I didn't see any of those that would have a racial impact that would justify an extra step in the process to slow down and further bog down the system that you guys are already challenged with. So I am opposed to this.

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Rules Committee January 12, 2023

**ERDMAN:** OK. Any questions? Seeing none, thank you. Any other opponents? How about neutral? OK. Are you neutral, ma'am?

**JUDY KING:** Yeah.

**ERDMAN:** OK. Thanks for hanging around.

**JUDY KING:** My name is Judy King, J-u-d-y K-i-n-g, and I've been listening, watching on TV, all of these speakers over here. And I'm an activist, and I know that there's a lot of racist, fascist Republicans out in the rest of the state. And I've been dealing with them. So I know that there's a need for you to learn what, what the purpose of Senator Conrad's issue was. You need to, you need to understand why there are different people. And, and I'm sorry, but these-- I'm just so upset at these people. I mean, they're a joke. They, they are a joke. They're racist, fascist. They don't want to learn anything new, and neither do you, apparently. And CRT or whatever that is, they don't understand it and they never will if they don't stop this stuff. They're not patriots, they're just "whack-a-doodles". And I'm sorry, I'm just fed up with them. I have to deal with them all the time when I go into hearings and when I go to other school board meetings. They're just nuts and I'm nuts on the other side, so. And just a second here. There is racism and they're not patriots. Anyway, that's all I have to say. But you need, you need to listen to Senator Conrad because you need the help. And so do these people. Nuts, sorry.

**ERDMAN:** OK. Any other neutrals? Any other neutrals? Hearing none, we'll move on to rule 35. And that is Senator Hunt. And it's Rule 2, would be Section 3(i) and it deals with pets allowed in the offices. Senator Hunt, welcome back.

**HUNT:** Hi, everybody. Thanks for your stamina this evening. And thank you again to all of our friends in Nebraska who have been here tonight and been able to stick around. This is the best rule introduced this year. So what this rule says is that senators may allow animal companions to be kept in their offices. Policies regarding pets are at the discretion of each individual senator for their office. This rule change would just allow senators or staff to have a pet in the building. Some people were suggesting to me, like, maybe this could be abused. And I, I don't, I don't think that that's actually likely to happen. Maybe I have a little too much faith in people, but I don't think people would bring naughty or problematic pets because they're too much of a pain to take care of. It would be like voluntarily bringing a toddler with you to work every day. Like it's not really ideal for the work that we do here. But I have to tell you all, my

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Rules Committee January 12, 2023

office has far and away gotten the most supportive calls and emails in support of this rule change from people who watch the Legislature and from a lot of staff. I can think of many times in the last four years that I've been here where somebody had a dog in their office and it was behaving or one staffer was fostering some kittens and he brought in all the kittens one day, and it was kind of fun for a couple of days for everyone to come and hold a kitten once in a while. And I think if there was any kind of damage or, you know, people should be liable for that. And folks should be able to complain about noise or something, if that's a problem, and they can lose the privilege. But and it's also possible that most senators in creating their own policy would say no pets in the office. But there's probably a few who would say, with my permission, you know, you can bring your dog into the office. And if she lays down and she's good, then that's going to make everybody's day a little bit better. So the key is it's staying in your office and being responsible for any damage and being able to lose the privilege if there's any complaints or anything like that. But given that the rules are silent on this topic, I think it would be a good thing to clarify. Thank you.

**ERDMAN:** OK. Any questions? Senator Hansen.

**HANSEN:** I have met Senator Hunt's dog. Is it a bulldog? I forget what--

**HUNT:** Thank you so much for asking. Cricket, Miss Cricket is a french bulldog pomeranian mix. And she is a rescue, and she's a blessing to everybody.

**HANSEN:** I got to pet her dog--

**HUNT:** Yes.

**HANSEN:** --walking out of the Capitol one time. Because I have my dog goes to my office with me to work too. And I made the mistake of letting my daughter name it and then putting on Facebook to see people like it. So it's just the weirdest name ever, but just actually--

**HUNT:** OK, what's the name? You can't say that.

**HANSEN:** Miss Winifred Coco [PHONETIC].

**HUNT:** I love her.

**HANSEN:** So we call her Winnie. But more kind of like-- I don't know how it works if you've looked into it, because I think the building is

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Rules Committee January 12, 2023

a historical building. There's some federal rules, I think, with that. Or is it state rules that in order to still be classified as a historical building or I don't know. I guess I know they have to meet certain qualifications and were animals being in there, would that, that affect it? I just don't know.

**HUNT:** That's a good question. Since we worked with the Clerk's Office to draft all these rules, I feel like it's probably kosher. It's probably OK. But if that is a problem, obviously I would withdraw this rule and have it not apply but--

**HANSEN:** Just curious.

**HUNT:** Yeah, I think, I think if the policy is up to each individual senator, the animal has to stay in the office, plus just given the reality and the realistic, you know, context, which is this probably isn't going to happen a lot or be like a big issue, honestly. It's just sort of saying it's not going to be a big deal if it does happen sometimes.

**HANSEN:** Megan, one other question I just thought of, so Heaven forbid someone brings their dog and it's actually biting somebody, who is li-- who would be liable for that then? Would the state--

**HUNT:** Wouldn't the owner be liable? I don't know why the law would be different in the Capitol than it is--

**HANSEN:** Just didn't know if that--

**HUNT:** --anywhere in the world.

**HANSEN:** --needs clarification or I don't know. I don't know, maybe not. I just didn't know for sure how that works, if the-- since we're employees of the Capitol then--

**HUNT:** That's a good question.

**HANSEN:** Yeah, I mean--

**HUNT:** I think that the handler of the animal would be liable--

**HANSEN:** I would think so.

**HUNT:** --because I don't think the law changes when you're just in here, you know?

**HANSEN:** In case somebody sues, I just didn't know so. Cool.



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Rules Committee January 12, 2023

**ERDMAN:** Any other questions? OK. While you're there, let's go to rule 36, deals with Rule 2, Section 12, adding a new section. And the new, new section pertains to the doors of the office remaining open when staff are present.

**HUNT:** So this rule says that when you have a staffer in the office, you have to keep the door open. And I really just drafted this rule to be pest regarding the, the debate that we're going to have about the secret ballots. You know, whether that comes out in the regular rules package that we debate on the floor or if it becomes an amendment or, you know, we know that that's probably one of the most controversial rules proposals that we're going to be debating is Senator Halloran's secret ballot thing. And so I introduced this rule to make a point about transparency and accessibility to constituents. You know, just that where would it end? I mean, should we put-- should we have NET put a camera in every office so constituents can always see what we're doing, since they elected us and we're accountable to them? We could take this pretty far. But I drafted a rule to say you have to leave your door open when a staffer is present.

**ERDMAN:** Any questions? Do you currently do that?

**HUNT:** Well, I'm up in the tower. When we were downstairs, I was in a bowling alley, so when I wasn't in the office, we usually left it open. And when I was in the office, we usually closed it just because the way the office is designed with the room, if I am in the office, my desk faces directly out the door. So there just really wasn't even privacy to have a phone call or work on anything so.

**ERDMAN:** So if we adopt this rule, you wouldn't have been able to do that?

**HUNT:** That's correct. Well, I could keep the outside door open, but maybe not my office door or something like that.

**ERDMAN:** OK. Any other questions? Hearing none, thank you.

**HUNT:** Thank you.

**ERDMAN:** OK. Now, rule 37, Senator Machaela Cavanaugh, deals with Rule 2, Section 3 (i), firearms in the Legislature. Senator Cavanaugh, please join us.

**M. CAVANAUGH:** Good morning-- evening, Chairman and members of the Rules Committee. My name is Machaela Cavanaugh, M-a-c-h-a-e-l-a C-a-v-a-n-a-u-g-h. Really wish I had a shorter name right now. So my

rule change is to prohibit the possession of firearms and other lethal weapons by any member or any individual within legislative space in the State Capitol building and prohibit, with the following exceptions, law enforcement and capital security-- thank you so much to our law enforcement and Capitol security for being here with us this evening and all of the time-- individuals with app-- the approval of the Nebraska Capitol Commission participating in historical reenactments, honor guards and ceremonial proceedings. I will be 100 percent honest, I didn't know those things happened in this building. But my staff wanted those, that exemption in there. So I have to assume that we have some historical reenactments-- and members of the armed services of the United States, Active or Reserve, National Guard or State or Reserve Office-- Officers Training Corps when on duty. Again, thank you to all of our law enforcement and our military personnel for your service to the state and to the country. So this bill-- or this rule, sorry, this rule comes from a couple of years ago. We had several hundred people in the building to testify for and against various legislation around weapons and guns, specifically guns and gun legislation. And people were in the committee hearing room with weapons very openly, right behind, like, where I am sitting right now. And it was nothing short of terrifying for myself and for others. And I did not expect it. I did not know that that was even a thing that was allowed in the building until it happened. And I spent a lot of time since then talking to a lot of people, our former Speaker Hilgers, also when he was the Chair of the Executive Board, and former Senator Dan Hughes when he was the Chair of the Executive Board trying to figure out how this could be addressed. So currently, you cannot have concealed weapons, a concealed carry. If you have a concealed carry license, you cannot have a concealed carry gun in the Capitol. It is prohibited by law because we have our State Trooper's Office in the building and we also have the Supreme Court Office in the building. So you can have open carry, but you cannot have concealed carry. So we already have restrictions in this building on what type of weapons can be here and, and circumstances around that. And my intention is not to take away anyone's rights to have a-- any law-abiding citizens rights to have a gun. Absolutely not. No way, no how. Not the intention here. The intention is to have safety in our proceedings. When we had the hundreds of people here for the day that we had the gun testimony, they actually closed the gallery because it was not safe to have a lot of people with a lot of feelings about what was going on up in the gallery with loaded guns, with all of us down in the Chamber floor. That was not the case this last time when we had the guns, there were significantly fewer people in the building the last time we had gun legislation heard, and it was much less of an

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

event. It was much quieter that day. I did talk to our, our State Troopers about the safety and security, and they said that they couldn't close the gallery. I'm not sure what the difference was from time to time, but they also said the only way we can stop people from bringing guns into your legislative spaces is for you to pass a rule, and then we will enforce your rule. So until the Legislature has a rule, security cannot enforce a nonexistent rule. So that is the intention, to just have the same rule for all weapons as we have for concealed carry and as we have for signs.

**ERDMAN:** OK. Thank you. Any questions? Seeing none, thank you.

**M. CAVANAUGH:** OK.

**ERDMAN:** Appreciate it. OK.

**M. CAVANAUGH:** And I would like to stay to close.

**ERDMAN:** Pardon me?

**M. CAVANAUGH:** I would like to stay to close.

**ERDMAN:** We're not doing closings.

**M. CAVANAUGH:** We were doing closings at the start.

**ERDMAN:** Yeah, but the time was getting away from us, so we're, we were going to be until 10:00, 11:00.

**M. CAVANAUGH:** OK. I will just close on this on my next rule, then.

**ERDMAN:** OK.

**M. CAVANAUGH:** Thank you.

**ERDMAN:** All right. All right, those in support of any one of those three or all three, please come forward.

**MELODY VACCARO:** My name is Melody Vaccaro, M-e-l-o-d-y V-a-c-c-a-r-o, I represent Nebraskans Against Gun Violence, and we're here to support Senator Cavanaugh's firearm rule proposal. I was at the hearing that she referenced a few years back, and the bills on the table that we were there to discuss were about protecting people, primarily women, from domestic violence. And there was a bill about adding some training and a brochure to the concealed carry class about suicide prevention. And there was a bill to repeal the lie to women abortion bill. And that's-- those are the bills that the hundreds of people

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Rules Committee January 12, 2023

came to commandeer the committee about. And there were-- they were carrying assault weapons. And one of the people was wearing a Hawaiian shirt and identified with the Boogaloo movement, which is one of the groups that has been identified as a very serious security threat. I also want to just bring up nationally what we're seeing is in-- we're seeing in 2016, there were about 902 threats on members of Congress. In 2021, that was almost 10,000. Threats towards policymakers are increasing all around the country in state bodies, in federal bodies, in municipal bodies. As we expect all kinds of contentious bills to be debated in the body, guns incite violence. Guns bring up the heat. When topics are already hot, that can really lead to some serious deaths. When there is a mass shooting, I also want to bring up the threat to first responders. Not only does it put them in the direct danger in the moment, there are also high suicide rates after those events when they see those kinds of massacres. After the January 6th insurrection where a police officer was killed and one of the protesters died, we saw four metro police department officers that did end their lives after that event, after serving the community in that way.

**ERDMAN:** Thank you for your testimony. Any questions? Hearing none, thank you.

**MELODY VACCARO:** Thank you.

**ERDMAN:** Any other proponents?

\_\_\_\_\_ : Judy.

**ERDMAN:** Your time is starting now.

**JUDY KING:** I'm Judy King, J-u-d-y K-i-n-g. I was also at that hearing that day. And speaking of white supremacists, I was reading an article out of the paper at the-- out of the Omaha paper about a white supremacist. And he was testifying in that hearing. And my time got shut off because Slama didn't like what I was reading about the white supremacist. They shouldn't have had-- they shouldn't have had any guns there. They're threatening everybody. The-- they shouldn't have had any guns in there. It shouldn't be allowed, period. If you want, I mean, because we can bring guns if you want the crazy other side to bring guns, we can do that, too. So you might want to stop that crap now. I got to mention the Constitution, because that's what they always say, a Constitution and patriot. What else do you say? Let's see. CRT, your knowledge of CRT is crap. And I think we've had a-- we've had enough of your idiotic ideas on gun legislation. Our kids

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

are getting killed because of your lack of good gun legislation. There was plenty of police officers with guns at Uvalde, they were too afraid to go in and save those children. The police knew what that gun would do to them. You do nothing but produce stupid bills where gun owners need no training. WTF? More brazen gun owners out there carrying guns with no training. That's just brilliant. We're getting sick and tired of your stupidity and your negligence and are at the point of melting all your guns. If-- you need to do something about these stupid bills because--

**ERDMAN:** Ms. King, your light is red.

**JUDY KING:** OK. Thanks.

**ERDMAN:** Next testifier. State your name and spell it, please.

**ANGIE PHILLIPS:** Hello. My name is Angie Phillips, it's A-n-g-i-e P-h-i-l-i-p-s. I'm here in support of Senator Cavanaugh's bill. So I actually want to give a little bit of personal background. I've been affected by gun violence, and this was actually in the western-- I'm originally from western Nebraska. Most of my family lives in North Platte, I was from the Grant, Madrid area. And growing up, I had two uncles that were shot, leaving one of them paralyzed from the neck down, and the other one had three wounds-- or three gunshot wounds, but no, like, real permanent damage. When something like this happens, it really traumatizes a family. It changed our entire lives. My mother-- I was 14 at the time, my brother was 16. My mom had to go initially be with my uncle and Kearney while he was in intensive care and then finish up rehabilitation in Craig. It changed our whole lives. I have a right to be here and to testify and to feel safe in doing that. And when there are people with guns that I can visibly see, there's a sense of intimidation. And it's just not really necessary for this environment. I'm fine if they want to do whatever they want to do with their guns, as long as it's not hurting anyone outside of here. But this should be a safe space where the public feels safe to come and share our experiences with you and not have to worry about confronting traumas from our childhoods or from our past.

**ERDMAN:** Thank you. Any questions? Hearing none, thank you. Appreciate it. Anyone else? Please state your name and spell it, if you would.

**MEG MIKOLAJCZYK:** Hi, again. Meg Mikolajczyk, M-e-g M-i-k-o-l-a-j-c-z-y-k, and you can sing it to the Mickey Mouse song if you want to learn it. So I debated-- I'm here in my personal capacity, and I debated whether or not I wanted to say anything. I am a gun

owner. I am not about to debate the Second Amendment, but the day that we had the abortion/gun hearing here a few years ago was like the scariest, worst day of my professional career up here. My daughter still talks about that day because I came to her daycare, still crying because I did not know what could happen. We know that these hearings can be really charged. Now put abortion and guns in a room together and then actual guns in the room. And some, I think, were loaded. I don't know. But that's putting a lot of trust in a lot of people on a really, really charged issue in a really, really small room without much exits. And we see every day that those things happen. I have this memory, maybe I've made it up at this point, but I have this memory of a testifier with a gun on the table pointing at the senators. And I don't want anything bad to happen to any of us. And so I just, I just-- that day was the worst day of my professional career. So I just want to share that please, please, I want to go pick my kids up. I want you all to get to do the same. And we can be a little bit more reasonable maybe in this building so.

**ERDMAN:** Thank you.

**MEG MIKOLAJCZYK:** Thank you.

**ERDMAN:** Any questions? Seeing none, thank you.

**MEG MIKOLAJCZYK:** Thank you.

**ERDMAN:** Anyone else in support? Anyone in opposition?

**CALVIN PEMBERTON:** Calvin Pemberton, C-a-l-v-i-n P-e-m-b-e-r-t-o-n. As many of you have obviously noticed, I have open carry today. OK? That's my Second Amendment right? But who also probably noticed would be our officers presiding over us, right? I'm sure they noticed. I'm sure they're paying extra special attention. And I trust that they would do what would be needed to be done if there was a situation that was abused for, you know, a nefarious purpose. I personally have had concealed carry classes and many, many hours of field training, OK? So I know I needed to carry open, but I don't have to. There are studies that have been conducted that show that in a room where nefarious plans were possibly going to happen, people that are carrying openly has maybe faltered, has stopped some of those from actually coming true. Now weekly right now with the chaos across the country, we're seeing at least once a week somebody that's either stopped a home invasion, stopped somebody that's being beat on the street. Business owners that have protected their businesses. So what's to say that, you know, you have a citizen in here that might actually protect you

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

at one point also. I mean, so you can look at this both ways. I know some people maybe were scared and they can find their little safe space eventually. That's fine. You know, go to their therapy. But maybe one day somebody that's carrying could actually protect them, too. So I would like to see you guys continue the open carry policy. I don't agree with the concealed carry in here. I think you should be open about what you're carrying so.

**ERDMAN:** OK. Thank you. Any questions? Seeing none, thank you.

**CALVIN PEMBERTON:** Thank you.

**ERDMAN:** Anyone else in opposition?

**JEANNE GREISEN:** Jeanne Greisen, J-e-a-n-n-e G-r-e-i-s-e-n. I just want to go on the record of being a proponent for the Second Amendment.

**ERDMAN:** OK. Thank you. Next testifier, opposition.

**CONNIE REINKE:** Connie Reinke, C-o-n-n-i-e R-e-i-n-k-e. I don't like what's going on in the world. I-- it seems to become-- it seems it's becoming more and more chaotic and there's more violence. And I believe that's the very reason why we should have this, this proposal. I'm sorry-- that, that it should remain as it is. Again, I don't like that we have to, to live in a world that there are these, these people that do open fire and, and go into communities and do these types of things. But I think the only protection we have is to be able to have a weapon and be able to carry that, and that that should remain the way it is. I appreciate your time.

**ERDMAN:** Thank you. Any questions? Seeing none, next testifier. Welcome back.

**STEVEN JESSEN:** Steve Jessen, S-t-e-v-e-n J-e-s-s-e-n. So our Second Amendment, I don't know if I need to tell you, but it's a well-regulated militia being necessary to secure-- to the security of the free states, the right of the people to keep and bear arms shall not be infringed. And all I have to say in regards to that is as, as senators, you took a sworn oath to uphold this Constitution of the United States. And you, by doing these things, you are infringing on the Second Amendment. Go ahead.

**ERDMAN:** Senator DeBoer.

**DeBOER:** Hi, sir.

**STEVEN JESSEN:** Hi.

**DeBOER:** You and I have worked together on some things in the past.

**STEVEN JESSEN:** We have.

**DeBOER:** We get along.

**STEVEN JESSEN:** We do.

**DeBOER:** Yeah. Would you like me to make decisions in this body because I became afraid for the life of myself or my family?

**STEVEN JESSEN:** Would I--

**DeBOER:** Would you, would you like me to make my decisions because somebody had guns in a room and was saying I better make that decision because they have guns? I don't think--

**STEVEN JESSEN:** No, I, I agree with you there. That's not-- nope.

**DeBOER:** So if we have guns in a room, if, if everyone around me has a gun and I don't have a gun, do I have more power or do they have more power?

**STEVEN JESSEN:** Shouldn't be either way. Why would it be-- give somebody with a gun more power?

**DeBOER:** Well, I mean, they have the ability to do something to me that I wouldn't have back. I mean, they have the ability. They probably wouldn't, but they have the ability.

**STEVEN JESSEN:** Well, people have the ability to do whatever, Senator.

**DeBOER:** Yeah.

**STEVEN JESSEN:** And so my whole point is, is because it's a gun, does it make it any different than if it was a knife or a baseball bat--

**DeBOER:** Sure.

**STEVEN JESSEN:** --or any of those--

**DeBOER:** Absolutely.

**STEVEN JESSEN:** --other things. So we would have to eliminate all anything that could be used as a weapon. Matter of fact, statistically



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Rules Committee January 12, 2023

or whatever, more people are killed with hammers than they are with guns.

**DeBOER:** If you came in here with a hammer, I'd probably have a problem if you were standing here--

**STEVEN JESSEN:** Right, and that's my point.

**DeBOER:** --with a hammer too.

**STEVEN JESSEN:** So we can't ban everything that could, could kill someone.

**DeBOER:** I do think, though, that when Senator Cavanaugh introduced this proposal, what she's thinking about is we don't want to live in a country where people are making decisions as lawmakers based on whether or not they have a gun put to their head. That's probably what she was thinking.

**STEVEN JESSEN:** Well, has that ever happened in here where somebody has put a gun to your head? I would ask you that really.

**DeBOER:** I mean--

**STEVEN JESSEN:** We're making rules--

**DeBOER:** I certainly was--

**STEVEN JESSEN:** --for something that hasn't happened.

**DeBOER:** I certainly was sitting in range of a gun in that hearing many times. So I don't know.

**STEVEN JESSEN:** I understand.

**DeBOER:** I don't want to cause a fight.

**STEVEN JESSEN:** No, you're not. You're not.

**DeBOER:** I think there's just some nuance to this that is maybe not being recognized.

**STEVEN JESSEN:** No, and my, my position or my answer to your question in regards to this would be simply this. The reason is, is because it is an issue because of people assume everything, because of a person that carries a gun.

**DeBOER:** Sure.

**STEVEN JESSEN:** Right?

**DeBOER:** Yeah.

**STEVEN JESSEN:** OK. So what you--

**DeBOER:** If somebody had--

**STEVEN JESSEN:** Someone that would be intimidated by a gun has, you know, I guess whatever they may be, had a bad experience or whatever, I can understand that. That's for sure. But that doesn't give them the right to take away my rights as a citizen of the United States. And the fact of--

**DeBOER:** I get that.

**STEVEN JESSEN:** --the matter is, is we still have the right. Now, if we have 500,000 killings every year from guns, I would say, you know, we definitely need to address that, but we need to address it constitutionally, not by just making laws.

**DeBOER:** I have no intention of doing any of that.

**STEVEN JESSEN:** OK.

**DeBOER:** I probably wouldn't want you to come up here with a hammer or a baseball bat or a knife or any of those things. You're standing there with a baseball bat or a hammer or a knife or a crossbow or a scimitar or any other thing like that, halberd, I could go on and on.

**STEVEN JESSEN:** Right.

**DeBOER:** I would probably have a problem with any of those things. So I think maybe that's the rule she's trying to get at--

**STEVEN JESSEN:** Right.

**DeBOER:** --is making sure that there's not undue influence by use of weapons in a room.

**STEVEN JESSEN:** And I understand that, and I appreciate that.

**DeBOER:** Thanks for talking with me. And I didn't mean to put you on the spot.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**STEVEN JESSEN:** Nope, that's OK.

**DeBOER:** I just know you and I know each other.

**STEVEN JESSEN:** I know.

**DeBOER:** All right.

**STEVEN JESSEN:** I'm good.

**ERDMAN:** Any other questions? Seeing none, thank you, sir. Any other, any other opponents? Anyone in the neutral capacity?

**CASSANDRA GRIFFIN:** Hello again, committee members. I am here to testify as a private citizen just in the neutral capacity.

**ERDMAN:** State your name and spell it.

**CASSANDRA GRIFFIN:** My name is Cassandra Griffin, C-a-s-s-a-n-d-r-a G-r-i-f-f-i-n, I just wanted to clarify some things from a statistical standpoint. This is from the wonderful Statistica analysis on the level of murder victims in the United States in 2021 by weapons use that I thought it would be an important clarification based on what we've heard today so far. Handguns, over 6,000 people were murdered by handguns in the United States. Firearms, type not stated, that's 4,740. Knives or cutting instruments, that's 1,035. Personal weapons, hands, feet, et cetera, that's 461. Rifles, that's 447. Other guns, 277. Blunt objects like clubs, hammers, et cetera, it's all the way down to 243. Shotguns at 152. Narcotics at 111. Fire at 73. But just to give some perspective of the context of what we're talking about when we're talking about the subject of gun violence and how that differs from other forms of violence.

**ERDMAN:** OK. Thank you. Any questions? Seeing none, thank you.

**CASSANDRA GRIFFIN:** Thank you.

**ERDMAN:** Anyone else neutral? OK. We'll move on to rule 38 on your agenda. It is Rule 5, Section 5(f) and it's Senator Hunt. Senator Hunt, you are up.

**HUNT:** Thank you, Chairman Erdman. My name is Megan Hunt, M-e-g-a-n H-u-n-t, and this rule proposal would limit the Speaker priority bills from 25 to 5. Rule proposal 28 is another proposal to put a reasonable check on the authority of the Speaker. I have a lot of respect for the role and the enormous responsibility it carries. But 25 Speaker

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

priority bills is a lot, and many of us know through personal experience that in recent years, at least since I've been in office, we don't typically even get a chance to debate all of the senators' priority bills. So I think that we shouldn't give so many priority bills to the Speaker when the individual senators that represent their apportionment of Nebraskans are not getting a chance to have their priority bills heard. So with all due respect to the Speaker, I think it's very fair that the Speaker get 5 Speaker priorities instead of 25 in addition to his or her personal priority, by the way. So it would be their own personal priority and 5 speaker major proposals including that-- or assuming that my rule proposal that I introduced earlier about getting rid of the major proposals isn't adopted. That's still a lot of power for the Speaker to have to advance the legislation that they view as essential to the floor, essential to get debated. And to me, it just seems unfair to allow the Speaker to have 25 priorities if we can't even get to the priorities of the 49 senators. Thank you.

**ERDMAN:** OK. Gonna go from 25 to 5. Any questions? Thought maybe we'd get one. OK.

**HUNT:** Thank you.

**ERDMAN:** Thank you. Senator John Cavanaugh, Speaker priority bills. Looks like you want to give him more bills.

**ARCH:** Oh come on.

**J. CAVANAUGH:** Thank you, Chairman Erdman. Thank you, members of the committee and those watching at home still and in here. So this is-- so in my process of reading the rules, kind of came across a few things that I just thought needed clarity and maybe tightening up. And this is one of those. So right now, the Speaker can designate priority bills, which obviously just heard him Senator Hunt's introduction there, a certain number of those, and the Speaker can designate any senators' a priority with their consent. The Speaker is currently allowed to withdraw that priority without the agreement of the introducer of the bill. If your bill becomes a committee priority, the committee cannot withdraw that priority designation without your consent. And so I'm just saying, let's add that language to the Speaker priority designation. And the reason for that is, if you were to go and seek a Speaker priority and be so lucky as to get a Speaker priority on your bill, you would choose not to use your own personal priority for that and therefore have relied upon that priority. And if the Speaker then changes their mind after the fact, you would not-- your bill would no longer have a priority without your consent, and

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Rules Committee January 12, 2023

you would have maybe already used your priority. So what I'm saying is, if in the rare, may it be, situation that you get a Speaker priority and the Speaker changes their mind, that they shouldn't be able to eliminate your priority without you agreeing to it. That simple.

**ERDMAN:** Any questions?

**J. CAVANAUGH:** Not personal against you, Mr. Speaker. It's about future Speakers.

**ERDMAN:** So, Senator, Senator Cavanaugh, is that-- does that happen? Does the Speaker say, I'm going to make it a Speaker priority and then change his mind? I don't know that I've seen that.

**J. CAVANAUGH:** Well, Mr. Chairman, I, what I would say is we're not making rules about a specific scenario. We're making rules in the cool light of night, I guess, not day, about potential scenarios to ensure fairness and head off problems that we can see. And this is one that I see for all the reasons I just articulated. Someone could rely upon that and then be disadvantaged as a result of a change in circumstances. I'm not saying-- you probably would be in your best interest to agree to the Speaker when they ask you to take away the designation because they could just not schedule it still or whatever the other powers of the Speaker are. But what I'm saying is you still should have that conversation.

**ERDMAN:** OK. Any other questions? Hearing none, thank you.

**J. CAVANAUGH:** Thank you.

**ERDMAN:** OK. So I'll open it for proponents on those two issues. Rule 5, Section 5(f), Speaker major proposal-- or Speaker priority bills. Anybody in support? Anybody in opposition to those two rule changes? Anybody in the neutral capacity? Seeing none, we will move on to rule-- on your agenda, rule 40, that's Rule 8, Section 2(b), record all votes taken in committee. And that is Senator Machaela Cavanaugh. Is Senator Cavanaugh here?

**DeBOER:** I suspect her brother is going to find her.

**ERDMAN:** She's got both those. Is Senator Cavanaugh out there? OK. We will pass over those two. Let's move to item 42. That is Rule 6, Section 3(f), Senator Ibach, removing IPP motions before a bill is read. You have the floor.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**IBACH:** Thank you and good evening. My notes said afternoon, and so I'm deferring to the evening.

**ERDMAN:** OK.

**IBACH:** Good evening, fellow members of the Rules Committee. My name is Senator Teresa Ibach, T-e-r-e-s-a I-b-a-c-h, and I represent Legislative District 44. Today I'm here to introduce a rule proposal that will strike section (f) of Rule 6, Section 3, and that's also known as 42 on your ledger. I am one of 14 freshman senators and have been immersing myself in this process this week. As I've been watching bill introduction so far, I noticed quite a few instances in which senators are applying IPP motions before a bill has even been referred to a standing committee. As a member of the Rules Committee, I asked you, Chairman Erdman, to clarify this procedure. And you explained to me that this is a way to basically kill a bill before it is even discussed in the body. I've already seen the amount of time and effort it takes in crafting good legislation. We senators spend considerable time and effort working with the general public and other stakeholders to introduce legislation that is important to the people of this state and our districts. While we may not always like the legislation that's offered, I do believe we should allow a senator the ability to open on their bill and any amendments on the General File to make the bill better before these filibuster motions are offered, which is why we should consider removing Rule 6, Section 3(f). This rule states that in a motion to indefinitely postpone a bill before the bill is read on General File, such motion shall require the affirmative vote of a majority of the elected members. After a motion is indefinitely postponed, a bill, a bill has-- excuse me. After a motion to indefinitely postpone a bill has been offered and the introducer of the motion has made his or her opening remarks on the motion, the principal introducer of the bill shall immediately be permitted to speak for 5 minutes on such motion. While I understand the need and the usefulness of the IPP motion, this rule change does not get rid of the ability of an individual senator to offer the IPP motion. By striking this language. The IPP motion, which has been introduced before the bill has been read across the General File, loses its priority. This change will allow the introducer of the bill the ability to introduce his or her bill and allow for amendments to be offered. After the introduction of the committee amendment, if there is an amendment, the IPP motion will be allowed to be considered by the body. I think this is a fair and collegial approach to discussing difficult legislation facing this body. Thank you.

**ERDMAN:** OK. Are there any questions for Senator Ibach? Thank you. Thank you for that. Appreciate it. OK. That is a rule change all by itself. It's not designated with another one. So are there, are there supporters? Are there proponents of the striking the IPP motion before a bill is read? Are there any opponents to striking the bill-- the IPP motion before a bill is read? Is there anyone in the neutral capacity? OK. Seeing none, we will move on to Senator Machaela Cavanaugh. Senator Cavanaugh, we're going to do rule 40 on your agenda and 41 also. OK. Rule 8, Section 2(b) is the first one, and that is record all votes taken in committee.

**M. CAVANAUGH:** OK. Thank you, Mr. Chairman. It's Machaela Cavanaugh, M-a-c-h-a-e-l-a C-a-v-a-n-a-u-g-h. And as I said in my previous, I wanted to close on my firearms bill and speak to some of the concerns that were stated previously. This bill prohibits both firearms and lethal weapons, so I think that would include hammers, bats, machetes, crossbows-- I'm trying to remember all the

**DeBOER:** Halberds and scimitars.

**M. CAVANAUGH:** I'm sorry, what was it?

**DeBOER:** Halberds and scimitars.

**M. CAVANAUGH:** Halberds and scimitars, and I will throw in mace for good measure. So it does prohibit all lethal weapons, not just firearms, in the legislative space. And as I also stated previously, we already do not allow signs, which some could argue is a restriction of other constitutional rights, such as free speech. So when you are in the legislative spaces, we do-- are allowed to purport ourselves in a way that we deemed necessary and appropriate. And I do think that it is appropriate to have a restriction of firearms and lethal weapons in our spaces when we are conducting our business. Because as Senator DeBoer very importantly put, we should not be, be making our decisions based on a fear for our lives or the lives of our loved ones or the lives of our colleagues. And I did feel intimidated when people had loaded weapons brandished directly behind me, a whole roll of them, while I was introducing legislation around domestic violence and weapons. So with that, I will move on to my recorded votes taken. So this is two different bills. Rule 8, Section 2(b) is about the Appropriations Committee. So since I have been here, and Senator Ibach, I apologize because I don't recall what committees you're on, but the Appropriations Committee has always operated a little bit differently than the rest of the committees since I've been in the Legislature. When a committee puts out an amendment to a bill, we

typically vote on what the bills are that go into that amendment. And then that is part of the committee statement and the report out as to what has been amended into the committee amendment. The Appropriations Committee agrees upon which bills they have heard will be a part of a packaged amendment, and then they vote on the amendment that has been put together, but they do not vote on the individual bills. And therefore we don't actually know if individual bills, who voted for them, who supported them, who didn't. And I think that we should have the same level of transparency across committees and all of our committees should be treated the same way in how they purport themselves when it comes to reporting out legislation. So that is the intention of the Appropriations Committee bill. The Executive Board report, and I apologize, it might not be written exactly to my intention. My intention was so when the Executive Board takes action and they record the action that they've taken, it is available to the public, but it is not put on-- put forward to the public, you have to request it. And what I am intending to do is that it's just automatically put forward to the public, whether it's put in the Journal or published on our website.

**ERDMAN:** OK.

**M. CAVANAUGH:** I think it's misinterpreted about the committee, how special committees are selected, and I honestly didn't know that it did that. That wasn't my intention. I'm not opposed to them being recorded, but that wasn't part of what I was trying to do. I just want action taken by-- recorded action, taken by the Executive Board to be proactively made public, not reactively.

**ERDMAN:** OK. Any questions? I have, I have one, Senator Michaela Cavanaugh, on Rule, Rule 3, Section 19. I'll just read what it says. It's on page 21, do you have your book there?

**M. CAVANAUGH:** I do.

**ERDMAN:** OK. If you go down to the bottom of the page, Section 19 under (a), there are four items listed. And these are the things that should be included in the committee statement. Pay particular attention to (2) a roll call vote of all final committee action on the bill shall be reported in the statement. All right? As a member of the Appropriations Committee for four years, I tried to get that.

**M. CAVANAUGH:** Um-hum.

**ERDMAN:** I tried to make that happen. That's already a rule.



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Rules Committee January 12, 2023

**M. CAVANAUGH:** Right.

**ERDMAN:** I don't know that we need to make a new rule. It's the fact that we didn't follow the rule that was there.

**M. CAVANAUGH:** I agree. So I guess my intention was to reelevate that issue, and if necessary, make it stated in our rules that the Appropriations Committee should be abiding by the same rules as all of the other committees.

**ERDMAN:** And what aggravated me more than that was on numerous occasions I would call for a roll call vote. It was recorded. At the end of the session, I asked for a copy of all roll call votes. I could not get it.

**M. CAVANAUGH:** Senator Erdman, what I'm hearing is that you and I are in agreement on my rule. It's late, I know, but just for clarification.

**ERDMAN:** Just for clarification. Your new Chairman--

**M. CAVANAUGH:** Yes.

**ERDMAN:** --of the Appropriations Committee--

**M. CAVANAUGH:** Yes.

**ERDMAN:** --will adhere to all of these rules.

**M. CAVANAUGH:** I had a feeling, because I have heard both you and, and Chairman Clements speak about this as well.

**ERDMAN:** Yes.

**M. CAVANAUGH:** And so I, I know that it is in here. I guess my intention was to make it more explicit or at the very least, have the conversation publicly once more.

**ERDMAN:** Bring it to our attention.

**M. CAVANAUGH:** Yes. So--

**ERDMAN:** Thank you.

**M. CAVANAUGH:** --I fully support that.

**ERDMAN:** I appreciate it. Thank you very much.

**M. CAVANAUGH:** And I support you and I agreeing.

**ERDMAN:** OK. I appreciate that. OK. Anything else? All right. So rule 40 and 41, are there supporters, proponents of those two rule changes? Is there anyone in opposition to that? How about neutral? OK. All right, we're going to move on to 43, and I'm going to turn it over to Vice Chairperson DeBoer to handle those. She's going to handle 43, 44, 45, 46 and 47 because I'm included in several of those.

**DeBOER:** 48 and 49.

**ERDMAN:** Yes.

**DeBOER:** Basically next [INAUDIBLE].

**ERDMAN:** Thank you. Go ahead.

**DeBOER:** All right. We'll start with Senator Machaela Cavanaugh to open on rule 43.

**M. CAVANAUGH:** And I walked away too quickly. Hi. Senator Machaela Cavanaugh, M-a-c-h-a-e-l-a C-a-v-a-n-a-u-g-h. OK, so a record shall be made and transcribed. This is about legislative briefings. Oftentimes, they are on the internal TV, but we don't want to have them recorded or available later. This is-- the intention of this is to have a trans-- really a transcription available at some point. The-- I don't have a timeline, but just like other committee hearings, so that we can reflect back on what was said because we don't all have photographic memories. And so just treating them like a committee hearing in that we get a transcription of the briefing. That's it.

**DeBOER:** Any questions for the introducer? Seeing none.

**M. CAVANAUGH:** Great.

**DeBOER:** We'll have Senator Erdman come up.

**M. CAVANAUGH:** Just looking to see if I'm back up in 10 seconds so. All right.

**DeBOER:** Senator Erdman is going to open on rule proposal 44. Folks, we're getting there.

**ERDMAN:** Thank you, Senator DeBoer. My name is Steve Erdman, S-t-e-v-e E-r-d-m-a-n, I represent District 47, 9 counties and the Panhandle. Rule 44 is a rule that will require an appropriations and probably

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

something that we can implement this year to-- to implement this year because of the necessary equipment and the, the appropriations needed. But what it is, is I'm saying that a video record of all debates, hearings shall be made available on the legislative website within a week of the date of the debate or the hearing. My intention is in the future to have all of these hearings and the debate on the floor, a record kept by video. And so that is, that's the proposal of rule 44. Very simple, straightforward. I, I'm sure the Clerk will have an opinion on that. But I know it's going to be costly and it takes some time to set that up. Any question?

**DeBOER:** Any questions? Let's start with Senator Hansen.

**HANSEN:** Thank you. So we would keep this indefinitely, like with the video--

**ERDMAN:** I assume that it would be.

**HANSEN:** All of them?

**ERDMAN:** Yeah.

**HANSEN:** OK. Yeah, sure. I don't know if after a certain amount of time you get rid of them or not so.

**ERDMAN:** All of the transcripts are kept that way.

**DeBOER:** Any other questions? I have a question.

**ERDMAN:** Go for it.

**DeBOER:** Senator Erdman, would this be considered then the official transcript, or we would still have the official transcript.

**ERDMAN:** We would still have the official transcript.

**DeBOER:** So this is like an unofficial and we would call it the unofficial--

**ERDMAN:** Right.

**DeBOER:** And would you be opposed to having a start date affixed to this? Because if we put it in our rules now and it says two weeks--

**ERDMAN:** None at all.

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Rules Committee January 12, 2023

**DeBOER:** --then we would have to-- so we'd have to put a start date and say, after this date.

**ERDMAN:** Two years from now, whenever it is.

**DeBOER:** OK. Those are my questions for you, Senator Erdman.

**ERDMAN:** OK.

**DeBOER:** Any other questions for this introducer? No questions. Let's have proponent testimony.

**ARLO HETTLE:** Good evening, everyone. My name is Arlo Hettle, A-r-l-o H-e-t-t-l-e, I'm the grassroots advocacy coordinator at the Nebraska Civic Engagement Table. I'll skip through the mission, we've heard that already today. But I just want to emphasize that our organization works with 501(c)(3) nonprofits across the state to increase civic participation, and that the inaccessibility and lack of transparency in government can be one of the biggest barriers to citizens feeling informed and engaged in the decisions that affect their lives. And the more that you all as the Legislature can do to make it possible for citizens to stay up-to-date with what's happening here in Lincoln, the better. So this rule change, creating a video record would allow for a greater number of people to view legislative hearings and better understand the policy decisions being made. A video record is a more engaging way to follow what's happening in the Legislature than a written record for a lot of folks, and we would look forward to using it to increase public awareness of hearings and debate among our members. So thank you.

**DeBOER:** Any questions for this testifier? I don't see any. Thank you. Next testifier in the proponent position.

**GAVIN GEIS:** Senator DeBoer, members of the committee, again, my name is Gavin Geis, G-a-v-i-n G-e-i-s, I'm the executive director for Common Cause Nebraska, testifying in support of rule 44. I will not go into great detail, but I did do a review of state legislative websites ahead of this hearing to look at what other states are doing. Roughly half of-- over half of states, roughly over half of states have some system for keeping video archives. They vary wildly in quality. There are some who just use YouTube, there are some who use proprietary systems that could be inaccessible for the public. My recommendation here is we are fully in support of having these archives available, but that in the process of doing this, Nebraska takes a really hard look at what other states are doing and makes sure that the system is

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

actually accessible for Nebraskans. That it isn't hidden behind proprietary systems that don't make a lot of sense, that are right very in the weeds. Overall, there-- this is a trend across the nation. States are doing this. It's something Nebraska should do, especially since we're already recording these productions. But we need to make sure that whatever system we put in place is accessible and is easily-- easy to utilize by Nebraskans. Otherwise, this is a great change.

**DeBOER:** Senator Arch. Any questions? Senator Arch.

**ARCH:** Thank you. When you looked at the other states, do they store them indefinitely? Or is there--

**GAVIN GEIS:** It's wide range.

**ARCH:** OK.

**GAVIN GEIS:** There are some who go back a decade and there are others that maybe go back to a session or two.

**ARCH:** OK.

**GAVIN GEIS:** So we could really make up our minds on how long to keep it.

**ARCH:** Thank you.

**DeBOER:** Thank you. Any other questions? All right. Thank you.

**GAVIN GEIS:** Thank you.

**DeBOER:** Next proponent testifier.

**ANGIE PHILIPS:** Hello. My name is Angie Philips, A-n-g-i-e P-h-i-l-i-p-s, I'm here on behalf of the Nebraska Legislative Study Group. So one of our missions is to help ensure that the second house can participate. We believe that they have a right and responsibility to do this. One of the easiest ways for most people to be able to participate is to just watch you guys, watch you do, do the work. So one of the things that our group has actually taken some action on this, we stream-- what we do is we stream the NPM stream onto our social media and YouTube accounts so that a recording is created. So Nebraska Public Media streams the Legislature, but there's no recording created. So we take their stream, stream it onto our social medias so that our membership and the public, because we have public,

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Rules Committee January 12, 2023

you know, stuff, can go back and then view and watch the Legislature later on. We actually would prefer that this be legislated. Senator Brewer introduced something this year and he had introduced something last session. We would prefer that. But we would definitely support a rule change that does this while we're trying to get that legislation passed. I'm happy to answer any questions as far as how many people are interested, how many viewings we had this first week. We had about 1,500 viewings of the Legislature. People definitely want to be able to come back and see what's happening for themselves. If this is something that, to be honest with you, a couple of housewives could figure out, then it's something that the Nebraska Legislature should be able to figure out.

**DeBOER:** Do we have any questions for this testifier?

**IBACH:** I have one.

**DeBOER:** Senator Ibach.

**IBACH:** How do you determine which hearings or programs that you stream?

**ANGIE PHILIPS:** Which hearings?

**IBACH:** How do-- yeah.

**ANGIE PHILIPS:** So currently we work on streaming every single one that we can. So whatever Nebraska Public Media streams we work-- we then work to stream. We have a really great volunteer group, one of our cofounders, Cindy Maxwell-Ostdiek, she has kind of taken the lead on this. She's unable to be here tonight because of a family emergency, so I'm here instead. But yeah, so we work on streaming everything. We stream the public hearings, we stream the floor sessions. When you go into the public hearings and you have more than one committee hearing happening at the same time, we stream one of them and then record the rest and then stream the recording of the rest of them so that that recording is created. Like I said, we have much more limited resources than the Legislature would have so.

**IBACH:** And this might be a dumb question, but are there any licensing rules or regulations?

**ANGIE PHILIPS:** We are not, we are not an official organization. We haven't run into any problems when we have checked and spoken with Nebraska Public Media about the copyrights and stuff. We are using it within means. You know, we-- it's the Nebraska Public Media, all of

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Rules Committee January 12, 2023

their "logoing" and everything is on there. We're not claiming the stream or anything. On top of that, it's used for educational purposes. We use it for educational purposes so.

**IBACH:** Thank you.

**DeBOER:** Thank you, Senator Ibach. Other questions for this testifier? I have a question. You mentioned, or maybe I heard it wrong, did you say you like Senator Brewer's bill better than this rule proposal?

**ANGIE PHILIPS:** We like that idea of being able to work on permanent legislation that would provide video recording. We are concerned if it became a rule, then it would more easily be changed later on. Or we-- our other cofounder, Cindy Maxwell-Ostdiek, had worked with Senator Brewer a little bit. So, you know, just to, to work things out, make sure that when it gets done, it gets done right in the sense that it is accessible to everyday public. In the sense that, you know, not just accessible but easy. Like if you, if you go and find 800 sessions of the Legislature, that's not really helpful unless you can also, you know, search or use key terms, different things like that. So we would prefer legislation that could be worked on to make sure it's done correctly. But we would support a rule change in the meantime.

**DeBOER:** So there's nothing about the content of the rule change that you object to and favor the other, it's just the-- that you--

**ANGIE PHILIPS:** The permanency.

**DeBOER:** --legislation rather than a rule.

**ANGIE PHILIPS:** Correct.

**DeBOER:** All right. That's helpful, thank you. Other questions? Yes.

**ARCH:** Could I just make one comment? I think, I think the challenge would be that if this was a rule change, it could mean without an appropriation bill, this, this will cost. And so, you know, those will be some of the discussions that we'll have.

**ANGIE PHILIPS:** Yeah. And I mean, that's definitely a discussion I will let you guys have. I know that right now, you know, and I say this with so much respect. I don't mean it disrespectfully, but right now I feel like a lot of what my group does is the work of the Legislature. So if you guys wanted to start funding that and doing it, it would be great.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**DeBOER:** Thank you, Senator Arch. Any other questions? Thank you for being here.

**ANGIE PHILIPS:** Thank you.

**DeBOER:** Next proponent testifier.

**EDISON McDONALD:** Hello. Edison McDonald, E-d-i-s-o-n M-c-D-o-n-a-l-d, I'm the executive director for The Arc of Nebraska. We advocate for people with disabilities. We're in support of both of these. I think what we frequently deal with is that our members are people with disabilities and their families who are tremendously overstretched, on average exceeding 26 extra hours of work per week just between PT, OT, speech, you know, all the extra things that come with having a kid with a disability. So our members, more than your average parent, are exhausted. They get to the end of the day, 9:30 p.m. and then maybe they've got about 30 minutes where they're like, OK, I can kind of like pay attention to something. And so then we've really shifted our training models to really focus more on those recorded videos. When we send out live things, if I can get 70 people, I'm pretty happy. But if we send out recordings of videos, we get hundreds of people who engage. And I think the true is-- the same is true of the Nebraska Legislature. And I want to thank the legislative study group of Ms. Philips, because I know I miss a lot of hearings and I go to them to go and watch the recordings of the hearings when I can't get on. And it's tremendously beneficial, whether you're a lobbyist trying to track a couple different committee hearings or you're a busy parent. So I'd urge you all to support this. Thank you. Questions?

**DeBOER:** Any questions? I will say that I have actually watched them as well when I had to miss one of my own committees because I was testifying on a bill and another committee. So thank you.

**EDISON McDONALD:** Thanks.

**DeBOER:** Next proponent testifier. Is there an opponent? Anyone in the neutral capacity? What? Shocking. Welcome, Mr. Clerk.

**BRANDON METZLER:** Thank you, Senator. For the record, my name is Brandon Metzler, B-r-a-n-d-o-n M-e-t-z-l-e-r, Clerk of the Nebraska Legislature. I'm not in opposition. This will be similar to the ADA remote testimony that you heard earlier. We're not in opposition to this idea, I think there's just some logistical hurdles that need to be worked through from our end. These conversations have been ongoing since at least 2017. Senator Geist had brought a bill even before



then, a little bit, as well. The rule change specifically we can discuss. Senator Brewer's legislative bill is probably a better vehicle for this in the sense of one week time frame is very limiting for, for our office. We have an ADA requirement because of the fact that it's going to be streamed and broadcast, floor debate being broadcast, committee hearings being streamed. So we're going to have to have closed captioning on those. This isn't as easy as upload it to YouTube. We've got a multitude of factors in play of what videos are on the side, what ads are being run. You know, there are some limitations for government, but we really want to put the Legislature in the best light. So the YouTube option, at least past Executive Boards have ruled that out. That leaves your closed captioning option. As you know, NPM does it on their side or we do it later through other means. Our transcribers are working with the program right now that allows for transcriptions and closed captioning, so we would need a little bit more time to get those uploaded potentially, depending on how we work through that system. The other thing is storage costs. To Senator-- or Speaker Arch's point, if you want to keep these indefinitely NPM gives us the videos in like 4K quality. We don't necessarily broadcast that, but depending on what you're-- what they're going to store or what we're going to store, who does the storage, who captions it, the cost associated with both of those. And the fact is it can be manipulated. You know, that's the other reason we've shied away from video for a long time, especially now in the, in the world of deepfakes. You know, somebody takes your video, you speaking on the floor, they manipulate the audio, they manipulate the video. You know, there's just some, some big considerations from a public perspective of, of what, what product are we putting out there and are there ways to watermark it or, you know, manipulate it in our favor so it's not, you know, manipulated later by bad actors.

**DeBOER:** Are there questions for the Clerk? I have a question, Mr. Clerk. What kind of time frame do you think we're looking at in terms of at least kind of getting to the bottom of some of these questions about how to do it and all of that sort of thing?

**BRANDON METZLER:** Absolutely. Senator, that varies, varies on the way that we do our closed captioning. There's discussions right now with NPM and that-- you'll see that in a fiscal note to Senator Brewer's bill. I don't want to speak for them, but I think the thought is if they are the ones doing the closed captioning, the bill-- you know, the fiscal note looks a little bit higher on their end. If they are producing it the same way with committee hearings that are not closed captions because they are streamed and not broadcast, that falls to us and i think our fiscal note looks a little bit different and your time

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

frame looks a little bit different because we're receiving video that is not already closed captioned in the way that it would be if NPM was handling it. So that puts it on our transcribers to run the video through their software and then they upload it with the transcription/closed captioning. So a little bit later time frame if we're doing it versus if NPM does it.

**DeBOER:** OK. Other questions? Thank you, Mr. Clerk.

**BRANDON METZLER:** Thank you, Senators.

**DeBOER:** Is there any other neutral testimony? That concludes then the hearing on rule proposal 43 and rule proposal 44. And we will move to rule proposals 45, 46 and 47 by our own Senator Erdman.

**ERDMAN:** Thank you again for staying this long. My name is Steve Erdman, E-r-d-m-a-n, I represent District 47, 9 counties in the Panhandle. What I bring to you in rule 45 is perhaps the most commonsense rule change ever introduced in this Legislature

\_\_\_\_\_ : Wow, ever.

**ERDMAN:** This, this rule change is supported by both of my Democratic friends--

**DeBOER:** You have two? [LAUGHTER]

**ERDMAN:** --and, and others that I've spoken with. So you have two documents. You have several documents, but I would call your attention to the, to the one that says rule change 45 and the one right behind that. A couple of years ago, I had suggested that we have all odd-numbered committees. It was then mentioned that it would be difficult to do that and make it work. So in my past experience, most of the boards I served on were odd-numbered. So I thought, how difficult can it be? So I sat down one day and began to draw up what I thought was the opportunity to go to odd numbers and see if it would work. Then after I did that, I called my good friend, the actuarial in the Legislature, Rob Clements. And I sent him the document and I said, mathematically, can you see if this is correct? And Senator Clements did the math, and he sent me an email back and said, I've checked it and every way that I know how and it is functional. This is the way-- it would work this way. So I bring your attention to several things that I think would draw some discussion, and those are which committees are nine and which committees are seven. OK? So what I did, and if you'll see-- if you look at the second sheet where it has the current and the new side-by-side, the Ag Committee is currently eight.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

I took it to seven. The Appropriations Committee was nine. I left it at nine. The Business-- the Banking Committee was eight. I reduced that to seven. Business and Labor was seven. I left it at seven. Education was eight. I made it nine. General Affairs was eight. I made it seven. Government was eight. I made that one nine. Health is already seven. It remained the same. Judiciary went from eight to nine. Natural resources went from eight to seven. Revenue went from eight to nine. Transportation went from eight to seven. And Urban Affairs is currently seven and I left it at seven. So you'll notice at the bottom, each one of those days has 48 senator days. So it is exactly what we need to do to go to odd-numbered committees. Now, as you know, this won't go into effect until 2025 because we've already selected our committees for this biennium. So one of the things that I needed to change at the bottom-- I see I didn't get that changed-- on the Rules Committee, I need to change that to seven and it says a five. So I need to make an amendment there. But that is my intention and, and I think it works. I think those that have an opportunity to review it and look at it, we may have a discussion about which committee needs to be nine or seven. I thought nine was appropriate for those committees that I chose because they generally have more bills or maybe a more influential committee. So that was, that was my intention. So that's what I have and I would try to answer your questions

**DeBOER:** First, Mr. Chair, I would like to apologize for my flip comment. You may not have heard it. Sorry about that, I was just joking.

**ERDMAN:** No need to apologize.

**DeBOER:** Are there questions for Senator Erdman? Senator Erdman, would we specifically write in here to begin on-- in January of 2025 so that it wasn't-- so we weren't in contravention of our own rules by not having the right number of people in the right committees?

**ERDMAN:** Well, I think I don't know that that would be necessary. We've already just-- we've already set up our committees and the numbers are already there. We could put it in there that it begins in '25, that would be fine with me. And I didn't intend for it to start now.

**DeBOER:** OK.

**ERDMAN:** 'Cause that wasn't my intention.

**DeBOER:** Other questions? All right. You now have rule suggestion 46.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**ERDMAN:** OK. Rule 46, and I'm not sure exactly how that is presented as it is. I spoke with the Clerk, and we will make an amendment on-- you would think that the person who is setting out the Rules Committee would have those bills earlier than 46, 47, 48. Perhaps not. Anyway, what I'd like to do, and if you've not seen-- if you've never went to the Clerk's Office and got Appendix A, Appendix A is the rules, the description of the rules, how committee should be set up. That document is 10 pages, and it describes how you should run your committees and those things. I have in the past gone to the Clerk's Office and gotten a copy of Appendix A and read through that. In the rule book, you'll notice under that section that it has a statement there between two of those sections, and it says: The model committee rules. Appendix A is on file with the Clerk's Office and shall-- and then what you do is you go there and you get a copy. And what I asked the Clerk, which would he prefer, to have the rules printed, Appendix A printed in the rules. Or would he rather have a link that you can click on and get it from the Clerk's Office? And his answer to me, he'd rather have a link. So I would like to put an amendment when I get, get a chance to do that, that will say we will have a link to the website where you can find Appendix A, because it would add another 10 pages to our rule book. I don't, I don't think that's necessary. But I think it should be available to someone who wants to see it. If you're not in the Capitol to go to the Clerk's Office to get it, I think it should be available. So that's the intent of, of rule 46.

**DeBOER:** Very good. Any questions about this one? Moving right along then to Senator Conrad and rules proposal number 47.

**CONRAD:** Hello. Good evening. My name is Danielle Conrad, it's D-a-n-i-e-l-l-e, Conrad, C-o-n-r-a-d, I'm here today on behalf of north Lincoln's "Fighting" 46th Legislative District. And I think this is my final proposal for the evening. So appreciate your service and ongoing consideration and attention and, and that of the many stakeholders that are here today at this late hour as well, well, because they're so invested in ensuring fairness in our fine institution. So really, this is a rather straightforward measure. And I noticed in some of my earlier commentary, if you look at our existing temporary rules and if you look at Rule 3 in Section (f), essentially that dictates the parameters for the Rules Committee. It's two sentences. It's a two-sentence rule. Brevity isn't always a bad thing, but perhaps by providing a little bit more clarity in terms of how the Rules Committee operates, we can help to provide a little bit more opportunity for people to read the proposals, for people to engage with the proposals. I know that my office fielded a lot of questions from constituents and from stakeholders, as I'm sure yours

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

may have as well, and of course the Chairman's office, with people who are just, we want to participate, where can we get the rules? We want to come to the public hearing. When is it? And then the public hearing kind of shifted and changed. And I appreciate that it did, and I'm grateful to have the extra time. So I thank Senator Erdman for that. But I, I do think that it would be beneficial if we just had a bit more clarity and a bit more uniformity, much more in a, in a much more similar manner to the amount of time perhaps that we have available when [RECORDER MALFUNCTION] digest in review of legislative bills or legislative resolutions before a public hearing. So perhaps not the full seven days as we see in, in those other kind of analogous situations, but I do think it would be important if we did that at least a little bit more clarity and uniformity of how and when we're going to set the rules hearings, because I think that could be beneficial to the public and the body. So that's the, the impetus for the rule change.

**DeBOER:** All right. Do we have questions for the introducer of this proposal?

**CONRAD:** All right. And with that--

**DeBOER:** Thank you, Senator Conrad.

**CONRAD:** Good night. Thank you.

**DeBOER:** We will now take proponent testimony for rules proposals 44, 4-- or 45, 46 and 47.

**NATHAN LEACH:** Good evening, members, and thank you for your patience this evening. My name is Nathan Leach, that's N-a-t-h-a-n L-e-a-c-h. I'm speaking in support of proposed rules change 47 offered by Senator Conrad and speak on behalf of nonpartisan Nebraska. This proposed change to the legislative rules would require the Rules Committee to provide at least three calendar days' notice prior to conducting a public hearing. The proposed change also increased both the time span in which the hearing must be scheduled and conducted by three days to accommodate the three-day notice requirement. Currently, Rule 3, Section 14 of the rules provides that before taking final action on a bill, resolution or gubernatorial appointment, a committee shall hold a public hearing thereon and shall give at least seven calendar days notice on proposed changes to the legislative rules currently have no such requirement for notice, and in the past this has resulted in the Rules Committee conducting hearings on proposals after giving the public less than 24 hours advanced notice. Rules impact every aspect

of the legislative process and can have far reaching consequences. If lawmakers are going to provide a public hearing, we believe it is only fair that the people of Nebraska have enough time to make arrangements for travel, to review and study proposed changes, to give the press enough notice, to report on proposed changes and to provide lawmakers with an opportunity to review changes prior to the public hearing. Since 2017, I have asked lawmakers to reform our rulemaking process so that it can better serve the Legislature. In each instance, this request has been kicked down the road for future lawmakers. This notice requirement is one simple way to ensure that as we consider changes to this important legislative institution, we are doing so after having considered those changes thoughtfully and with the input of all those who may have reason to provide insight. And with that, I would be happy to answer any questions.

**DeBOER:** Any questions for Mr. Leach?

**NATHAN LEACH:** Thank you.

**DeBOER:** I don't see any. Next proponent testifier.

**ARLO HETTLE:** Hi there. My name is Arlo Hettle, A-r-l-o H-e-t-t-l-e. You happened to get me in back to back ones. I am here to testify in support of what was rule change 50, which would amend Rule 3, Section 4(f) with the Nebraska civic engagement table, working with nonprofit members across the state to increase civic participation and build a more engaged Nebraska. And as-- we've said, we know that the rules by which the Legislature functions make a huge difference in how many voices are able to be heard. By requiring public notice of proposed rule changes in advance of the hearing, we're ensuring that our communities have time to understand what these changes mean and can reach out and advocate for the Legislature they want to see. It's really fortunate that what almost happened this week, which would have been a hearing on these 55 proposed rules changes with no opportunity for the public to see the full text of these modifications, was avoided. We got a great turnout here today, I think, because of the moved hearing date and because of the additional time that the public had to sit with these proposed changes. The best way to ensure that a situation like this never happens again is to amend these current rules to require at least three days of public notice. Many of the proposed rules we've discussed today would dramatically change the nature of the Legislature and citizens and advocates deserve to have the full information on these rules changes before we make our voices heard. Thanks for your time.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**DeBOER:** Thank you. Any questions for this testifier? I don't see any today, but thanks for coming down. Next proponent testifier.

**ANGIE PHILIPS:** My name is Angie Philips, A-n-g-i-e P-h-i-l-i-p-s, and I am here to testify in support of number 47. Yeah, number 47 proposed by Senator Conrad. I just kind of wanted to walk you through like a little bit of what my group has been doing over the past couple of days since we heard about this hearing to try to get the information out to the second house in a way that they understand and know how to participate. So initially, of course, we hear about the date and then that date changes, right, so we update everything. But we're getting it out. We're saying, hey, there's a rule date coming up. We're trying to explain to them the difference between a rules hearing and a legislative public hearing. We're trying to also be in contact, which I, I do have to shout out to Senator DeBoer and Senator Erdman's offices. They were so helpful in trying to get us-- help us figure the process out. But, you know, we needed understanding of how the rules were going to go, like which order it was going to follow, just lots and lots of questions about this. And to try and put even just all of that into a format and then push it out through limited means. Grassroots is usually things like word of mouth, social media, maybe some emailing campaigns. That takes, that takes a lot of time. So we would absolutely be willing to continue to help push this out-- information out to the public. But if we could get-- I even would say three days is pretty short. We would prefer like a five, at least a five-day notice.

**DeBOER:** All right. Thank you. Any questions for this testifier? I don't see any.

**ANGIE PHILIPS:** Thanks.

**DeBOER:** Next proponent testifier.

**TIMOTHY C. MELCHER:** Good evening, Senators. My name is Timothy C. Melcher. T-i-m-o-t-h-y, C as in Clifford, M-e-l-c-h-e-r. I'm here today for Nebraskans Unafraid. So I don't need to reiterate what the previous two testifiers have just said. I am in prop-- in, in a proponent capacity here testifying today. But the rules and procedures of Legislature are very important and it's very important to understand what they are and to be able to have a say in how they are executed throughout Legislature and the rest of the session. So an example of how I was personally affected by these procedures was back in 2017. There were two bills that were introduced to terminate my parental rights and they were LB106 in 2017 and LB188 in 2017. Senator

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

Brasch realized that LB106 was substantially similar to LB188, so she withdrew that bill and then LB188 went through the entire process through that session until the very end. And I'm not sure what happens, but I did read through the floor transcripts and there was a motion to suspend the rules, specifically Rule 6, Section 3 and 5, and Rule 7, Section 3 and 7. And that bill was indefinitely postponed. And so I assumed that it was all a done deal, nothing to worry about. But LB289 was already approved by the Governor on May 22, and then language from LB188 was amended into LB289 the day after it was approved by the Governor. So what I understand is that was basically a Christmas tree bill, because there were two other bills that were amended into that LB289. But at that point, I didn't know anything about the Legislature, really. And so the ramifications of that LB289 are still prevalent today and so I wanted to point that out when we were having this meeting tonight.

**DeBOER:** All right. Are there any questions for this testifier? I don't see any. Next proponent testifier. Welcome back.

**STEVEN JESSEN:** Yes. Steve Jessen, S-t-e-v-e-n J-e-s-s-e-n. I'm in support of 45 and 46 and I'm not sure whether I'm in support of the other one or not, for sure. But I guess the point I'm here up to, to bring up here is, is I have been just getting into the Legislature. I agree with the appendix to that being a click link so that, you know, as we're trying to figure out as the public, we, we-- you know, we don't have access to the Capitol unless we come here, so that makes sense. And the Rule Committee's being five people or odd, odd number of people, that makes sense. It seems like everything we've been talking about today with all the bills, all of the different things that are coming across, limiting and all that. I mean, this seems like a very much no-brainer, for lack of a better word, to limit those or make it so that those committees can either get it in or out, one other way, one way or the other. I mean, let's-- if we're going to do all these bills, we need to get them moved through the committees. Otherwise it [INAUDIBLE] the process.

**DeBOER:** Do we have any questions for this testifier? I don't see any. Thank you so much. Next proponent testifier.

**CALVIN PEMBERTON:** All right. Calvin Pemberton, C-a-l-v-i-n P-e-m-b-e-r-t-o-n. I'm actually in support of all three of these. Obviously, we want to move things along through the committees. To have an odd number just seems like that makes sense. I don't know, I don't want to be rude, but I don't know what took so long. You know, but that seems like something that might should have been done quite a



while ago. The public appendix-- you know, I actually was given this sheet about three days ago to start looking into to be ready for this hearing. And I looked on the website 'cause I didn't know what it was and I couldn't find it. So it makes sense to make that kind of public and available because I didn't even know what it was until now. So-- and then as far as a notice of hearings for published three days prior to the hearing, that is obviously something that the people would want all across the state. You know, like give us a better chance to show up and be the second house that you guys want us to be. So I am in support of all three of these and that's speaking on behalf of the Republican Party, too. I mean, these are things that all people in Nebraska should be in support of so thank you very much.

**DeBOER:** Let's see if there are any questions. Anybody have a question for this testifier? I don't see any. Thank you.

**CALVIN PEMBERTON:** Thank you.

**DeBOER:** Next proponent testifier. Is there anyone here in opposition to Rules 45, 46 or 47? Is there anyone here to testify in the neutral capacity?

**BRANDON METZLER:** Thank you, Senators. I'll make this brief. Just for clarification and for the record, my name is Brandon Metzler, B-r-a-n-d-o-n M-e-t-z-l-e-r, Clerk of the Legislature. There's some confusion about the model committee rules. Basically, in the mid-eighties, Senator Beutler brought them out of committee rules. It was going to be a rule change to basically structure the committee so that all committees had to operate under the same parameters. There was no consensus on those rules. If you look at them, as Senator Erdman pointed out, they're, they're 10 pages long. There's a lot of potentially divisive issues. Committee Chairs like the ability and the flexibility to run the committee as they saw fit so those never got adopted. They were published-- you know, we held on to them just as the ability for if a committee wanted to so choose by majority vote, adopt those as the operating procedures of their committee. They could, but we kept them on file if somebody wanted to see them. They're not secret. They're not rules that are hidden that, that people don't have access to. They're simply there if a committee wanted to adopt them. We have no problems at all with Senator Erdman's proposal of linking them on the, on the digital rule book and including that in the physical rule book, letting people know they can go find those. That's all I have.

**DeBOER:** Any questions for the Clerk? Speaker Arch.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**ARCH:** Thank you. And they are what, what they're described as-- they're model.

**BRANDON METZLER:** Correct.

**ARCH:** Right. So they're not-- it's not, it's not a rule like you must adhere to these. They're, they're not rules in that respect. It's, it's model. It's guidance. It's a, it's a resource for committee Chairs.

**BRANDON METZLER:** Correct. It, it's you know, for example, a committee shouldn't start until you, you know, got a quorum or full participation, you know. If a member leaves, you know, don't let them-- you know, make sure they come back before you take a vote. It, it's basic procedures of a committee that, that they should be structured around.

**ARCH:** Just so people are aware, yesterday we had committee Chair training for standing committee Chairmen and we handed out that model. And-- but describe it as a model. This is something that could help you in, in your-- in the running of the committee.

**BRANDON METZLER:** Yeah. And if I could, Senator, they have been adopted in part in the past, so committees have taken pieces of them and adopted them. So, you know, there's nothing that says a committee couldn't run and operate on just the, you know, pieces that they like to the model committee rules or again, not at all.

**DeBOER:** Other questions? Senator Bostar.

**BOSTAR:** Thank you Senator DeBoer. Thank you, Mr. Clerk. Is there any concern that if we were to do something like this, where we put it into our rules in some way that we're indicating or signaling that it, that it is a-- an adopted rule?

**BRANDON METZLER:** I, I think the way that-- Senator, if I could, I think the way that it's, it's label-- or it's categorized now in the rules is that you see them, see the model committee rules. There's no reference that they're part of the rules. I think, to Senator Erdman's point, and I, and I would shy away from actually physically printing them in the book. I think that starts to get you down the path of people see it within the hard copy. They start to think-- but right now, I'm certainly open to amendment. If you want to say, you know, these are not part of the committee-- you know, the official rules of the Legislature, but they are on file and available here, some sort

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

of, you know, denotation that these, you know, are not to be followed as part of the committee rules.

**BOSTAR:** Thank you.

**DeBOER:** Any other questions for the Clerk? Thank you, Mr. Clerk.

**BRANDON METZLER:** Thank you, Senator.

**DeBOER:** Do we have any other neutral testimony? That will conclude our hearings then on rule proposal changes 45, 46 and 47 and now we'll move to proposal number 48. And Senator Erdman, you're open-- you're welcome to open at any time.

**ERDMAN:** Thank you, Senator DeBoer. For the record, Steve Erdman is my name, S-t-e-v-e E-r-d-m-a-n. I represent District 47. Rule, Rule 47-- or 48, excuse me, strikes Section 7(d) under Rule 7. And what it says-- I'll read what it says. This is the part we're striking: for a bill on General File, no motion to reconsider shall be in order until the bill has failed to advance three times. For a bill on Select File, no motion to reconsider shall be in order until the bill has failed to advance two times. For a bill passed on Final Reading, no motion to reconsider shall be in order except by the introducer of the bill for technical or clarifying, clarifying amendments. And then the new language I added would be: at any stage of debate, a motion to reconsider may be made. The reason that I'm striking this, this rule, this section, is because I've never seen a bill that we vote on General File three times. I've never seen a bill we vote on Select File two times. And so if we don't do that, why do we have it in our rules? And so my intention is to remove that because it's something we don't do and it would clean up our rules and we could move forward with what we actually do would be in the rules. So that's my presentation. Pretty straightforward. And if you have any questions, I will attempt to answer.

**DeBOER:** Any questions? Senator Erdman, I do have a question. If we strike the part that says that you can't have a motion to reconsider on a bill that's passed on Final Reading, I think that takes away the finality of the Final Reading passage. So if you could do a motion to reconsider on a bill that has passed Final Reading, that would theoretically say that you could pass a bill on Final Reading and then later file a motion to reconsider a bill that was passed on Final Reading. And that seems problematic to me.

**ERDMAN:** Do you think that's what that says?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**DeBOER:** I do.

**ERDMAN:** At any stage of debate, a motion shall be to reconsider-- to reconsider shall be made.

**DeBOER:** Since it says for a bill passed on Final Reading, no motion shall be-- to reconsider shall be in order. Yeah.

**ERDMAN:** OK.

**DeBOER:** So I'd want to clarify that.

**ERDMAN:** We can have a discussion about that.

**DeBOER:** Yeah. Other questions? Senator Bostar.

**BOSTAR:** Thank you, Senator DeBoer. Thank you, Senator Erdman. Related to that, it does seem, though, that there is a way for-- in the existing rules, a motion to reconsider is allowable, right, by the introducer for technical or clarifying amendments. I don't really know how that works, to your point, if something is passed, but we already apparently have a mechanism for doing so. How do you anticipate-- because to your point, Senator, we don't ever meet these criteria.

**ERDMAN:** Correct.

**BOSTAR:** How do you anticipate these motions to reconsider being utilized and being useful to our work?

**ERDMAN:** Well, it'd be very similar to what we do. When we put amendments up there, we do a vote to reconsider. So the last couple of days, we move to reconsider the vote on committee for a committee's report. And I believe that it would be similar to that.

**BOSTAR:** Thank you.

**ERDMAN:** Yeah.

**DeBOER:** Thank you, Senator Bostar. Other questions from the committee? I don't see any.

**ERDMAN:** OK.

**DeBOER:** Let's see if there's any proponent testimony, shall we?

**ERDMAN:** OK.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**DeBOER:** Are there proponents? Opponents? Is there anyone in the neutral capacity?

**BRANDON METZLER:** So Senator, I certainly can help a little bit with clarification. Brandon Metzler, B-r-a-n-d-o-n M-e-t-z-l-e-r, Clerk of the Nebraska Legislature. Senator, I think your point is well taken. When we-- when something leaves our desk or, you know, your desk up front, it's handed over to the Governor. There has always been the understanding from the Clerk's Office, from a procedural standpoint, that when we pass something, we don't reconsider it because it's no longer in front of the body. That, that-- I think you run into a problem there with the Governor as to whether or not something is delivered. Do we take it back? We've had problems with gubernatorial appointments in the same way where we can reconsider those, but we've already handed them off to the Governors, you know, approved. Where do we draw the line as to when something becomes, you know, a different branches? The other thing I want to raise with you, if I could, Senators, in consideration of this reconsider. It's, let's say Monday, you've got a bill up and you're going to reconsider it and you've got-- sorry, you're going to vote on passage of it and you've got 23 votes, right, for General File. The bill fails. An opponent of the bill brings a reconsideration motion and immediately exhausts your one reconsider motion, knowing full well that you don't have the necessary members there. Let's say they're out of town, you know they're unavailable. You've just exhausted that one reconsideration motion and killed the bill. Whereas in theory, under the way our rules are structured now, you do have the ability, although the Speaker's usually-- Speaker's prerogative as to whether or not he brings a bill back. But you run into that situation where if I'm an opponent of the bill, I kill the bill on General File by just offering a reconsideration motion immediately, knowing full well that you don't have the votes for it. You know, that's consideration.

**DeBOER:** So theoretically, we would have the ability to reconsider a bill that failed for-- everybody from western Nebraska was in a snowstorm and couldn't get there. And then we defeat the bill. Whatever. Do it three times, Poof. This way, at least if they would come back the next Monday, they would have the ability to reconsider the bill.

**BRANDON METZLER:** Right. And I'm not saying there's-- I'm not poking a hole in the entire rule itself. Just the one consideration of a single reconsideration being in order is problematic in that sense of if it's exhausted, knowing full well you don't have the votes here. It, you know, could be a potential tactic of an opponent for the bill.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**DeBOER:** Is there a clarification elsewhere about when a matter is before us or at a stage of debate and when it is no longer with us and with the Governor? Is that anywhere in our rules?

**BRANDON METZLER:** We don't have anything that clarifies that, no, Senator. That's just been practice with the Governor concern-- concerning gubernatorial appointments especially. We have been allowed to reconsider those. But there's an AG Opinion that says we can on file, but it's just been an understanding of the Governor that when we pass something on Final Reading, you know, there's usually a representative from the Governor's Office in the Clerk's Office ready to, to have those handed over. So-- and, and a reconsideration motion is in order, you know, for a long extended period of time after that Final Reading vote is taken. So you're potentially handing stuff off to the Governor, still having the ability to reconsider days later.

**DeBOER:** Senator Bostar.

**BOSTAR:** Thank you, Senator DeBoer. Thank you, Mr. Clerk. Within the rules as they exist, right, there is an ability to do this. Have-- are you aware of an instance where post passage on Final Reading a motion to reconsider by the introducer for technical or clarifying amendments has been made?

**BRANDON METZLER:** I'm not aware. I can certainly look back and see if we have one, but it's not-- it's my understanding that I don't know that I've ever seen-- and from my recollection had that situation where we've actually reconsidered something. But there could very well be a reason it's written like that in the rules that, you know, it was a one off case. So.

**BOSTAR:** Thank you.

**DeBOER:** Any other questions for the Clerk? Thank you, Mr. Clerk.

**BRANDON METZLER:** Thank you.

**DeBOER:** Anyone else in the neutral capacity? That will end our hearing on rule proposal 48. And we now will go to rule proposal 49. Senator Erdman, you're welcome to open.

**ERDMAN:** OK. Thank you. Thank you, Senator DeBoer. For the record, Steve Erdman, S-t-e-v-e E-r-d-m-a-n is my name. I represent District 47, 9 counties in the Panhandle. The next rule, 49, is a-- an amendment to Rule 3, Section 16(a), and my friends in the media are very interested in this one. I have, in the past, introduced this rule

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

change several times. And when I was newly elected and I went to the first Executive Session and the media was there, I said to the senator next to me, what are they doing here? Then he said, it's permitted. I said, oh. Every, every board I've ever served on, every board, Executive Session, many Executive Session. Necessary staff was there to keep records or whatever-- answer questions. Everyone else was dismissed. It is the most peculiar thing that I have dealt with as a state senator that the media would have authority to be in Executive Session, not elected people, all right? The media. So the introducer of the bill, who's an elected official, is not allowed in the meeting. The public that may have come and testified, pro or con, is not allowed in the meeting, but the media is. Now think about that. That is peculiar. So one time, I had suggested it's no one or it's everyone. They didn't like that one either. So what happens if we would change it to everyone, is there maybe 40 people in the room and the media wouldn't have an advantage to sit in and listen to the conversation and everyone else would understand what the media's about to spin or tell you. There have been times that the media has quoted people, senators, that they weren't supposed to and they did it. What are the repercussions? Nothing. It is time for us to have an Executive Session and be able to discuss things openly in that session, because that's what it is, the Executive Session. And so the media will come here and tell you that it's necessary that they be in there so that the public knows what happened. We have a committee statement. Every committee that votes, and the Appropriations Committee is going to be one of those going forward, will be recorded. And everybody that reads the committee statement will know how people voted. There's nothing hidden from what happens, but the discussion needs to be in private. And the only way to do that is to keep the media out. So that is the intention of Executive Session, open to the committee members and the staff necessary to run the Executive Session. I introduced that before and I will continue to do that until it passes. There have been new senators that have arrived in January here and they've called me. And they said, this is peculiar. This is peculiar. I said, You're not the first one to think of that. And so they come from the private sector where Executive Session means just that. So if we're going to continue to allow the media in there, we have to find a different word to describe what we do, because the definition of Executive Session does not allow for anyone to be in the room but of what I described. So we have to make a decision. Is it Executive Session or is it something else? So that's my opinion. That's my, my decision. That's why I did what I did. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**DeBOER:** Thank you. Senator Erdman. Are there questions for this introducer? Senator Hansen.

**HANSEN:** Do you know what other states do?

**ERDMAN:** I do not.

**HANSEN:** I was just kind of curious.

**ERDMAN:** I know other states don't have a Unicameral.

**HANSEN:** That's true.

**ERDMAN:** That's what I do know.

**HANSEN:** That's right.

**ERDMAN:** I-- my, my impression is they probably don't. And they probably don't let them in there because those meetings probably aren't open to the public because they don't have a hearing for every bill like we do. That's, that's just a thought.

**DeBOER:** Thank you, Senator Hansen. Other questions for the introducer? Thank you, Senator Erdman.

**ERDMAN:** This would be one of those when I'd like to do a closing, but I won't.

**DeBOER:** Noted for the record. First proponent testifier. Do we have any proponents? Any opponent testimony?

**ROSE ANN SHANNON:** Good evening, Madame Chairman and members of the committee. I am Rose Ann Shannon, R-o-s-e A-n-n S-h-a-n-n-o-n. I'm the president of Media of Nebraska, which represents the state's newspapers, broadcast media and associated digital outlets. I come here tonight to speak in opposition to number 49, the proposed rule change that would bar media from Executive Sessions. This change has the potential to reduce transparency, undermine public trust in government and impact the accuracy of reporting on legislative matters. Reporters who currently cover the Nebraska Legislature on a regular basis are very concerned about the impact this rule change could have on their ability to disseminate complete and accurate information to their readers and viewers who are also your constituents. The journalists specifically cite the effect this change would have on their ability to cover the complex issues such as budget, revenue and tax legislation. This session-- in this session,



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

the Legislature will address many other issues, as well, of great importance to all of Nebraskans. Things like education, abortion, prisons and public safety, to name a few. It's important for your constituents to understand the concerns and considerations lawmakers go through in offering amendments. They want to know why you decided to advance a bill to the floor or kill it in committee. I think most of us would agree that in recent years, many Americans and Nebraskans have become more distrustful of government and our institutions. This is the time for more transparency in government, not less. This rule change would be perceived as yet one more threat to open government.

**DeBOER:** Thank you. Are there any questions for this testifier? Senator Hansen.

**HANSEN:** So what's-- I understand the, the transparency part, but what are you hoping to learn from the Executive Sessions?

**ROSE ANN SHANNON:** Well, I think what's important from these Executive Sessions, and they do differ from Executive Sessions that are held by other deliberative bodies. Those things were covered under the Open Meetings Act. And for example, the Omaha City Council will state a reason for going into Executive Session. It's usually something like a contract negotiation or personnel matter. It's not nearly as broad as the information that comes out of an Executive Session in the Nebraska Legislature. You can call it what you want, but it really is not the same thing as the Executive Session that you have for other deliberative bodies. A lot of important information, background information that reporters use to develop their stories and provide context for viewers and readers occur in those sessions and the ability to talk to the senators and get that information and to ask questions intelligently, I think is really important. And, you know, I have covered the Legislature with the Executive Session. I have never been made aware of any problems. We discussed it a bit informally, but because of the tight time frame, no one could really recall any major problems that have resulted that have come to our attention as a result of this.

**HANSEN:** OK. Is this information you could probably still get without being in Executive Session by asking questions or going to the hearings?

**ROSE ANN SHANNON:** Well, I-- going to the hearings, I would say probably not. I think there is background information. I think that discussions are held, reasons why bills are advanced or killed in committee. Those things occur in the Executive Session. And I think

it's, it's about having a deeper understanding of some very important issues. And it's particularly important when you get into areas that are very complex because a lot of that discussion goes on in the Executive Session and it helps you ask a more intelligent question, if you will. If you don't know the, the background, sometimes you can't ask the most intelligent of questions. So I think it deepens understanding. I just don't think this is-- I think it's a, a-- something that has worked very well. And I think it's, it's given the, the con-- your constituents and our viewers and readers information that they might not otherwise have had.

**HANSEN:** I think, in my personal opinion, that could also-- you could reverse that because I know, being in committee enough times, I feel more comfortable when the press isn't there. I've-- then that way, we can share information sometimes that some people may not be willing to share because now they're worried about what people are going to think of them if they say something a certain way or how somebody might misconstrue their words in the media, whether accidentally or not. Right. And so sometimes there can be a much more open dialogue where we can actually share more history and communication without the press there. You're saying the same thing. Well, we can get more information and history by being there. Well, sometimes, sometimes-- and we can't share that or sometimes some people are afraid to share that because how it might be misconstrued. And so, so there-- I think there's, there's kind of a give and take here, too, I think. Like, you're looking for something, I think we-- you know, we might feel a certain way, too. And so I see where you're coming from, though. That makes sense.

**ROSE ANN SHANNON:** And Senator, I understand what you're saying as well. But I think that where I look at this, there are a lot of, of things that are different about government and it's the people's business. And sometimes it's messy, it's not clean. And I guess we all have to live with that. That's, that's kind of what you sign on to as an elected official. And so, so I would say I understand what you're saying, but I think that the greater good comes when there is more openness in government.

**HANSEN:** Sure. OK. Thank you. Appreciate you answering those questions.

**DeBOER:** Senator Arch.

**ARCH:** Thank you. I know one of the-- just kind of reflecting on what Senator Hansen said, one of the concerns of the-- of, of a senator could be the direct quote. Right. Senator Arch said such and such

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

versus background information so that you can understand the topic. How, how do you balance that? I mean, obviously-- and that would-- I think that would hinder any, any honest, open communication. Like, whoa, I, I mean I need to say this, but I really don't intend for this to be on the record in the paper. What I mean, I guess, is that just our risk? Is that, is that--

**ROSE ANN SHANNON:** I-- you know, I-- to be-- to a certain extent, I think that's, that's true. I think that these Executive Sessions involve a certain amount of trust that has to be developed between the senators and, and the media that, that covers them. But I think that-- I, I don't quite understand, I guess, why someone would say something that they don't want the public to know when you're in a public capacity. So it's a-- that's a difficult question for me to answer.

**ARCH:** OK. Thank you.

**DeBOER:** Other questions? Other questions? No other questions. Thank you so much.

**ROSE ANN SHANNON:** Thank you.

**DeBOER:** Let's have the next opponent testifier.

**DAVE BUNDY:** Senator DeBoer, committee members, I'm Dave Bundy, B-u-n-d-y, and I am the editor of the Lincoln Journal Star and I'm also a board member of Media of Nebraska. Two years ago to this very day, I was testifying against this same, this same rule change. And so Chairman Erdman and Senator DeBoer, if you don't remember me, I'm in good shape because my arguments would be just about the same about doing the public's business in, in public. Around 5:00 today, I was able to watch this from my office and I listened as Senator Erdman was discussing ending secret ballots. And he said secret ballots weren't in the people's best interest because the public wants transparency. And I thought to myself, amen, Senator Erdman. If transparency is a priority at 5:00 with that rule change, why isn't it a priority here and now? Who gets to decide and, and how will they decide what the public deserves to know? Winston Churchill gets the credit for saying that democracy is the worst form of government except for all of the others. It's certainly not the most efficient, precisely because it's designed to give everyone a voice. It's certainly not the most comfortable, but the friction that it creates polishes good ideas. The media has appreciated and valued the access to Executive Sessions to witness that polishing on key issues. The access helps us do our work, tell the public about your hard work on the behalf of all Nebraskans.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

And I'd be glad to answer questions or if you just want to send me home to bed, I'd be OK with that, too.

**DeBOER:** Questions? Senator Hansen.

**HANSEN:** I like your analogy of Senator Erdman. I usually use him a lot in a lot of my analogies for all kinds of stuff. Mostly good.

**DAVE BUNDY:** This was a good one, I thought, too.

**HANSEN:** Yeah. You know, and, and you know, with his comments about transparency, I, I'm going to try to use a different analogy as well, if I-- kind of from our perspective that we just heard today. It's a little bit more extreme so hopefully nobody quotes me the wrong way on this. But we were talking about--

**DAVE BUNDY:** I can't guarantee that.

**HANSEN:** --using-- the ability to have firearms in, in the Capitol, right. There are some senators who might have a little hesitancy about saying certain things because of something else in the room. Right. It's a similar analogy kind of where we're coming from. Not to that extreme, right, but sometimes it hinders our ability to say certain things because-- especially when I was a freshman senator, you're all like, I don't wanna say the wrong thing. And all of a sudden, the press walks in during Executive Session and you want to, kind of, share stuff. You don't want to say. I mean, you know, it could be a very hot topic like abortion or gun control or something else. And you may want to share a personal story that kind of pervades your point of view that might helps communicate that with the other, the other committee members. But then you don't want to say that. I mean, maybe how you're going to be perceived or maybe it's saying somebody's name or something like that. So I think from our perspective, that's kind of maybe, I think-- well, my perspective anyway, maybe where we're coming from or sometimes-- it, it does hinder communication maybe a little bit. Maybe not for everybody, but I know for some it does.

**DAVE BUNDY:** Oh, I, I certainly understand that. And, you know, I've been the editor here at the Journal Star for almost 11 years. And the reporters that cover the Legislature here understand the, the tacit agreement that we don't quote and-- we don't quote directly from Executive Sessions. And you know, what I found is most people who have a problem with me or the Journal Star are not hesitant to call me and let me have it. And I've not ever heard a complaint about this. And, and if there was a problem with it, I would hope someone would bring

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

it to my attention. I can't speak for all media outlets, but I, I know my folks.

**HANSEN:** Thank you. Appreciate it.

**DeBOER:** Other questions? Senator Bostar.

**BOSTAR:** Thank you, Senator DeBoer. Thank you, Mr. Bundy, for being here. Even though it's--

**DAVE BUNDY:** It's past my bedtime. Yeah.

**BOSTAR:** --9:30. You spoke about sort of comparing the transparency of having the media available in Executive Sessions with Senator Erdman's position on secret ballots. Has the Lincoln Journal Star editorial board taken a position on secret ballots?

**DAVE BUNDY:** We have. And I'll bet you know our position. We support them.

**BOSTAR:** So, so since the paper supports the secret ballots, I suppose I would be interested in understanding how you go about-- thinking about those two things together. Exec Session, media presence, plus the, the preference for secret ballots in the Legislature.

**DAVE BUNDY:** I, I think that there's, there's-- I think we've acknowledged there's a peculiar nature to the unicameral Legislature.

**BOSTAR:** Which I would agree.

**DAVE BUNDY:** And in, in both of those instances-- you know, we, we evaluate lots and lots of opinions when we do our editorials and we take the issues one at a time and we try to say to ourselves, what is in the-- what do we think is in the best interests? There, there doesn't necessarily, in our minds as an editorial board, have to be a common thread that runs through absolutely everything. We'd go nuts if we tried to do that. But on the issue of secret ballots, we believe--

**BOSTAR:** It's a challenge for legislators.

**DAVE BUNDY:** We believe there is a greater good served in those secret ballots in terms of Executive Sessions. We believe there is a greater good in our stance on that. So to the extent that they're inconsistent, I plead totally guilty. To the extent that we're trying to help the public, I plead totally guilty to that, too.

**BOSTAR:** Thank you, sir.

**DeBOER:** Other questions? I think it's--

**DAVE BUNDY:** Bedtime.

**DeBOER:** Bedtime. Next proponent testifier. Opponent. Sorry. Opponent.  
It's, it's 930.

**NANCY FINKEN:** I'll try to be brief. Good evening. I'm Nancy Finken. That's N-a-n-c-y F-i-n-k-e-n. I'm the chief content officer at Nebraska Public Media and I also am on the Board of Media of Nebraska. Speaking in opposition, we realize that Executive Sessions are a place for frank discussions and our intention is not to embarrass anyone by quoting some off the cuff conversation or expression. The value of this rule is really to facilitate accurate reporting on complicated policy in the tradition of openness that distinguishes the Nebraska Legislature. As professional journalists, we know the value of context and can discern between reporting on something like a senator lying on the floor during Executive Session because their back hurts and a senator making relevant remarks and having conversation during policy debate. The former, of course, would not be newsworthy. It's not censorship for us to make that decision. It's news judgment practiced by reporters who have been trained and whose practice in ethics and public policy and journalism is what we take seriously in our duty to provide meaningful, contextual and accurate reporting on state government with the shared goal of contributing to a more informed society. So again, Nebraska news media understands that attending Executive Sessions is a unique privilege and one that we don't take lightly while exercising the judgment required to make the most of it on behalf of our audiences.

**DeBOER:** Thank you very much. Are there questions for this testifier?

**NANCY FINKEN:** Thank you.

**DeBOER:** Thank you very much. We appreciate you being here. Next opponent testifier.

**RACHEL GIBSON:** Hello again. Rachel Gibson, R-a-c-h-e-l G-i-b-s-o-n with the League of Women Voters and-- you can find this in your packet on page three. We are opposed to this, closing of Executive Sessions. Currently, these sessions are already closed to everyone except legislators, staff and press. While we understand that there are rare occasions it may be necessary for a committee to meet away from the public, that need does not preclude the public from knowing what

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

decisions are being made and the context around them. The press plays a vital role in bridging that gap and on the rare occasions that it's necessary, we encourage that they continue to have that access. I'm happy to answer questions.

**DeBOER:** Are there any questions for this testifier? I don't see any questions, but thanks for sticking around so late.

**RACHEL GIBSON:** Will you give me one more time?

**DeBOER:** All right. Next opponent.

**JAMES WOODY:** I'll be very brief. Good evening. My name is James Woody, J-a-m-e-s W-o-o-d-y. I am sitting in this seat because I want to make sure that the record doesn't only reflect that it was journalists and advocacy groups that spoke in opposition. My name is Woody. I'm a general member of the public. I follow the unicameral. I oppose this rule. I feel much more comfortable knowing that there is a journalist in the room when the Executive Sessions or what we call Executive Sessions are occur-- are occurring. And I would yield back.

**DeBOER:** Are there any other questions? Any questions for Mr. Woody? Thank you, Mr. Woody. Any other opponent testimony? Is there anyone here this evening to testify in the neutral capacity?

**BOSTAR:** I wonder if our clerk would join us.

**DeBOER:** Is there anyone here to testify in the neutral cap-- oh, there is.

**BRANDON METZLER:** Senators, Brandon Metzler, B-r-a-n-d-o-n M-e-t-z-l-e-r, Clerk of the Nebraska Legislature. I didn't have anything prepared for this, but I certainly can answer any questions that you have.

**DeBOER:** Are there any questions for this testifier? Any questions? Senator Bostar.

**BOSTAR:** Thank you, Senator DeBoer. And thank you, Mr. Clerk--

**BRANDON METZLER:** Absolutely.

**BOSTAR:** --for just always being there and neutral. So we spoke previously about how we have recommendations for committee leadership. And then we have this rule, which is specifically about, sort of,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

committees. So I'm assuming that, you know, this is-- this isn't negotiable by a committee Chair. Is that correct?

**BRANDON METZLER:** Correct.

**BOSTAR:** So a committee Chair then couldn't ask the members of the news media to leave an Executive Session?

**BRANDON METZLER:** Senator, there is the caveat of closing an Executive Session. I don't know if that's where you were headed, but they do have--

It's not really.

**BRANDON METZLER:** --OK. They do have the option of-- I mean, yes, you can't unilaterally kick out the press as a committee Chairman. You do have the ability to take a committee vote to close a session. I think that includes an Executive Session. So if there was a topic that needed discussed at some point in confidentiality, the committee could close a, a session with a majority vote of the committee.

**BOSTAR:** And how, how do we define news media? In our-- for our purpose of our rules.

**BRANDON METZLER:** So traditionally, I mean, news media is broad when it comes to committees. I'll tell you that. When it comes to the floor activity, we've got registered news individuals. They have to send their credential to the Clerk's Office. They have to send us a letter indicating that they're qualified to be on the floor. They've got-- you know, they're legitimate, a legitimate business. And then we provide permanent credentials if they're there for long extended periods or temporary. You see them with the sticker if they're there for the day. When it comes to committees, we have, we have generally been flexible. They don't check in with us in committee. So news media, when it, when it comes to committees, could be as broad as an individual with a camera that's set up to record.

**BOSTAR:** So to be clear, anybody who walks into an Executive Session with a camera gets to stay there and record it?

**BRANDON METZLER:** Could, could claim to be qualified under news media. Again, we don't credential them in the same way so that's problematic.

**BOSTAR:** Let me ask you-- here's a scenario. Someone comes into an Executive Session with a camera, says that their news media. The committee Chair decides that they don't think they are, so they ask



him to leave. So there's a question about whether or not they are news media. And if it came to the point where a committee Chair had to-- if the individual didn't leave and it fell on Red Coats, security, whoever, to determine by our rules if this was an enforceable provision, how would we recommend security go about interpreting this rule?

**BRANDON METZLER:** I don't know that security can interpret it. I, I think that there's certainly room for-- to clarify that as to who our news media, whether that's a credentialing process similar to how we do on the floor. I will tell you, our Red Coats would traditionally follow the instruction of the Chair. Whether or not that turns into a floor fight or a discussion within the news media of a person was wrongfully removed by direction of the Chair, I think is where that would probably head. But, but our Red Coats are instructed to follow the direction of the Chair, as it's the Chair's meeting.

**BOSTAR:** OK. Yeah. Thank you very much.

**BRANDON METZLER:** Absolutely.

**DeBOER:** Any other questions? Doesn't look like it. Thank you, Mr. Clerk. That will-- oh. Other neutral testimony? After we strong-armed that one. That ends our hearing on rule proposal 49 and we will now have rule proposal 50. And Machaela Cavanaugh, Senator Machaela Cavanaugh, you're welcome to open at your leisure.

**M. CAVANAUGH:** I'll take a little stroll, do some jumping jacks to get some air flow to this brain. Good evening, members of the Rules Committee. My name is Machaela Cavanaugh, M-a-c-h-a-e-l-a C-a-v-a-n-a-u-g-h. You know, my parents almost named me Norah. That's a lot shorter. Kind of regretting that now. So what is my rule-- number 50 is-- ah, yes. In case of emergency federal funds, this is kind of narrow to, specifically, a public health crisis. I would be open to making it more broad to any federal emergency funds. Say we had another flood and we got some emergency funds while we were in session and it was after day ten, this would allow us to introduce legislation to address how to utilize those funds. That's pretty much it. So if we got like, if tomorrow-- not tomorrow, if after day ten-- I don't know what day we're on anymore. When we're in day 20, let's say, the federal government authorized massive package of relief dollars for some public health crisis. In this specific case, we could-- we wouldn't have to suspend the rules. We could just introduce legislation to address those funds. That's pretty much it.

**DeBOER:** Are there questions for the senator? Seeing none--

**M. CAVANAUGH:** That's good, because I'm not sure I have the mental faculties left to answer them.

**DeBOER:** Are there proponent testifiers? Anyone here to testify in opposition to this rules change?

**M. CAVANAUGH:** I'm pretty sure there was a neutral.

**DeBOER:** Anyone who would like to testify in the neutral capacity? That will end our hearing on rule proposal 50 and we will open the hearing on rule, rule proposal 51. Senator Hunt, you're welcome to open at your leisure.

**HUNT:** Thank you. OK. One moment while I find this one. OK. Thank you, colleagues. I'm Megan Hunt, M-e-g-a-n H-u-n-t and I have a series of rules that are coming up next that I'm introducing. The first one would provide the Clerk's Office is responsible for hiring and firing of committee staff, and that would include legal counsels and committee clerks. Senators could request permission from the clerk to hire or fire a committee staff person and the respective committee Chairperson would be given consideration in hiring decisions. The intent of this is to say that the Chair of whatever committee's preferences are taken into account and that we trust the Clerk's Office to honor that to the extent feasible. Something that sometimes happens around here when we elect new committee Chairs is that the new Chair can decide that they don't think the existing committee staff is closely aligned enough with their own personal political leanings and then they clean house, so to speak. And I think that the committee Chair should certainly have a say in who their committee staff is, but what's actually happened in practice is problematic on several levels. For one, the committee staff works for the committee and the legislative body. They are not personal Senator staff like a legislative aide or an administrative aide. These positions exist to provide nonpartisan legal counsel and administrative support to committees. If these staff are doing their jobs properly, their own political leanings and their own personal views won't come into play at all in the work. Also, any affiliation with a past senator or their own party affiliation shouldn't have any bearing on their ability to do their jobs and serve the senators on the committee in an unbiased manner. If there's some issue under this rule, if it were to be adopted, the committee Chairperson can request the clerk's permission to fire or change that staff person. But I think this is a fair way to involve the Chairperson in the process, but also provide a check and

balance that the Clerk's Office as a neutral entity would have primary responsibility for recruiting and hiring these staff. And then there's that extra layer protecting experienced staff people who understand the work, who understand the institution and what's being asked of them as committee staff and who have done nothing wrong from losing their jobs purely due to changing political whims. Something I think I'm going to get 80 percent right, but I'm still going to talk about on the record, is that the Clerk's Office used to hire all the committee staff and all the senators' staff. And I believe it was actually Senator Ernie Chambers who changed that and said senators should be able to hire their own staff and that's how this changed. I still certainly support senators hiring their own staff for inside their offices because the work that we do is so political and we want to make sure that we can trust the people that we're working with. But committee staff, it's really just institutional work for the most part. And we want to make sure that the people who get those jobs are not getting the jobs as a favor, not getting jobs because they're friends of the senator, the person that got elected or in a, in a real worst case scenario, that they're not getting those committee administrative positions because we had an open ballot for these committee Chair positions, there was party influence in who got the Chairmanship and then there proceeded to be party influence in who was hired to work on those committees. This is a worst case scenario to me. But given the rules that have been intro-- the rule proposals that have been introduced today, I can see something like that happening down the line and becoming a new norm in this body, which would be a problem. So this is sort of a safeguard against that. And I'm happy to answer any questions.

**DeBOER:** Are there any questions for this introducer? Thank you, colleagues. I don't see any. Is there proponent testimony? Anyone here to testify in opposition to this rules change? Anyone here to testify in the neutral capacity?

**BRANDON METZLER:** I will make this brief. I promise. We're name dropping the rule, Senator, so I feel like the Clerk's Office should give some background and I wanted to continue on what Senator Hunt said. Brandon Metzler, B-r-a-n-d-o-n M-e-t-z-l-e-r, Clerk of the Legislature. Really quick. This shouldn't take long. So I wanted to correct the record first. Senator Bostar, to your point earlier, considering reconsideration motions. In 2011, I did some cursory research. In 2011, we have-- Senator Flood, Speaker Flood pulled back a bill within that five days that we had to present to the Governor for reconsideration. It was a change. We had read the bill title incorrectly. So it has been done. It's been done all the way back to,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

at least, Senator Jerry Warner, who did the same thing. It has been ruled out of order when it was brought back and reconsidered, not for a clarifying amendment when it was substantive. To this point, I wanted to quickly say, Senator Hunt was correct in-- but that history is very, very old in the sense of those hires by the Clerk's Office were college students that essentially dictated letters for senators. We had a pool of secretaries the Clerk's Office hired and senators could go to a room or bring the secretary to them out on the floor, because that's where their office was, and they would sit by their side and the senator could dictate letters.

**ARCH:** The good old days.

**BRANDON METZLER:** It, it has slowly evolved to-- you know, the Speaker then got a-- an individual assistant, and then from there, everybody wanted an assistant and we evolved into the structure we see now. This is not a new concept. This has been brought up-- Speaker Christensen in the early 2000s brought this up as a concept about the Clerk's Office hiring. Senator DeBoer, I know you've had discussions at times about the Clerk's Office being a neutral hiring committee staff. There's a couple of concerns we have. I agree with the neutral capacity that we could provide, but, you know, not all senators want that. I think senators like the flexibility of having somebody. There's always the conflict with a, with a committee on who, who does the committee staff work for? Is it the senators, the committee? Is it the Legislature? We've never really answered that question. And, and the other problem we have is attorney-client privilege. You know, we like the idea of when a committee staff is kept on by the next member, they keep all the documents. We've got the legislative history. That next person comes in with an understanding of, of the Legislature and where we went prior with the committee. The problem is you've also got attorney-client privilege with that legal counsel of how much of those documents can be shared with the new legal counsel, if there's an attorney-client privilege with them. This is something that the previous Exec Board legal counsel wrestled with. Just some thoughts there.

**DeBOER:** Are there questions for this testifier? So let me ask you a question.

**BRANDON METZLER:** Yes. Senator.

**DeBOER:** So you're saying that the attorney-client privilege holds between the Chair and the legal counsel, or is it between the committee members and the legal counsel? Who, who's the client?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**BRANDON METZLER:** The client? My understanding of previous legal counsel to the Exec Board's understanding was it was always described as the Chair. So the client is the Chair of the legal memos, memorandum. The attorney-client is between the-- that individual and the Chair. It's difficult because you will have relationships with all the committee members possibly that are outside of the scope of the Chair's attorney-client. So it's-- I mean, government legal counsels have always had this problem of where does your attorney-client lie?

**DeBOER:** OK. Obviously, that would not apply to clerks, though. So committee clerks could fall outside of the concern about attorney-client privilege.

**BRANDON METZLER:** Correct.

**DeBOER:** OK. That's all the questions I have. Any other questions? All right. Thank you, Mr. Clerk.

**BRANDON METZLER:** Thank you.

**ERDMAN:** Thank you, Senator DeBoer. Well, well done. OK. We'll move to 52. Senator Hunt is still here.

**HUNT:** Be here as long as it takes. OK.

**ERDMAN:** It looks like you're going to be here for just a while.

**HUNT:** Thank you, Chairman Erdman. I'm Megan Hunt. I am introducing the next rule proposal to require a quorum to be physically present on the floor in order to conduct business. This rule change is a proposal to require that a quorum is physically present in the Chamber in order for the Legislature to conduct its business. Currently, we have the requirement that a majority, or 25 members, be present to constitute a quorum. However, without the specification that all 25 are physically on the floor, what this means in practice is that members will often be checked in and then leave the floor to have meetings or handle personal business or take a break because they don't want to be involved in the current discussion. This means that a lot of important discussions are not heard or contributed to by some members and that votes are taken with some absent from the floor that may otherwise tip the balance that could affect the outcome of a bill's passage. A lot of times, some of us leave the floor during a filibuster that we're not engaged in. With this rule change, we will make the quorum requirement a little more specific by saying, it's not enough that 25 members come to work that day in and check in and then can go do whatever they want in the Legislature. They have to be present in the

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

Chamber for business to proceed. This would require that we get serious about legislating even when a filibuster is happening. Happy to answer any questions.

**ERDMAN:** Any questions? I guess I have one. Who, who's going to keep track? Who's going to count those?

**HUNT:** The clerks.

**ERDMAN:** The clerk?

**HUNT:** Yeah.

**ERDMAN:** So.

**HUNT:** You're welcome.

**ERDMAN:** So we're, we're at 25.

**HUNT:** They keep track of the quorum now. You know, it'd be the same.

**ERDMAN:** We're 25, I walk out to go to the restroom. Does that mean they've got to find another person to replace me?

**HUNT:** Yeah. Yeah.

**ERDMAN:** I bet the clerk's going to be happy about doing that.

**HUNT:** This might be the only rule they won't be happy about. Yeah.

**ERDMAN:** Any other questions? OK. Hearing none.

**HUNT:** Thank you.

**ERDMAN:** All right. Are there any proponents, anybody that would support the rule of having 25 on the floor at all times? Anybody in opposition? Anybody in neutral? Seeing none, we showed what, rule 53 on your schedule. That is Rule 5, Section 3(k) allows mobile devices in hearings. Senator Hunt, you're willing-- you're welcome to open.

**HUNT:** Thank you, Senator Erdman. I'm Megan Hunt, M-e-g-a-n H-u-n-t, and this is a rule that makes a lot of sense. This proposed change strikes a section of the rules for us that is currently being broken all the time and it is in the rules right now. Rule 2, Section 3 currently prohibits the use of any mobile device that "emits an audible signal by senators". I haven't done a deep dive into why this section was passed, but I-- if I had to guess, I would think it would

be because people started carrying around cell phones and they were going off during hearings and things like that, which is understandably very distracting and nobody wants that to happen. Technology has obviously advanced and changed. You can have a cell phone in a hearing without it making noise or being a distraction in terms of sound. Furthermore, if, you know, I look behind myself, almost everybody in the room is on their phone right now. And we use our phones sometimes for good things, sometimes for entertainment, but often we have to use them as senators for work as well. During hearings, I use my phone to keep in touch with my staff that's all upstairs in the tower. I use it to talk to constituents and try to answer questions on social media in real time about what we're doing and what's going on. Obviously, not everybody uses technology that way, but it is already happening, obviously. So I think it's unnecessary that we have this prohibition in the rules because there's a very valid use of cell phones and we're already doing it, so I think we should strike that from the rules. Thank you.

**ERDMAN:** Senator Arch.

**ARCH:** You are correct. I mean, who's not on the phone? Right. But I mean, what, what about having language in here, though, about talking on the phone? I mean, that's, that's one thing. And I know that was kind of communicated to us as freshmen, like, OK, if you're going to take a call, go back to the phone booths, right. I mean, you have your phone. It goes off. But you don't just stand at your desk and start talking on the phone.

**HUNT:** Right.

**ARCH:** I think that needs to be said.

**HUNT:** Well, one interesting thing is that we have wired phones at our desks and many of us use those phones and talk on the phone. But point taken. I agree. I would support an amendment to this rule that says don't be talking on your phone in committee. But at the same time, does it-- does that need to be a rule? Because can a committee Chair just say, Senator Arch, you need to get off the phone. That's more likely what would happen. But if you wanted to add that to the rule, I would support it.

**ARCH:** You'd get the, you'd get the look.

**ERDMAN:** Any other questions? Yeah. Senator Bostar.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

Thank you, Chair Erdman, and thank you, Senator Hunt. Is-- I'm trying to read the rule as it exists and determine is it saying that you can't use a phone now or is it saying that you can't use a phone that makes noise?

**HUNT:** I'm reading it as-- I have the same question, but how I read it is that you can't use a device that can make noise, that has the capacity to emit a noise.

**BOSTAR:** All right. Thank you.

**HUNT:** That's how I read it.

**ERDMAN:** Senator Hansen.

**HANSEN:** These would probably include the legislative computers they gave us. Wouldn't it be?

**HUNT:** Gosh darn it. I think you're right. I think we've got to revisit the whole rule book with that. Yeah.

**ERDMAN:** OK. Anything else? Very good.

**HUNT:** Thank you, Chairman.

**ERDMAN:** Are there any proponents to using mobile devices? No? Opponents? How about in the neutral? Oh, are you opponent? OK. Come on down. I think we're staying until almost 10:00.

**PENNY STEPHENS:** Oh, this is fun. It's my first day, so if you guys can stick it out, I figured I'd hang out here with you. And I'm so impressed how fast you can spell your names.

**ERDMAN:** OK.

**PENNY STEPHENS:** So I'm going to try the first and the last. My name is Penny Stephens, P-e-n-n-y S-t-e-p-h-e-n-s. OK.

**ERDMAN:** Very good.

**PENNY STEPHENS:** I oppose the mobile devices in the hearings and such. I feel like they're abused and I feel like if you really need to be on it, can you excuse yourself and step away? I think it's very important that our senators are, you know, here to work and, and being on that, that device, I just think it's abused. So I'm opposed to it.

**ERDMAN:** OK. Any questions? Seeing none. Thank you.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**PENNY STEPHENS:** Thank you.

**ERDMAN:** Any other opposition? How about neutral? There we go.

**BRANDON METZLER:** Thank you, members of the committee. My name is Brandon Metzler, B-r-a-n-d-o-n M-e-t-z-l-e-r, Clerk of the Nebraska Legislature. A little bit of historical context. The main reason for this rule was at the time of pagers, beepers, we had problems where senators were-- had it on their person. We'd be taking a roll call vote. Everybody's really interested in all of you when we're taking votes. Those beepers would start to go off. We had the problem. We had to put the rule in place. The doctors still give it a beeper. It emits the light, but it doesn't have any noise. I think our interpretation of the rule, Senator, has always been that it's the latter of the two that Senator Bostar, I think, discussed in that as long as your phone's on vibrate or silent, we didn't have a problem with it. I would agree that phone calls taken in the phone booth is ideal as well. We're totally-- the Clerk's Office is willing to draft an amendment that says, you know, cell phones are, are allowed on the floor. And I do want to point out this is Chamber protocol, the rule itself, it's protocols within the Chamber. I think the description I might have-- there might be some confusion there, but it is Chamber protocol, phones in the Chamber. So we draft an amendment that says, you know, phones are allowed, just keep them on vibrate/silent, don't have them make a noise. That's all I have.

**ERDMAN:** Any questions? Seeing none. Thank you.

**BRANDON METZLER:** Thank you.

**ERDMAN:** OK. Any other neutral? All right. We'll move on to rule 54 on your agenda. Rule 54 is Rule 3, Section 19(a)(7), testimonial reporting. Senator Hunt, the floor is yours.

**HUNT:** Thank you, Chairman Erdman. My name is Megan Hunt, M-e-g-a-n H-u-n-t, and I represent District 8. This rule change would require that all submitted position letters are recorded on committee statements. This is also an accessibility issue. Plainly, people and organizations who are not lobbyists or do not have lobbyist representation or who don't live in Lincoln, excuse me, are at a disadvantage when it comes to participating in the policymaking process. Whether or not they do live nearby, many citizens have work schedules or transportation or childcare challenges that simply don't allow them to come in here and sit and testify on the record when they really do want to. So I think if they're going to take the time to

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

write a position letter, which many of these people already do, we ought to include that count on the committee statement. It doesn't have to include the transcript, like the actual text of the letter, anything like that. But it could be something as simple as ten letters in support, ten letters in opposition from the following people. As a person who is frequently engaged in floor debate, it would be really helpful to me, and I think, actually, to all of us, no matter what, to be able to see on a committee statement, especially for a committee that I don't serve in, what the letters were looking like, you know, on controversial issues, especially. Sometimes-- and I don't have a problem with this, advocacy groups will bring in a bus, you know, of, you know, trying to round up people and get them activated and come get them to talk. And sometimes the letters change the balance a little bit of what kind of feedback we're getting in terms of people's positions on a bill. So for those of us who are not on the committee where the bill was heard, we're considering it and debating it in floor, full floor debate, it would be helpful to look at the committee statement and get a more accurate picture of where the public is standing on an issue. My staff was in Senator Crawford's office when she was the rules Chair, and they held a roundtable discussion with committee staff about this. And one of the major questions was what do they do with form emails that are copied and pasted sometimes by hundreds and hundreds of people that we get? I hear that, and I think that we're capable of finding out a solution. It could be as simple as making a distinction between unique, personally written letters rather than something that's duplicative or copy and pasted. But in any case, I don't think it would be that difficult with technology that we have to just count up the letters that are positive, neutral, opposed, and put the names and the organizations on a committee statement. A lot of times I, I just think we lose out in getting the full picture of public support or opposition on an issue just because they submit in the form of a letter. And, you know, I know Nebraskans are watching this right now, and many of them who think that they are politically active and civically engaged with their Legislature may not even realize that all of this time that they've spent contacting their senators and sending letters and, quote unquote, doing the right thing as engaged citizens, we never even really got the message because it wasn't on the committee statement. So that's something I think we need to correct. Thank you.

**ERDMAN:** Are there any questions? Senator DeBoer.

**DeBOER:** Thank you, Senator Erdman.

**ERDMAN:** You're welcome.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**DeBOER:** Would you-- are you also suggesting that the-- when we first got here, I think you recall you used to say, the following people submitted testimony and the Chair would read that as the closer was coming up, but if it's 498 people, this is what-- Judiciary broke the system, probably on one of your bills, to be honest.

**HUNT:** It was conversion therapy.

**DeBOER:** And it was like, we could sit here for 3 hours and listen to the names of all the bills or all the--

**HUNT:** The letters. Yeah.

**DeBOER:** So are you proposing that they be read or just--

**HUNT:** I'm proposing--

**DeBOER:** --somehow listed or--

**HUNT:** That's a good question. Yes. So in Judiciary, for example, it's a very different situation. I'm the vice Chair on Urban Affairs and with, with Senator Wayne, who was the Chair, I was often Chairing that committee because he introduced so many bills. And in that committee maybe we would get four or two or five position letters and it was very easy to read the name of the person sending the letter and their position into the record verbally. So that would be a part of the permanent record. In Judiciary and some other committees, I get that it's not going to be that easy. All I think we really need-- we don't need it read into the record. We just need it on the committee statement, the totals, so that when I, who don't serve on Judiciary Committee, am on the floor debating something, I can look at the committee statement and say, OK, so this is common, actually, Twenty people came in support, five people came in opposition, but there's 20 letters in support and 100 letters in opposition. So like, maybe what happened in testimony doesn't actually reflect how most Nebraskans feel. Maybe that doesn't change how I vote on something, but it's good information that we are missing by not including this in the committee statement.

**ERDMAN:** OK.

**HUNT:** Thank you.

**ERDMAN:** Any other questions? Hearing none. Thank you. Any proponents for this rule change? Anybody in support? Anybody in opposition? About neutral? No. No neutral. OK. We'll move to rule-- or to item 55, which

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

is Rule 7, Section 10, minimum times, minimum time for full floor debate. Rule 55, Senator Hunt.

**HUNT:** Thank you, Chairman Erdman. I'm Megan Hunt, M-e-g-a-n H-u-n-t, and I represent District 8. Before I continue, committee members, can I ask if there's a number 57, 58 on your sheet that you have up there? Is there a 58 rule?

**ERDMAN:** No.

**HUNT:** There isn't. OK. OK. So this rule I'm introducing is to codify the cloture minimum times. This is a rule change that would codify procedural norms about minimum times for cloture. The language I submitted is what was suggested and approved by the clerk after my office discussed it with him. It specifies that full and fair debate shall not mean less than eight hours on General File, six hours on Select File, and not less than two on Final Reading. When I submitted a proposal to the clerk, I actually had different times in my draft, but he said that this is the one that has been brought by many senators and suggested I try this language because it's the one that had been brought to him the most consistently. If the committee wanted to shift those numbers, I am open to that discussion, but I think it's good governance for us to have a minimum amount of time for debate before cloture codified in our rules, rather than it being completely subjective or up to the discretion of each individual Speaker we elect. Speaker Scheer, who was the Speaker when I was elected, had different rules around cloture. Senator, Speaker Hilgers had different rules. Speaker Arch is going to make his own decision about how he wants it to be. And nothing in this rule proposal would change the Speaker for modifying it, it just sets a baseline. So the measures that we debate obviously deserve really thorough discussion. And it means so much to Nebraskans to hear their senator weigh in on a debate. And we've had multiple issues in the last four years that I've been here where there were senators in the queue to speak who never even got a chance to speak because, you know, we didn't have enough time for the debate. So this may be a way to remedy that and just to codify a norm once again that helps us do our business well. Thank you.

**ERDMAN:** Senator Bostar.

**BOSTAR:** Thank you, Chair Erdman. Thank you, Senator Hunt. Why no less than, instead of just trying to set an amount?

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**HUNT:** Because it could be more. The, the Speaker could have the discretion to make it more than that amount.

**BOSTAR:** Isn't there sort of an upper ceiling or maybe not that-- if, if, if the Speaker, hypothetically-- and of course, Speaker Arch would never do such a thing, but could at any point because it's not established in the rules, set the threshold above whatever baseline is here?

**HUNT:** Yes.

**BOSTAR:** For a given bill that let's say, had to pass and they said, OK, on this one, cloture's 20 hours and it's going until we get there, in order to try to ensure that a filibuster was impossible or, or something like that. Would you-- do you imagine any risk there?

**HUNT:** Well, first, I'll say for me that wouldn't be impossible. But I respect the question. But I think a Speaker could already do that and it's not done.

**BOSTAR:** I no, I think, I think they can, too.

**HUNT:** It's a good idea. Maybe someone should try it. I--

**BOSTAR:** I, I mean, I think they could, too. And the second question I had was, you know, at least for the last-- the previous two years, we operated with a, you know, if, if cloture hadn't been achieved on General and Select File, Final Reading wasn't just this two-hour thing. It became, you know, I think it went to four.

**HUNT:** Umm-hmm.

**BOSTAR:** Did you, did you admit that because you felt like that wasn't good or was that something you had considered?

**HUNT:** I do think it's good. I would be open to an amendment to the rule to include that. Right now, the rule as it is doesn't stipulate that. And so it would basically keep the status quo as it is for the Speaker's discretion to say they want it to be two hours or four hours or whatever on Final Reading.

**BOSTAR:** Yeah, no, absolutely. And I just bring it up because, you know, if we were to seriously try to create the rules around this, you know, what, what sort of comprehensive approach could we have?

**HUNT:** Yeah.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**BOSTAR:** Thank you very much.

**HUNT:** Thank you.

**ERDMAN:** Any other questions? Hearing none. Thank you.

**HUNT:** Thank you.

**ERDMAN:** I believe you're, you're dismissed.

**HUNT:** I have one more rule.

**ERDMAN:** OK. Your rule that may have been.

**BRANDON METZLER:** There is a 58. It was not included on the index, but it is a printed rule 58. My apologies. It was left off. It was on the original index, but there is one final rule 58.

**ERDMAN:** Oh, there is?

**BRANDON METZLER:** Yeah.

**ERDMAN:** Oh, OK. Yeah. I'm sorry.

You don't--OK. I have two.

**ERDMAN:** All right. All right, We'll move to rule 56 on our agenda. That's Rule 5, Section 5(b), (c), (d) and (e).

**DeBOER:** Oh, wait. We didn't ask for proponents.

**ERDMAN:** Oh, I'm sorry. I'm sorry.

**RACHEL GIBSON:** Just making sure about the groups before I get up here.

**ERDMAN:** Are you a proponent?

**RACHEL GIBSON:** Yes.

**ERDMAN:** OK.

**RACHEL GIBSON:** Sorry about that.

**ERDMAN:** Very good. I'm sorry.

**RACHEL GIBSON:** Thank you.

**ERDMAN:** Sorry.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**RACHEL GIBSON:** All right.

**ERDMAN:** Go ahead.

**RACHEL GIBSON:** Thank you. Rachel Gibson, R-a-c-h-e-l G-i-b-s-o-n, League of Women Voters. And we just want to express our support of this bill. It's, as Senator Hunt mentioned, it's codifying something that's been the tradition, kind of the standard. The biggest piece is that we would like to see a-- some sort of rule put in place so that it allows full and fair debate and it's equitable across the-- across the gamut. So that's, that's our peace.

**ERDMAN:** OK. Thank you. Any questions? Seeing none, thank you.

**RACHEL GIBSON:** OK. You don't have to see me anymore. Have a nice night.

**ERDMAN:** Sorry I missed you. OK. Will there be any opponents? Don't see anybody in the opposition. How about neutral? OK, now we'll move to 56. Senator Cavanaugh, as I said earlier, it's Rule 5, Section 5(b), (c), (d) and (e).

**J. CAVANAUGH:** Thank you.

**ERDMAN:** Majority vote needed for committee priority bills. Let's roll, Senator.

**J. CAVANAUGH:** Thank you, Chairman Erdman. John Cavanaugh, J-o-h-n C-a-v-a-n-a-u-g-h. I represent District 9 in midtown Omaha. So this is a proposal like all the other ones that I've proposed. We're just looking through the rules and places that needed some clarification and maybe some enshrining of practice into the rules. This is one where-- committees get committee priorities, we all know that. And the rule currently allows the Chair to basically pick any bill that's coming out of that committee to be the committee priority. And I'm just saying in this proposal that we require that the committee actually vote to [INAUDIBLE] the committee's priority on whichever bill is being the committee priority, so putting the power in the majority vote of the committee as opposed to within the Chair themselves alone.

**ERDMAN:** Any questions? I have one. Would, would that be then included in the committee statement?

**J. CAVANAUGH:** You mean the nature of the vote? That's a good question. I don't think this rule would specify that based off how it's written,

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

but I think that there's no problem in that. This is a bill that would already have the vote on the bill itself. The underlying bill would be in the committee statement. But I don't think that based off of how this rule is written, that would be required in the committee statement, but that's probably--

**ERDMAN:** Senator Bostar.

**J. CAVANAUGH:** --an oversight of the drafting.

**BOSTAR:** Thank you, Chair Erdman. Thank you, Senator Cavanaugh. So with the language as it's written, each Chairperson of those committees which are authorized to hold public hearings on bills made with majority vote of the committee as a-- as priority. So under this, am I correct in interpreting that the committee couldn't designate a priority without the Chairperson because it empowers the Chairperson with a vote of the committee?

**J. CAVANAUGH:** Oh, I see what you're saying. So you're asking whether as written, if I guess a rogue members of the committee could choose to prioritize something other than the Chairman.

**BOSTAR:** It seems like they can't. But I just wanted to get your take on--

**J. CAVANAUGH:** Each Chairperson of the committee which are authorized to hold public hearing may with-- yeah. The-- my reading of it would be that the Chairperson would have to--

**BOSTAR:** --propose something and then get a vote--

**J. CAVANAUGH:** --with the group, yes. So it still is actually investing a lot of power in the Chair. They still get-- they can't be overridden. They have to be a party to that vote.

**BOSTAR:** Thank you.

**J. CAVANAUGH:** But they still have to get the buy-in of the-- of a majority of the vote of the committee to use the committee's priority on that.

**ERDMAN:** But if you, if you had it recorded in the statement, then it came to the floor and the committee was 6-2 or in, in the change of the odd number of committees, 5-2, that was improving the committee priority for that, then the people would know on the floor how it was voted out.



Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**J. CAVANAUGH:** Well, this would be a separate vote than the vote to go-- vote it out. So in-- as it's written right now, the committee can vote out, say, 10 bills. And the Chair would say, well, I want to use it for bill one, but he doesn't have a vote. The rest of the committee wants to use it for bill two. Then without that vote, the Chair would not be able to use that. And so we have to get at least the buy-in of, in that instance, at least four other members of the committee or three--

**ERDMAN:** Five.

**J. CAVANAUGH:** -- three other members--

**ERDMAN:** It would depend--

**J. CAVANAUGH:** -- depending on the break-up of the committee, yeah. Three other members of a seven-member committee.

**ERDMAN:** Thank you. Senator Arch.

**ARCH:** Is, is this a concern that you've experienced?

**J. CAVANAUGH:** Yes, Ask that about every one I proposed. I looked at the rules and I saw places where I thought the rules had a weakness that could be exploited and I thought, this is an opportunity.

**ARCH:** Because I, I've never, I've never experienced that and being the committee Chairman, we're always talking, you know. And so the committee Chairmen are talking about what, you know, what's happening. We're putting together a committee Christmas tree bill and it's going to be a committee priority, obviously. We're putting together all the ones that we've all agreed on and, you know, but anyway, so.

**J. CAVANAUGH:** I think that in that, in that particular instance, you could run into a situation where somebody would say, I voted for this bill and this bill, but you're going into a Christmas tree and I don't want that. I didn't vote for that bill and so I'm not going to ask to settle issues or priority.

**ARCH:** Yeah, well that discussion certainly happens.

**J. CAVANAUGH:** Right. And I think it does put a little bit more power into the committee members' hands for negotiation in that particular situation.

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

**ERDMAN:** OK. Any other questions? Thank you, sir. Any proponents for Senator Cavanaugh's rule change number 50-- 56. Any opponents? Any neutral testifiers? I see none. Senator Cavanaugh, you're welcome to open on 57, which is Rule 1, Section 16(c). This is: make agenda available, agenda available one hour after adjournment.

**J. CAVANAUGH:** Thank you, Chairman Erdman. John Cavanaugh, J-o-h-n C-a-v-a-n-a-u-g-h, representing District 9 in midtown Omaha. This is-- I've gotten most positive feedback on this proposal from-- of anything I proposed.

**ARCH:** From the staff?

**J. CAVANAUGH:** From staff, from community members, from-- maybe not your staff, Chairman Arch, or Speaker Arch. I'm sorry. But this basically a proposal just-- I looked at the rule and I said, well, I don't exactly know what this means. And we have had times where, under previous Speaker administrations, people were refreshing the website at 11:59, midnight to see what's going to be on the agenda tomorrow. And I just looked at it and looked for a way to clearly define and say, the agenda should be available as soon as possible and so I proposed an hour after adjournment. I thought that was a reasonable amount of time to say-- to be-- for the Speaker's office to tell us what's going to be on the agenda tomorrow. So that's the proposal.

**ERDMAN:** OK. Any, any questions? None?

**ARCH:** No questions.

**ERDMAN:** Is there a statement?

**ARCH:** No.

**ERDMAN:** OK. All right. Thank you. Any proponents? Anyone want to support Senator Arch's one-hour rule? Anybody in opposition? How about neutral? No. OK. All right. Senator Hunt, guess what? This is the last one.

**HUNT:** That's right.

**ERDMAN:** Fifty-eight. Come and join us.

**HUNT:** Thank you, Chairman Arch. I'm Megan Hunt, M-e-g-a-n H-u-n-t, and I represent District 8. Before I get into this rule, I want to-- I spoke with the Clerk about the last one I introduced about the minimum times for cloture. He clarified to me that my rule proposal would make

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Rules Committee January 12, 2023

it so after 8 hours, a cloture motion would be in order. So a Speaker could say, we're going to take it to 20 hours or 30 hours or something, but after 8 hours, under this rule, cloture would be in order. With that said, Rule 58, the bonus rule, is a provocative rule. It's a provocative idea that I've brought to the committee. But we have gotten to a point in our state government where the separation of powers between the executive and the legislative branches has become corrupted. So what this rule would do is it would make it so the, the top ten donations from the Governor to the current sitting legislators would be announced at the beginning of each day. I am introducing this because I think that something direct and bold needs to be done about the blurring of the division of power that we have in our branches of government and so this rule would put some sunlight on one of the major dynamics affecting how this body operates. We all know that there is an increasing practice of the Governor giving substantial amounts of money to legislative candidates' campaigns. And as long as this is happening, it may have substantial impacts on what legislation we introduce, what we debate and what we pass. And I think Nebraskans deserve some transparency about which of their representatives may be influenced by a sense of obligation to another branch of government and to, you know, an executive branch of government, a Governor that actually helped them put them there in the place of power that they hold. Something that the public doesn't hear a lot about but plays a big role in the work we do in the Legislature, is that the Governor has a policy research office in their own, you know, under their own purview in their own branch of government. And that policy research office frequently comes down to the Legislature and basically gives marching orders to sitting senators. And so I think it's only fair that Nebraskans have some sunlight on this and have a better understanding of the extent that this influence could be taking. Thank you.

**ERDMAN:** Any questions? I have one, Senator Hunt. So you're additional new language, the last part that I'm trying to clarify, this shall be announced in order of highest amount and name each day at the beginning of the session.

**HUNT:** Umm-hmm.

**ERDMAN:** So every day we would announce that?

**HUNT:** Yeah, I thought it could replace the prayer. I thought that might be best. I'm kidding, guys. It's too late for jokes. But, yes, the top ten donations would be announced at the beginning of every day and some days that may change if a new donation has been made.

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**ERDMAN:** So-- but with, with the way we report donations, it's, it's not-- it doesn't change.

**HUNT:** It's not daily, that's correct.

**ERDMAN:** It's not daily.

**HUNT:** Right.

**ERDMAN:** So there'll be the same report for the whole session? Could be.

**HUNT:** It would be the same until the quarterly reports are due and everything and then that may change, yeah.

**ERDMAN:** So maybe a rule should say when the quarterly reports are available, they shall be announced.

**HUNT:** I support making it daily, but I would entertain a conversation about an amendment to this rule proposal.

**ERDMAN:** OK. OK. I understand. Any questions?

**HUNT:** Thank you.

**ERDMAN:** Seeing none, thank you.

**HUNT:** Thank you.

**ERDMAN:** Any-- anybody in support of that rule change? Any opposition? How about neutral? I don't see any neutral. OK. We're about to wrap up the hearing. I would just like to say thank you to all of you who stuck around this long, especially to Tamara for her help with that and Joel sticking around. If the committee would stick around for a few minutes, I want to talk about the Executive Session tomorrow, timing of it. OK. Thank you. Thank you, everybody. This meeting is over. The hearing is done.

**ARCH:** I support Tuesday.

**ERDMAN:** OK.