

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 24, 2025
Rough Draft

ARCH: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twelfth day of the One Hundred Ninth Legislature, First Session. Our chaplain for today is Pastor Joshua Jones, Beth-El Community Church in Milford, Nebraska, Senator Jana Hughes's district. Please rise.

JOSHUA JONES: Father, we come to you in the name of Jesus of Nazareth, who's crucified, buried, risen, and ascended into Heaven. And we ask that you would forgive our many sins and show us mercy. Thank you for being kinder to us than our behavior and attitudes deserve. Thank you for the sun and the rain, for the prosperity and the peace that we know. Out of the mouth of King David, you said by your spirit, he who rules over men must be just, ruling in the fear of the Lord. And he shall be like the morning light when the sun rises, a morning without clouds. We pray that this governing body would be like that sunrise King David spoke about, a house of faithful justice for all Nebraska, and that it would govern in the fear of God, knowing that one day each man and woman will give an account before the ruler of all rulers for their decisions. We pray for Nebraska. Let this be a state of security, prosperity, liberty, and, most of all, righteousness. May this body not be swayed by the fear of public opinion, but may it be led by wisdom. May the people of Nebraska know peace and true joy, and in the name of Christ be honored from east to west. In the name of the Father, Jesus, the Son, and the Holy Spirit. Amen.

ARCH: I call on Senator Lonowski for the Pledge of Allegiance.

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

ARCH: Thank you. I call to order the twelfth day of the One Hundred Ninth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections this morning, sir.

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ARCH: Are there any messages, reports, or announcements?

CLERK: There are, Mr. President. A Reference report from the Referencing Committee concerning LB525 through LB715, as well as LR27CA and LR28CA, and LR29. Additionally, amendments to be printed from Senator Raybould to LB258. Notice of committee hearings for the Nebraska Retirement Systems and the Business and Labor Committee. Agency reports electronically filed with the Legislature can be found on Nebraska Legislature's website. And a report of leg-- registered lobbyists from January 23, 2025 will be found in the Journal. Additionally, the Government Committee will have an executive session today immediately following their hearing in Room 1507. Government, exec session, Room 1507 after the hearing. That's all I have at this time, Mr. President.

ARCH: Thank you, Mr. Clerk. Senator DeKay, you are recognized for an announcement.

DeKAY: Thank you, Mr. President. Good morning, colleagues. I am introducing a resolution, and I hope that all 49 senators will sign on to. It's a resolution to acknowledge the life, the strength, and the perseverance of Jack Hoffman and his family through the most difficult time for all of them. And I appreciate everybody's cooperation and signature going forward. I have the resolution here today to [INAUDIBLE] be presented to them later on. Thank you.

ARCH: Senator Machaela Cavanaugh would like to recognize Dr. Lillia Chernasky [SIC] from Omaha, who's serving as the family physician of the day. Thank you for serving. Mr. Clerk, first item.

CLERK: Mr. President, as it concerns the agenda, the motion to adopt permanent rules was pending from Senator Lippincott. Pursuant to that, Senator McKinney had a motion to amend Rule 5, Section 4. Senator Hughes also had pending a-- an amendment to said rules amendment.

ARCH: Senator McKinney, you're welcome to refresh the body. I'm sorry. Senator Hughes, you are recognized with the amendment.

HUGHES: All right. Thank you, Mr. President. So yesterday, listening to Senator McKinney and several other of my colleagues, I thought they brought a valid point about the governor's bills being outside of our bill limit amount, and so dropped an amendment quick on having those bills count toward the total. So if I brought a governor bill, that

would count toward my 20 instead of being outside. Thinking on this overnight, we, we brought it. Everything else that's in-- been brought as an amendment-- and, and I know Senator DeBoer and Conrad have mentioned-- they have all had public hearings. And I do believe in the process of this body. And this piece in particular has not had a public hearing. It was not in any of the prior rules. It did not have public comment on it. And I fully do believe in the process, and therefore I am going to pull this amendment after I'm done speaking and work on it in the interim. And I will bring this back and just make sure I have all the, all the right things in place. And I'll bring it back as a rule change for next year. But I, I do believe in the, in the process and want this vetted out. But that is the rule I will be bringing next year, is that the governor's bills will not be on the outside of that bill limit. I would, you know, appreciate any feedback, but I thought a lot of colleagues made sense on that. So therefore, I'm going to pull my amendment and go back to McKinney's original. And I thank you for listening.

ARCH: So ordered. Senator McKinney, you're welcome to refresh the body on your proposed rule change.

McKINNEY: Thank you, Mr. President. Again, this is my rule change to eliminate the 20-bill limit. The reason for this is because we are limited. And it's not a goal to stop senators from submitting 20 bills. It is a limitation. It is not an aspiration that we don't submit 20 bills. It is a literal limitation. It's not saying, hey, senators, at the beginning of session, Speaker Arch, you know, has set this goal that each senator doesn't go over 20 bills. It is a limitation that you cannot go over unless you know the loopholes of swapping a bill with another senator, the governor gets you to introduce a bill, which means you could go over your limit. Then there's loopholes. Actually, the governor requested 22 bills this year, but he has no limit. But we do. That is a problem, and we should get rid of it. And we should get rid of it primarily for our constituents. If a constituent called you prior to the day that you could request a bill and said, hey, Senator Lonowski, this issue is going on in our district. Can you do something about it? And let's say Senator Lonowski has been in the Legislature for four years. He's been introducing bills and he believes in the bills he's been introducing and he wants to keep introducing them. So he's at 20. And he says to his constituent, well, I'm at my 20-bill limit. I would love to help you, but I can't help you. That is a problem. We should be able to

respond to our constituent needs whenever they call. That's just my-- that's how I feel. If my constituent calls me on that day and they want me to introduce a bill, I should be able to send a request to Bill Drafting and send a request in. Whether you like it or not. If my constituent want me to do something, I'll do it. Ask my constituents. And when they ask me, hey, Senator, how do you introduce a bill? How does it work? I'm like, oh, just ask me. Then they call me and say, hey, Senator McKinney. It's-- I have this issue. Can you try to address it? I'm like, all right. Just send me a email and-- call me, text me, however you want to reach me. And it happens. I've done it multiple times since I've been here. And some of the bills have passed, actually. You know, the bill that restricts schools from suspending precool-- precool-- preschool and second graders came from a constituent who called me not-- prior-- not in the interim. He called me after the session started and said, hey, Senator. I've been working in the schools because there's been a disproportionate amount of students in our community being suspended. Can you do something about this to try to address this? And I said, yes, I'll try to address it. I sent the request to Bill Drafting and we got it addressed. But people want to change that. But that's neither here or there. What I'm trying to say is we should be able to respond to our constituents and we should not be limited. That's why I'm saying this, this change needs to happen. It's not about me wanting to drop 50 bills. I would never do it. I think that's crazy. I really do. I don't have time. I can't be everywhere. Literally. I, I wouldn't advise anybody to drop 50 bills. I think 20 is a lot. But maybe you need to drop 21 or 22. But-- that's all I'm saying. And then people talk about Christmas tree bills. There are a lot of bills with five bills in them this year because of this limitation. Go talk to committee chairs. Go ask them how, how-- about the bills that's going to come through their committees that got bills that should have been spread out. But because we have a 20-bill limitation, there's five bills in one. And the committees are like, what's going on here? So when those bills come to the floor and people start saying, let's divide the question because it's five bills in one bill, don't look at me like I caused the problem. We're causing a problem because we don't want to let go of this limitation. And you can swap a bill. So, Senator Lippincott, I could go to him if he hasn't reached his limit. And I can say, hey, introduce this bill for me. I'm at my 20-bill limit. He introduces it, I cosponsor it, he drop his name, I'm-- I have 21 bills this year. Does that make any sense if we have a limitation? Think about it. We

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have a 20-bill limit, but I could get him to introduce the bill and he could drop his name and now I'm at 21. But it's within the rules. So play the game how you want to play the game. I'm just saying.

ARCH: Senator McKinney, can we return to the queue, please?

McKINNEY: Yes, we can. But that's all I wanted to say. Thank you.

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

M. CAVANAUGH: Wow. Hot mic. Thank you, Mr. President. Good morning, colleagues. I rise in support of Senator McKinney's rule change. I was very interested in supporting Senator Hughes' rules change as well because I do think that the fact that we are allowing the governor to have more influence and authority over bills that are introduced than we ourselves give to ourselves is a little out of line, out of whack. I'm not sure what the right word is. Still, still waking up this morning with my coffee. I said previously that I introduced 20 bills to begin with-- or, this year, for the first time. I've never introduced 20 bills before because that was the limit. And I thought, well, if you're going to have a limit on what I can do, then I'm-- I would not be doing my job if I didn't at least meet the limit. So I introduced 20 bills. And honestly, some of them-- I don't even know. They probably aren't necessary, but we're going to have a public hearing on them anyways. And this manufactured ceiling is just inhibiting our ability to serve our constituents in the way that we see fit. Someone yesterday-- and I apologize for not remembering who it was-- spoke about government oversight, transparency, and diminishing our authority as a Legislature. Since I have been here-- and this is my seventh year-- my first six years, there has been quite an arc. There was a lot of government oversight for my first several years from the legislative branch to the executive branch. There was a lot of things that happened that required investigative committees, oversight committees that we created and authorized, and, and it resulted in very serious and substantial public policy changes. And now it seems as though we are rolling back all of that because of influence from outside of this Legislature, specifically the Attorney General's Office, telling us what our authority is, our authority that, when he was a member of this body, he participated in using the authority that he now says we no longer have or never had because it was unconstitutional. And I'm concerned that we also are limiting our

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ability to introduce legislation while allowing the governor to have an unlimited ability to introduce legislation. We are separate but equal branches of government, and we should treat ourselves as though we are equal to the other branches of government. And this is just one of the rules that makes it a diminishing of our own power and authority. So I thank Senator McKinney for bringing this rule forward, and I look forward to voting for it. I believe it needs 25 votes to be adopted to the rules package, so I hope that there are 25-- 24 senators that will join me in supporting Senator McKinney's rules change. Thank you, Mr. President.

ARCH: Senator Hansen, you are recognized to speak.

HANSEN: Thank you, Mr. Speaker. Again, I'll be brief here, colleagues. This rule change is, is coming from a, a rule that we incorporated last year li-- limiting the amount of bills that a senator has done. This is not unprecedented. It's been done before. 20 is a lot higher than what I wanted to go. And again, just for your-- just so everybody knows, last year-- or, this year, we could have introduced 980 bills, if you include committee bills and senator bills up to 20. But actually, we only introduced 676 bills. So we actually met [INAUDIBLE] like, 68% of the bills that we could have introduced. And so when they say it's a limit and there's no way we could have done-- you know, introducing more bills, that is untrue. We have a lot of colleagues here who have many bills that they could have introduced that they could have went to. Again, something that people are looking for us to do is communicate with our other colleagues, whether they're on one side of the aisle or the other. Maybe encourage them to introduce a bill and get more support on the floor. So we want good bills coming on the floor. And so, again, it's, it's much more, in my opinion, about quality, not quantity, so. I encourage all my colleagues to vote no on this rule change so we can kind of move on. Thank you, Mr. Speaker.

ARCH: Senator McKinney, you're recognized to speak.

McKINNEY: Thank you, Mr. President. All of my bills are qualit-- are, are quality. It doesn't matter about the quantity. They're all quality because every bill I introduce I believe in. And if it's 20 bills, it-- I, I guarantee you it's quality-- it's a quality 20 bills. And I think most senators, no matter how many bills they introduce, are quality bills no matter the quantity. And yeah, we made this change

last year. We made a lot of changes since I've been in the Legislature and there's a lot of bills that got introduced this year to change a lot of changes that happened even last year. So I think it's hypocritical to say, hey, we shouldn't, we shouldn't entertain this because we should let it play out, when I could point to various things that I would say we should let it play out. But since the cards-- since, since things are already been-- since the cat is out the bag of not letting things play out, we should not let this play out because I disagree with it and I disagreed with it last year. So if we're not going to let other things play out, we shouldn't let this play out, because it doesn't work and it's not going to work. Yes, there might be-- and I saw there was 715 bills introduced. Maybe my calculation is wrong, but my number is we got up to 715 bills, and then there was some CAs. So I think there's more bills, but that's neither here or there. I'm just saying-- but nobody's talking about the five bills in a lot of those bills, the, the multiple Christmas tree bills that got introduced. Let's talk about those. Let's have that conversation. So even if this were of the however many bills, 980, we couldn't introduce and we only introduced 68% or 70% of those, how many of those bills are Christmas tree bills? Let's have that conversation. Of that 68% or 70%, what percentage is Christmas tree bills because we have this limitation? Let's have that conversation because of this 20-bill limit. Break that percentage down. I'll wait for it since we breaking down percentages today. Let's break down that percentage. Since we breaking out numbers, somebody break it out. But all I'm trying to say is we're supposed to work for the people of Nebraska. Why are we limiting ourselves? We're not limiting the governor. The governor can request 1,000 bills and we cannot stop him. He could go to one senator and get the-- one senator. One. One senator. He can go to one senator and ask a senator to request 1,000 bills and there's not one rule in this place to stop us-- will stop him. He don't even need to use all 49. He could go to one senator. And there could be a 1,000 bills introduced. There's no limitation. But we have a limitation. Think about that. Does that make any sense? Nobody would-- nobody could tell me yes with a straight face. But we want to limit ourselves. We want to shift power, and that's what, that's what we've done. We shift power to the executive branch. We shifted power to the lobby and advocacy groups. We already did it with term limits a long time ago. We just keep shifting power away from the people. But we call this the people's house. If the people are listening, your house is being diminished and has been diminished slowly, slowly, and

slowly. It's being less and less the people's house because of rules-- rule changes like this, changes in term limits, those type of things takes-- take away from the people's house. You call it the second house or whatever, it's, it's, it's being chopped down by things like this. The people should be able to call their senator and request a bill whenever they want. But we have bill limits, and that's the problem, and I disagree with it. Thank you.

ARCH: Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. Well, I rise in support of Senator McKinney's rule change. And-- well, first, I want to say I, I appreciate the work of the Rules Committee. I don't think I said that in the previous times I've talked. And I appreciate Senator Hughes's proposal, and I certainly appreciate Senator Hughes's respect for the process and her pulling the proposal even though I agreed with it. But I do think that it's important to respect the process. But again, I'm in support of Senator McKinney's rule change because I do agree with everything he just said about this artificial limit on ourselves. And-- but I heard Senator Hansen speak about basically the success of this rule change in decreasing the number of bills. And even if you're in favor of decreasing bills and-- you know, if, if that's your goal, I always think about how-- I guess, the false prize of success. So if you're-- you undertake an endeavor and you're successful, you know that you were successful, but you don't-- you're not certain that you did everything right, right? So you don't have any incentive to make a change to make sure that the thing you did is why you were successful. So I applied that a lot when I was, you know, a public defender. I learned a lot from failure. And in campaigning, I think we all learned that. You know, you, you might win your campaign and think, man, I did everything right. And you maybe take that false lesson. But I think the one thing to be aware of here is, sure, bill numbers have gone down. We don't know that that's because of this limit. It's entirely possible it's because in the last previous four years, my first four years here, we had so much money as a result of ARPA and a budget surplus that there were a lot of bills that were being brought to spend that money. And now we're in a deficit and people are not falling over each other to cut spending. People don't want to be responsible for that. Everybody wants to have their name attached to a bill that's going to increase spending and give people something. But fewer people are in-- interested in attaching their name to raising taxes and cutting spending. So I would caution people against looking

at the bill numbers this year and the bill numbers in the previous four years and to say that is directly related to this adoption of this rule. It's very possible that it is related to the current fiscal status of the state and that there's just fewer opportunities for bills. And when time eventually, we hope, circles back around and there's going to be a budget surplus and people are looking to spend some money, that we might see that again. So I oppose this rule on principle. I don't think we should artificially decrease the number of bills. But I would caution everybody from patting ourselves on the back and saying this has been a success because the number of bills are decreased this year. So I support Senator McKinney. I would encourage your green vote on this rule change. Thank you, Mr. President.

ARCH: Senators in the queue are Senators Conrad, Senator Machaela Cavanaugh, Senator McKinney, Senator Hansen. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. Good morning, colleagues, and happy Friday. I want to thank Senator Hughes for bringing forward her thoughtful amendment to the measure that Senator McKinney has presented to the floor. And I was really hoping that we would be able to center our debate and deliberations on that measure because through Senator McKinney's vehicle in addressing the bill limitation, we did identify through our deliberations yesterday a concerning loophole or unintended consequence when it came to providing greater access to the Legislature, to the executive, even more so over the Legislature itself. And I think that rightly perked a lot of concern and consternation about separation of powers and issues of basic fairness. I appreciate and-- excuse me. I just got a, a little frog in my throat today. I, I appreciate and understand that Senator Hughes has decided to withdraw that from consideration so that it can be worked on over the interim and go through the Rules Committee process in more regular order. But we do need to be flexible enough while respecting the committee prerogatives and having opportunity for the second house to weigh in. We do need to retain a certain amount of flexibility when issues are organically identified through deliberation to be able to address them. I think it would have been good to have more discussion on that and to have a vote to see where we are and to see if people are willing to stand up for the Legislature that they voluntarily stepped forward to serve or if they want to give an unlimited free pass to the executive branch. I think that would be a very, very

clarifying vote and very important to know about each individual's perspective on that matter. I do appreciate Senator McKinney bringing this forward. The 20-bill limitation is absolutely arbitrary. It is not moored to any specific policy underpinning in terms of why we were at 20 instead of a different number. And I think this was illuminated during some initial debate on this, but it really was kind of a last-minute throw-everything-at-the-wall component of negotiations on rules matters from prior sessions where it seemed like it was high enough to be workable and it would at least be tested out for the short term-- as it has in the past in this body-- and then was repealed because it ultimately was unworkable from the Legislature's perspective. So I anticipate that will happen again in the future if past is prologue. But I, I, I do think it's important to note that the 20-bill limitation is arbitrary. It absolutely prevents our ability to serve our constituents as we see fit. I don't think that individual senators need any sort of arbitrary restriction to say yes or no to the lobby in regards to the interests that they represent in bringing forward bills, but it does make it very, very challenging to particularly maintain access for the citizens themselves. This is something that doesn't always happen in other states but is part of our tradition and practice in Nebraska where citizens literally show up in our office or send an email or we connect with them at a community event-- I see my time's almost up-- and they bring forward a good idea for a bill. And sometimes it's a, a very, very discrete matter. And so that takes a significant amount of bills or legislation on your individual legislative agenda. And that proud tradition of expansive responsiveness and access to the citizens should be maintained. And this is an arbitrarily-- arbitrary restriction therein. So I look forward to additional debate on Senator McKinney's measure, and I hope others will share their thoughts before we proceed to a vote. Thank you, Mr. President.

ARCH: Senator Machaela Cavanaugh, you are recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. Colleagues, I stand in support still. And there was some conversation about the amendment to restrict the governor's ability to introduce rules changes, and so I, I would really like to see that come back. And I don't know if we-- if this fails, then I think that that's probably the next thing that we'll be discussing. Because if we are going to definitely limit ourselves, there should be some guardrails-- is I think the term that's been used-- guardrails around the governor's ability to interject himself

into this body and allowing carte blanche on the number of bills that can be introduced on behalf of the gov-- governor is-- it seems a bit excessive. So if we don't-- so that's to say if we don't adopt this rule change, then I think that we will move on to a restriction on the governor's ability and authority to introduce bills within the legislative body. There was a comment made-- and I don't remember it was this morning or, or yesterday-- about if you met your 20-bill limit, that you can just ask somebody else to introduce the bill for you. And I thought about that. And I was like, yes, technically you can. But as long as I'm here and I'm passionate about something that I want to introduce, I want to introduce it. I want to work it. I want to own my own legislation. And as we've all started having committee hearings-- those that are new to the body, you're going to learn what that actually means and kind of the level of possession that you get over a piece of legislation when you're working it. You want to talk to all of the committee members. Or if you're on the committee, even better, you want to be in that executive session advocating for your legislation, talking and answering the ins-and-outs questions to the full committee during that debate. And in restricting our ability to introduce legislation, we are restricting our ability to be the best advocates we can be for the legislation that we are supporting. So I would really caution you to think about that. And-- I mean, bill introduction is over for now. And so this-- what's done is done. This year is over, unless we suspend the rules to introduce more bills. But this is about the future of this Legislature and this is about watering down our authority in the future. And I want to-- when I leave here in two years, I want to leave things in a better situation, position than when I arrived. And I don't think that this is doing that. I think this is diminishing the work that we do. And I appreciate that Senator Hansen has brought up the number of bills that could have been introduced versus the number of bills that were introduced, which I think speaks to the fact that we are not children and we don't need to be told how many bills to introduce. We can self-regulate that. And we didn't introduce the maximum number available to us this year because we didn't need to. So why are we doing that? Why are we putting those guardrails in? We're-- what we are doing is literally stopping individual senators from legislating the way that their constituents sent them here to legislate. Senator McDonnell was famous for introducing the most bills. I think he introduced 60 one year. Listen, I feel bad for his staff because that's a lot of bills, but that's what Senator McDonnell wanted to do

and that's how he felt he could represent his constituency best. He brought bills that, you know, created economic development. He also brought bills because he is a member of the Omaha Federation of Labor. He brought bills that were to support and strengthen our unions. And that was important to him. And he was best suited to do a lot of those things. And so he did. And he knew he only had eight years here, so he introduced the maximum he could handle, apparently. And I think it's wrong to try and take that away from a senator, especially in the era of term limits, that-- oh, gosh. I am not used to this looking at the board for the time remaining. I'm used to the one minute. One minute. So-- that I have at least less than one minute left. So--

ARCH: Time, Senator.

M. CAVANAUGH: All right. There we go. Thanks.

ARCH: Senator McKinney, you're recognized to speak.

McKINNEY: Thank you, Mr. President. I'm back here again. Well, just to continue the conversation, I've been getting emails, you know. Some people think I'm crazy for saying that we don't need a limit and some people saying, you're right. You're right because, you know, there are a lot of important issues that need to be addressed in this state, issues in our child welfare system, issues in developmental disability, issues in our prisons. And, and we could go all day on issues in just those three. And there could be thousands of bills introduced each year to address issues in each area because there's issues. So if a senator needs to introduce multiple bills to address those issues in those areas, they should be able to. Or what is going to happen if we keep this limit, they're going to put multiple bills in one bill, and then we're going to hear complaints about Christmas tree bills once they hit the floor. Oh, it's five bills in this bill. We need to divide the question, or-- or we passed a bill and we didn't get to see everything that was in there. Well, if we take away the limit, then those bills will be introduced by themselves. But don't make that argument later when a senator bill hits the floor and it's five bills in there because you wanted to keep this limit. Do not make that argument. We have an opportunity to make sure bills come out clean, we eliminate Christmas tree bills as much as possible. Right now. It, it won't happen this year because of the bill limit. But next year, going into the next year, we'll take away that-- we'll take away that availability. And people watching that saying, like, oh, you guys

only need to introduce five bills. They tried that in the '70s and it didn't work. It doesn't work. The state has to operate. We are a state with billions of issues in multiple areas, especially in our child welfare system, especially in our prisons. We're losing kids. We got people living in inhumane conditions in our prisons that need to be addressed. So this is why a bill limit is-- it, it just doesn't make any sense. It doesn't work. I'm sure each senator has issues in their district that need to be addressed. I, I, I just don't understand. And we're talking about, oh, don't introduce a bunch of worthless bills. I've never introduced a worthless bill. If I introduced a bill, I cared about it, I fought for it, and, and, and I really wanted it to pass. There's not a bill that I introduced that I didn't want to hold somebody accountable or do something good. That's the purpose of it. Even if I wanted to get an agency in the room, I still wanted the bill to pass because it was doing the right thing, to hold the agency accountable. And yes, I wanted them to answer tough questions, but I wanted the agency to change their operations because we shouldn't be sending kids out of state in the state of Nebraska. We shouldn't be losing kids. We should-- we shouldn't be housing people in inhumane conditions. So this, this notion that people are introducing poor bills just to do it or worthless bills just doesn't make sense because I haven't and I won't. I care about each bill I, I've introduced, and I think every other senator will stand up and say they have as well. Unless you don't read your bills or care about your bills. We need to take this limit away. We need to be working for the people, not the governor, not lobbyists and advocacy groups. We need to be working for the people of Nebraska. And that's why this bill limit needs to be taken away. Thank you.

ARCH: Senator Hansen, you're recognized to speak.

HANSEN: Thank you, Mr. Speaker. Again, I want to put a-- add a little context to the conversation. So it is definitely not unique in the United States for a legislature-- state legislatures to have limits on bills. I'm just going to read a few of the states and some of the limits that they have on their bills. And as a reminder, as I'm reading these, remember that Nebraska is also very unique, where every bill that gets introduced has a hearing as well. So every bill that gets introduced has a hearing. Every hearing takes time. And that means we have less time on the floor to debate substantive bills that have been moved through committee so we can do the people's work. And I'm sure everybody who is in favor of Senator McKinney's rule change,

at some point when they've been here, has had a bill go through a committee that they thought was awesome and we didn't have time to debate it on the floor. So remember that if you are in favor of this rule change. The more time we take in hearings-- which is good, good process-- committee hearings to do-- the more time we do that, the less time we have here on the floor to pass bills and do the people's work. Arizona, their limit, 7; Colorado, 5; Florida, 6; Indiana, 10; Louisiana, 5; Montana, 7; North Carolina, 15; North Dakota, 15; Oklahoma, 8; Tennessee, 15; Virginia, 15; Wyoming, 5; California, no more than 50 bills in a two-year period; Florida, 6. And [INAUDIBLE] it kind of goes on and on here. There's a-- an, an-- numerous states that have many limits on how many bills can be introduced in a one- or two-year period, and we are actually, I believe, higher than all of them with this rule change. So to put some kind of guardrails in place about the time and effort we put into committee hearings, how many bills we introduce so we can actually maybe have some time here on the floor to debate bills is not a bad thing and it's not unprecedented. It happens throughout the entire country. And Senator John Cavanaugh brought up a point about, well, we don't know for sure if this has actually been successful. Well, we don't know if it's failed either. I think one of the best ways to tell if something is being successful or moving in the right direction is trend lines. And when you see the amount of bills that are introduced every year go up and up and up and up. And then finally, we have a little bit of a plateau where it goes down a little bit this, this year-- you know, that trend line shows me that we're moving the right direction. And it is-- has the potential to be successful more than the potential to fail. So again, colleagues, I encourage you to vote no on this. Give it some time. Let's see how it works. So far, it looks like it's being successful. And this is not unprecedented. And I would rather be here on the floor so we can debate bills and pass bills rather than spend too much time in hearings. It's good to have hearings. It's good to run things through the committee process. That's what I encourage. That's what some of this process is about, is actually having committee bills. But also make sure that we're not losing time here doing the people's work. Thank you, Mr. Speaker.

ARCH: Senator Spivey, you're recognized to speak.

SPIVEY: Thank you, Mr. President. And good morning, colleagues and Nebraskans out there. This is my first time on the mic as a freshman senator, so I hope everyone is paying attention to all of the great

things I have to say. But I wanted to rise in support of Senator McKinney's rule change. And I do really appreciate this conversation. As a freshman senator, I spent a lot of time on the other side of the glass as a policy advocate and, and watching this process. But now as a state senator representing my constituents and really making the sausage, I think there was great insights from Senator DeBoer as well as Senator Hansen, Lippincott on just the committee work, what goes into the rules process. And so I first, like my other colleagues, want to acknowledge the work of the committee. It's been really helpful to understand why committee work is so important and their viewpoint and what comes out of committee to the floor for us to discuss. There were a couple of points that I want to just to add my perspective to, starting with the comments around quality versus quantity. And to Senator McKinney's point, you could have one bill that, in my opinion, is terrible, but you love it. You put in the work to it, your constituents asked for it. You feel like you've done your research and you want to carry it. And I don't think that it is our job as colleagues to decide what is quality, what is quantity, and what does that look like for us. We are not each other's bosses. Our bosses are our constituents. And so if I am putting forward 50 bills that they believe do not represent their interests and advance the work of the state, then they will vote me out. They will send emails to my office. They will come down. And that's who we really answer to. And so it feels like an overreach of how we do our work here by trying to mandate what it looks like as peers and colleagues, because that's not our role. We each are here to legislate based on our perspective. We were elected based on our discernment, and we should be trusted to do that. I actually have 20 bills as a senator, which may seem a lot to certain folks, but for me it honestly wasn't enough. As Senator McKinney said, I am bringing forth bills that are addressing some of the most complex issues that District 13 are experiencing-- for example, juvenile justice. We have bills that are introduced in this body now that continue to criminalize and want to put our kids in cages, and that will specifically impact the kids in District 13 that I represent, that are my family, that are my neighbors that I care about. And so the two bills that I was able to fit into my slate are absolutely important, but there are adjacent bills that I would have needed to introduce to continue to take that comprehensive approach to addressing juvenile justice that I cannot do because of the arbitrary limit. And so I think as we talk about how do we do our work and being impactful, I don't think a number of bills can really measure that or

really aligns to what it needs to look like. Other states have put in bill limits and they may operate in that way, but I'd like to remind us that Nebraska is unique in many of ways. We have a one-house system. We have a split electorate vote that allows for all voices of Nebraskans to be heard. And so adding a bill limit because other states do it and it feels like that's what makes it more effective to me is not reason to limit our work and our power and the things that we're able to do to be successful. Our goal here is to legislate. That's why we were elected. We are here to pass transformative policies that make the lives of Nebraskans better, and limiting ourselves and what we're able to do and accomplish is not helpful without rhyme or reason. As we think about this session and prepare for next session, what we do now around this rule change makes a difference. I know people keep mentioning that it takes a lot of work to put forward bills, and I agree. As a freshman senator, we don't get to have the interim period to work. And so we-- I hit the ground running. And what we decide now will make sure that I am more successful next session because I can spend the interim period preparing and I know what is in front of me. And so while the rule change is passed for this session, I think having this conversation, debating it and getting clarity as we go forward is going to make a difference. So thank you, colleagues, Mr. President. And I yield the rest of my time.

ARCH: Mr. Clerk for an announcement.

CLERK: Thank you, Mr. President. The Natural Resources Committee will meet in executive session at 10:00 under the south balcony. Natural Resources, under the south balcony at 10:00. Additionally, notice from the Executive Board for appointments made to the two various special committees. New LR: Senator Brandt, LR31. Committee Report from the Revenue Committee, chaired by Senator von Gillern, reporting LB116 and LB209 to General File. Notice of committee hearing from the General Affairs, Health and Human Services Committee. And notice that pursuant to Rule 7, Section 6, Senator Holdcroft has withdrawn MO10 through MO21. That's all I have at this time, Mr. President.

ARCH: Senators in the queue: Senators DeBoer, Storer, McKinney, Hunt, Dungan, and Machaela Cavanaugh. Senator DeBoer, you are recognized to speak.

DeBOER: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. This may be the longest streak of days in a row that I have been on this microphone, but that's all right. I wanted to lift up something that I think is being missed in the conversation, or at least partially missed more than it should. Senator McKinney is pointing out something that I think y'all maybe don't have all the background to hear. The reason that a bill limitation in Nebraska is different than a bill limitation in other states-- there are two reasons why it's different. One, in other states, every other state has a bicameral and bills can originate in either house. That's one reason. Number two is because we have a very, very, very lax single-subject rule in Nebraska, which the Supreme Court just upheld, the laxness of our single-subject rule. That means that we can put and do put bills together that are ideas that are different from each other enough to need to be discrete bills in order to have a successful public hearing on them. So I've already seen this in committee, where you have multiple bills put together and maybe it's, you know, outside forces are [INAUDIBLE] them together like that for you-- it's, it's multiple ideas. Now, when we put it as a, a Christmas tree package coming out of a, a committee, it's already had its public comment. We're talking about making bills that should be separate into one bill so that you can get outside of the limitation of these 20-bill limitations and then you have a hearing on just the one thing. In the past-- I remember my sophomore biennium. Senator Matt Hansen-- not Ben Hansen-- Senator Matt Hansen brought, I think, it was seven or nine landlord-tenant bills. And we heard each of them individually. And then the committee took the ones that it could kind of work on and get together and put those together in a package. But we had to hear the separate ideas first. Otherwise, you have what happened in the committee the other day where you only talk about one aspect of the bill and the other aspect doesn't really get a public hearing. So when Senator McKinney says we're going to have Christmas trees put in because of this, he's 100% right. We should be listening to him. And the harm in that comes in the fact that then it does not have the whole process. It does not have the separate public hearing that every bill in the state of Nebraska gets in recognition of the fact that we are just one house. Senator McKinney is 100% right on this. We should be listening to his warnings. The more of these kind of mashed together ideas-- which are allowed under our single-subject rule, as the Supreme Court has interpreted it-- the more of those we have, the less power for the second house to come in and make their voice be

known and the less power for us. Now, someone might say we don't have enough time. I've heard that. More bills does not mean more time in hearings. It doesn't. More controversial bills means more time in hearings. But the quantity is no indication of the amount of time a hearing will take. The quality of the bill, whether it's been worked out, figured out, worked on. If you come to a committee with a white copy amendment of your bill-- which, by the way, under this rule, there's nothing that says I couldn't-- I have a bill, a shell bill in Judiciary because the Supreme Court is about to rule on something. We don't know how it's going to rule. We might need a bill to-- sometimes they'll say something like, Legislature, please take this up. So I have a bill sitting there waiting in case they say, Legislature, please take this up. Then we can take it up. If I don't need it for that, I could put any kind of criminal justice-- which I think is-- and maybe McKinney will know this-- is that Title XXIX? Eh, we don't know right now. But anyway. Whatever number that is. I could put any number of those bills in-- as a white copy amendment. I could get around this requirement of 20 bills by now putting in 20 bills that I wanted to put in as a white copy amendment in the committee of jurisdiction. Any bill that I have. I had a bill yesterday in HHS. I could do a white copy amendment instead of the hearing that I did yesterday in HHS.

ARCH: Time, Senator.

DeBOER: Thank you, Mr. President.

ARCH: Senator Storer, you're recognized to speak.

STORER: Good morning. Thank you, Mr. Speaker. And good morning to all of Nebraska that may be watching. I just wanted to get up and make a few comments as I sit here and listen and-- Senator Spivey, this is my first time on the mic as well. I'm going to be brief because I think brevity has value. And the issues that I've listened to here on now the second day regarding this amendment are basically the arguments about whether or not we should have a rule-- a limit on the number of bills that we can bring. That debate was held last year. This was debated on and voted on last year. It passed. I want to come back to a comment that Senator John Cavanaugh made and, and was followed up on as well by Senator Hansen, which is the reality that we don't have-- we see that we have a reduced number of bills this year, and I would agree with Senator Cavanaugh that it is difficult to determine why we

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have a reduced number of bills, because there has not been enough time to develop a trend line. And to make a decision or to even think about making a decision about changing this rule without any time to determine if the reason that it was passed for those that supported it and voted for that last year would simply be irresponsible. So for me, the debate today is there was-- this was passed last year and is it working? Is it working for the reasons that people supported it? We don't-- haven't had enough time to determine if it's working. And we could debate how, how much time we need, but you certainly don't develop a trend line based on one year. So I would encourage those, regardless of how you feel about the bill limit, to give this rule time to be worked out and determine if it in fact is doing what it was intended to do. And if there are real ills or conse-- unforeseen consequences as we move forward in the next year or two or three. So with that-- again, I promised brevity. I will close, close my comments and yield my time. And I will be voting no on Senator McKinney's amendment.

ARCH: Senator McKinney, you're recognized to speak. This is your third opportunity.

McKINNEY: Thank you, Mr. President. I will remind everybody we are the only unicameral in the United States of America. We are not California. We are not other states. We're not other states for a lot of reasons. And any time we bring up other states, it's very convenient. And I could say other states have legal, recreational marijuana, legalized online gambling. A lot of the examples he talked about, they have-- they're all legal. So if we're going to start comparing ourselves to other states, we should legalize all that. But a lot of people don't want to do that. But that's neither here or there. And we're talking about give it time. Again, I will repeat, there was-- there were things passed last year, signed by the governor, and there are bills in this Legislature this year that will come to this floor that will try to reverse them. So remember that argument. Remember that argument when you talk about giving time. And this rule change was passed in a different biennium, in a different body. It's-- we have the opportunity. It's a different Legislature. New people in here. We can set our own rules. Y'all didn't set those rules, but you can set new rules. And, you know, for example, you know, we're a Dillon-- Dillon's Rule state. Counties and muni-- municipalities have a lot of small issues that come before the Leg-- the Urban Affairs Committee. And yes, we can do committee bills to

address those issues, but sometimes it could go to another senator as well, that bills need to be introduced, but a limit takes away that flexibility. And then we talk about time to debate bills. If a controversial bill hits this floor, there will be a filibuster. Let's be honest here. We could talk about how can you stop it or not stop it. There will be a filibuster. It will be a long debate. So we'll still take time. So time will be taken no matter what. If a controversial bill hits this floor, there will be a filibuster. So no matter if we're out of committees by the end of February or early March, if a controversial bill hits the floor, everybody knows there will be a filibuster. So less-- the-- this time argument really doesn't make sense. And I'm curious to know exactly what are the non-high-quality bills that are not-- that are being introduced. I really want to know. Give me some, some examples of non-high-quality bills that are being introduced. Give me some examples. But time? I don't like to even reference of give time, especially with the different-- with the district I represent. Telling me to wait some time and give some time, that just doesn't work for me. I don't have time. I don't operate with the perspective of time is on my side. And you shouldn't either. Because, because of term limits-- because they wanted to get my predecessor out of this place-- we don't have time as senators. I mean, it's finite. We're going to be out of here-- I mean, if you get reelected, you got eight years, so you have eight years to do the best you can for your constituents. So you should want to operate with as much flexibility as possible to help your constituents. So why set limits on yourself and not set limits on the governor? That does-- that just doesn't make sense to me. And then we're going to have a lot of PAC bills and people are going to complain. And constituents, when they complain, remember this bill limit, because that is the very reason why it's going to happen. And that's just the, the truth. And I'm ju-- it, it's, it's just a fact. So when people vote against this, just remember, when bills come to the floor with five bills, it's because of this bill limit. And it's not my fault, because I don't support it. Thank you. But please [INAUDIBLE] to eliminate this. Thank you.

ARCH: Senator Hunt, you're recognized to speak.

HUNT: Thank you, Mr. President. Good morning, Nebraskans. And good morning, colleagues. I would like Senator Hansen or anyone supporting the idea of limiting ourselves, of restraining our own power and capacity from introducing 21 bi-- I mean, why not, why not 19 bills?

Why not 21? Why not 22? Why not 10? We get into this arbitrary space. Anyway. I would like to know how we made it to 2024 last year, 108 Legislatures without that rule. And you know, now this is-- this became something so urgent that we had to do it. And I do think it's important that we undo it because I'd also like to identify this pattern that we're seeing in this class of lawmakers of the last, you know, four to six years of restraining our own power, of boxing ourselves in, of not thinking big in service to our constituents, whether we're talking about the last rule change or the first rule change that we talked about that was introduced by Senator Kathleen Kauth or the one that was introduced by Senator Hansen to limit our bill introduction. What I'm seeing the pattern of is some lawmakers deciding how they would like to conduct themselves and then instead of saying, you know, I don't think it's ethical that we can vote present, not voting on Final Reading because I don't understand the way that works. So I don't think it's ethical. And I would rather just vote yes or no because I think that's important to my constituents. OK. Very good. Nothing's preventing you from doing that. Please go forth and do that. No, that's not enough for some people. They have to change the rule so that their preference for their own choices are then forced upon everybody else, resulting in ultimately forced speech, restraining what we are allowed to do in our capacity as lawmakers. As equal lawmakers, by the way. We are not in a hierarchy here. We all have just as much power as the other. Or in Senator Ben Hansen's case, saying something like, you know, it's my opinion that 21 bills is too many for committees to handle. This is too much work for our Bill Drafters to handle. This is too much for staff to handle. And I would prefer to introduce only 20 bills or 3 or 6 or 47. So I'm going to put on the rest of the body, everybody else, a rule forcing them to do it the way I would like to do it myself. Now, this is the party. This is the, the, the Freedom Caucus folks. This is the libertarian folks. This is the people who want smaller government. They extend one hand and say they want small government while they choke themselves with a noose with the other. So that makes no sense to me. I also take some issue-- you know, I didn't say anything about it before, but the constant mention of quantity over quality or quality over quantity. When you say that, Senator Hansen, this is a judgment that you're making on the priorities of our constituents. I would echo Senator McKinney's question. I would like to know specifically what bills have been introduced that you don't think are quality. And how do you know that, that, that would be the 21st bill that somebody would introduce?

Got really quiet when I started-- you know, I don't have anything, like, that groundbreaking to say here or anything, but I, I would invite you all to question the pattern that we are seeing in this body and interrogate that in your own mind and say, why am I restraining myself voluntarily? Why am I choosing to choke back my own power when I have earned it and when I've been given a calling to represent the people who sent me here? And it might take 21 bills to do that. That's what I would like to put forth for you to think about. Thank you, Mr. President.

ARCH: Senator Machaela Cavanaugh, you're recognized to speak. This is your third opportunity.

M. CAVANAUGH: Boy, this just keeps happening. Hot mic. Thank you, Mr. President. I appreciate Senator Hunt's comments. I-- you know, we-- I, I, I know most of you-- I think probably all of you know that I have previously talked an extensive amount in previous Legislatures. And when you talk a lot, you know, you say a lot of different things, and sometimes you might not say things in the way that you intended to. And so having been in that position myself, I want to allow for grace in my colleagues. But this idea of not high enough quality legislation being introduced is, is one that I think needs a little bit more defense from those that think that we are introducing subpar legislation. I think that sometimes we introduce legislation that's, as we call it, not ready for prime time, meaning floor debate. But introducing legislation is-- it's just the first step in the process of, of making the sausage. And one of the important things that I have come to realize is we can do interim studies. We can put in an LR for an interim study and try and do-- which is kind of fact-finding information, hopefully to inform policy that we will introduce in the next year and make it stronger, better policy. The problem has become that the administration, the, the executive branch, doesn't come in so much anymore for these interim studies. They don't come in and have that conversation with us anymore to tell us how things are going, what about this idea is good or bad, or any of that. The only way we actually get them to come in, oftentimes, is to introduce a bill and have them come and testify in support or, unfortunately, opposition. I personally don't think they should do either. They should come in neutral. But that's how it's going. And if we are limited in what we can introduce, we are limiting our ability to engage with the state agencies that will not come in to meet with us otherwise. And you are all going to come across this. Every single one of you will come

across this at one point or another. This is not singular to political affiliation or region or interests. Every single one of you is going to have a frustration and a conflict with the administration at some point in time. You don't have to believe me. It's going to happen. And you're going to want to introduce a bill that is going to require them to show up and talk about the issue that you care about, that your constituents care about, and you are actively limiting your own ability to do that by supporting limiting the number of bills we introduce. Thank you, Mr. President.

ARCH: Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. Good morning, colleagues. First off, let me say a very, very warm welcome to colleagues, Senators Spivey and Senator Storer, for maiden speeches. Those were incredibly, incredibly good speeches. And I'm very, very grateful to have their expertise and perspective and wisdom in this body. And I'm glad that they joined this debate. I do want to, however-- because I listened carefully to their words and I wasn't planning to speak again, but Senator Storer's comments really provoked, I think, some important deliberation points that should be countered in the context of the debate. So Senator Storer had mo-- noted that we had debated this measure last year and that should be the final say on things. And just to tease that logic out a little bit more, I would ask my colleagues if by-- if they are following that logic indeed, have we completely closed the case on perennial attempts to undermine secret ballot, perennial attempts to exclude press from our executive sessions, perennial attempts to change the cloture function? Those issues have been presented and presented and disposed of and disposed of, but they've been taken up before. So just the fact that we had previous debates does not foreclose the issues from consideration. And we shouldn't apply that lens to just one singular bill if that is in fact the argument that we're making or potential rule change. Additionally, it is clear in the Nebraska Constitution and Nebraska case law that the Legislature is not a continuing body and an existing Legislature cannot bind a future body. So again, that logic fails when you look at the legal framework that governs this institution, which requires, actually, that we bring forward continually additional bills and additional rules that had been subject to debate and deliberation in prior Legislatures. Additionally, I think it's important to know that there is no need to have a longer trend line because we do have information. And the, the fact is clear. Do we know it's not working?

Your colleagues have spent two days telling you how it's not working and have identified various unintended consequences and loopholes in the current bill-- in the current rule as written that show you the lack of efficacy and the arbitrariness-- arbitrary nature of the 20-bill limitation. For example, we saw with Senator Bostar just this week, he introduced a measure-- or attempted to introduce a measure-- that exceeded his 20-bill limit. So in a qui-- move of quick collegiality, Senator Hunt said, I'm going to go ahead and introduce it. Senator Bostar can add his name as a, as a cosponsor. And the next day, Senator Hunt can drop off and it becomes Senator Bostar's bill. That's a quick and easy way to get around the 20-bill limitation that's allowed for in this rule. Additionally, I brought forward the hypothetical situation of bringing shell bills to every jurisdictional committee and showing up with white copy amendments that contained multiple proposals. Additionally, through this process, in the first year of this particular bill limitation's implementation, we found out there is a loophole that provides greater access to the Legislature for the governor than for our constituents. And perhaps even though Senator Hughes decided to withdraw her amendment, maybe it's time to get the freshmen up out of their chairs and ask how they would have voted on that measure so that we can have clarity about intent and motives. And then finally, I would provide an additional note to my colleagues that we frequently readdress measures that have been deliberated upon by prior Legislatures because, of course, we are not a continuing Legislature. We have new members. We cannot bind future legislators. And frequently we take up measures after they have gone into effect and identified consequen-- unintended consequences present themselves or loopholes present themselves or great measures that had a lot of support that simply ran out of time in previous sessions from being able to bring it across the finish line. So it is part of our practice to readdress issues that have been before the Legislature in prior instances. Thank you, Mr. President.

ARCH: Seeing no one left in the queue. Senator McKinney, you're welcome to close on your proposed rule change.

McKINNEY: Can I get a call of the house?

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

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CLERK: 28 ayes, 4-- excuse me-- 28 ayes, 0 nays to place the house under call.

ARCH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator McKinney, you may continue your close.

McKINNEY: Thank you, Mr. President. So as I close, I just want to say the governor introduced 22 bills because he has no limit. But we have a limit. There are many loopholes in this rule that has been stated over the last couple days. I can get Senator Lippincott to introduce a bill. I could cosponsor it. He'd pull his name off. Then I have 21 bills. Doesn't make any sense. We also hear complaints about Christmas tree bills. Well, this 20-bill limit incentivizes it. So we're going to have a lot of bills this session with four, five, maybe six bills in them because of this bill limit. Does that make any sense? I hear a lot of conversations about other states have a limit. We are a unicameral. We're not a bicameral. We're unique. We're the only one in the, in the U-- in the U.S. So why, why should we take away our uniqueness? Why do we want to be like everybody else? And if we want to be like everybody else, we should make a lot of changes I don't think a lot of people want to make. But we should. And then we talk about time and time and time. We'll have time to debate bills. I don't think we will because once one of those bills that people deem controversial comes to the floor, there will be a filibuster. So time will be taken on those bills. It's just the truth and it's a fact. No, no matter how much time we take in committee or-- because let's say we spend less time in committee, which gives us more opportunity technically to be on the floor, which gives us more opportunity to hear controversial bills, which means we're spending more time with filibusters. It's still the same time. We still got the same days. We, we, we're still limited in time. It, it doesn't change anything with the bills. Then we hear things about quality of bills. There's not one bill I, I, I I've introduced that I didn't feel like was quality or I didn't feel good about introducing, because I introduced those bills to help the people I represent, to help the people of Nebraska. That's why I introduced those bills. And if you didn't think those were quality, well, that's your opinion. But I thought they were. I thought they were because I don't feel like kids that this state takes under their care should be sent out of state. I thought they were quality

because I feel like our kids should be taken care of. I think our community should be taken care of. That's why I think they're quality. So if you don't think that's quality, that's, that's your opinion. I don't think five-year-olds should be suspended. I think that's quality. That's quality to me. But at the end of the day, a-- another body made this rule. We can make the change. And we keep hearing, give it time. We have time now. We have time today to make the change. And we should make the change. Why are we giving more power to the governor? Why are we giving more power to lobby? Why are we giving more power to advocacy groups? Let's take the power back for ourselves. Why did we run for office if we just keep giving our power away? We gave our power away with term limits. And we're just going to keep taking it away. For what? What is the purpose of the Legislature if we're keep-- if we keep conceding power? We're going to have conversations about conceding power this whole year with the OIG, the Ombudsman, the prisons, all that type of stuff. But this is an opportunity to take back our power. And if you don't think your power is important, freshman, I'm telling y'all, as y'all go further in-- into this job and in this role, you'll realize how much agencies do not care about this place. And that's why you should, you should eliminate this 20-bill limit. Thank you.

ARCH: Colleagues, the question before the body-- the question before the body is the adoption of the proposed rule change number one, which will amend Section-- Rule 5, Section 4. There's been a request for a roll call vote. Mr. Clerk, please call the roll.

CLERK: Senator Anderson voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Bosn voting no. Senator Bostar voting yes. Senator Brandt voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Clouse voting no. Senator Conrad voting yes. Senator DeBoer voting yes. Senator DeKay voting no. Senator Dorn voting no. Senator Dover. Senator Dungan voting yes. Senator Fredrickson voting yes. Senator Guereca voting yes. Senator Hallstrom voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Juarez voting yes. Senator Kauth voting no. Senator Lippincott voting no. Senator Lonowski voting no. Senator McKeon voting no. Senator McKinney voting yes. Senator Meyer voting no. Senator Moser. Senator Murman voting no. Senator Prokop voting yes. Senator Quick voting yes.

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Senator Raybould voting yes. Senator Riepe voting no. Senator Rountree voting yes. Senator Sanders voting no. Senator Sorrentino voting no. Senator Spivey voting yes. Senator Storer voting no. Senator Storm voting no. Senator Strommen voting no. Senator von Gillern voting no. Senator Wordekemper voting no. Vote is 16 ayes, 31 nays, Mr. President, on adoption of the rule change.

ARCH: The motion is not adopted. I raise the call. Senator Lippincott, you're welcome to close on the motion to adopt permanent rules. Senator Machaela Cavanaugh, please state your point.

M. CAVANAUGH: Thank you, Mr. President. I would like the Clerk to explain to the body what the rule change that we adopted yesterday from Senator Kauth will look like in practicality. I don't believe that the body fully understands how it is going to work once it is implemented. So Mr. Clerk, could you explain that to us?

ARCH: Mr. Clerk.

CLERK: Senator, my understanding, based on legislative intent spoken on the floor from both the introducer and other members, as well as the plain reading of the rule at this time, your board will-- say it's a roll call. We will still go down the roll call. You can certainly call out as present, not voting. I will repeat your vote as present, not voting. It will be when the presiding officer locks the voting board, says, Mr. Clerk, please record. At that time, the votes on the board will shift from the vacant or, or no light to a red light. The Journal itself will show you as a no with an asterisk based on the primary introducer's intent. So there will be no present, not voting. This is on a cloture rule on Final Reading as well as the final passage of the bill on Final Reading. Those are the, the only two votes taken in which that instance will occur. And your Legislative Journal will show, you know, the ayes, the nays, and there will be nays with asterisks.

M. CAVANAUGH: I'm still-- thank you. And at what point do we have to file a conflict of interest and what does the conflict of interest mean and look like?

CLERK: There are current conflict of interest forms available both up front here and within our office. They're NADC C-2 forms. Members of the Legislature can, can fill those out, file them properly. As the

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rule states, properly would be with the Clerk of Legislature's Office, the Speaker's Office, and a copy with Accountability and Disclosure, and, and just stating the conflict that, that you have at this time and whether or not you're going to abstain from voting based on that conflict.

M. CAVANAUGH: And what, what is the timeline for filing the conflict of interest?

CLERK: As close to or prior to, if possible, the votes being taken.

M. CAVANAUGH: If we file, when does it show up on the board?

CLERK: It's read across into the Journal.

M. CAVANAUGH: So if we file a conflict of interest prior to the vote and we take the vote, how is it reflected in the vote itself?

CLERK: If there is a known conflict of interest prior to the vote, my understanding is you will not have that individual member switch from the present, not voting to the no. There will be no asterisks that-- they will show as present, not voting on both votes should they have a properly filed conflict of interest statement.

M. CAVANAUGH: So in order to not allow the presiding officer to change our own votes, we must first file a conflict of interest.

CLERK: That is my understanding. In order to be present, not voting, you would need to file a conflict of interest.

M. CAVANAUGH: Thank you, Mr. Clerk.

ARCH: Senator Raybould, please state your point.

RAYBOULD: My point is, could you further clarify how this rule applies? So it only-- you may only use your present, not voting only if you have a conflict of interest, or is there other situations that would apply to allow you to use present, not voting?

ARCH: Mr. Clerk.

CLERK: Senator, my understanding on the plain reading of the rule and the intent behind-- via the Legislature is that you can use present, not voting on any vote other than the vote on cloture on Final Reading

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as well as the final vote on the bill's passage on Final Reading. At all other stages of debate and all other motions and amendments on Final Reading, present, not voting is in order. The only time that you will be shown present, not voting on those two instances of that vote is if you have a properly filed conflict of interest form. So you can be present, not voting on all votes except for those two that were mentioned in the rule, at which-- and you can be present, not voting on those two instances as well if you have properly filed a, a conflict of interest form.

ARCH: Senator Lippincott, you're recognized to close.

LIPPINCOTT: Thank you, sir. Again, I'd like to just thank the members of the Rules Committee, especially I'd like to thank Senator DeBoer for her help. She's been very, very helpful to me, and I am very grateful. So thank you. I move to adopt the permanent rules for the One Hundred Ninth Legislature, First Session and Second Session, and any special sessions held during the 2025-2026 calendar year.

ARCH: Colleagues, the question before the body is the adoption of the permanent rules as amended. All those in favor vote aye; all those opposed vote nay. Has everyone voted who wishes to vote? Mr. Clerk, please record.

CLERK: 33 ayes, 6 nays on adoption of the permanent rules, Mr. President.

ARCH: The motion is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to reconsider the vote just taken on adoption of the rules.

ARCH: Senator Cavanaugh, you are welcome to open on your motion.

M. CAVANAUGH: Thank you, Mr. President. Colleagues, we can't change anything that's been adopted to the rules now. All we can do is say whether or not we adopt the permanent rules as they were amended. I hope that everyone can just take a few minutes to consider the information that was shared by the Clerk about what you adopted yesterday. If we reconsider and the permanent rules fails, we can just permanently adopt the temporary rules. So we can continue with the 20-bill limit and all of the things that we've been doing. Nothing else changes and-- easy peasy lemon squeezy. But I do think you should

really, really consider what the Clerk was saying. That's why I asked him to clarify. Now, I believe I can file a conflict of interest on every single bill prior to that bill being read across and then my vote is consi-- is treated the way it has traditionally been treated. I can do that. Or we can just go back to present, not voting and not authorize whoever is the presiding officer to change our individual votes. I don't know what your constituents want, but do they really want you to abdicate your own authority of how you vote to another member or the Lieutenant Governor? I seriously doubt that. This is an opportunity for you to also learn the rules. I was present, not voting; and because I was present, not voting, I can reconsider the vote on the adoption of this motion. I also could have reconsidered the vote of the-- on the adoption of this motion if I had been voting for it because I was in the majority. And if I'm in the majority and I want to reconsider my vote that had just been taken, I can reconsider my vote. However, if you are in the minority-- meaning the losing side-- of a vote taken you cannot reconsider your vote because you can't reconsider something when you've lost. But if you've won and you're like, hey, actually, you know what? This might not have been that great of an idea. Maybe I should reconsider it. You can do that. Or you can just be present, not voting. I've typically been present, not voting when I'm going to reconsider a motion. I can go with the majority and then do a reconsider motion. It's just easier on the math to just be PVN. I-- if I have ever been present, not voting on-- PNV, sorry-- if I have ever been present, not voting on Final Reading, I will tell you it was probably by accident. You will no-- notice when we get into Final Reading it kind of becomes like a, I don't even know, chanting almost. Like, it just lulls you into-- you just hear the Clerk going [MUMBLING] reading very fast the bill. And then all of a sudden you're voting. And sometimes if you're not, like, paying attention, you will forget to vote. And that has happened and can happen. I'm pretty sure I've always voted on Final Reading, but I can't say with all certainty. So for me, this isn't about, like, me wanting to be present, not voting on Final Reading. For me, this is about the institution and the integrity of the work that we are doing and our own individual authority as members of this Legislature. And I still, as I have said previous times, can use the rules to achieve what I want to achieve. So if I want to be listed as present, not voting, I can still be listed as present, not voting. So the rule change that we make in this rules only gives more power to the presiding officer to change your vote if you don't file the correct

paperwork in advance. Talk about bureaucracy. There's a movie about this. I can't remember what it's called. It's an alien movie. Hitchhiker's Guide to the Galaxy. Hitchhiker's Guide to the Galaxy is about government bureaucracy. And now we have just created more bureaucracy in the Nebraska Legislature. Kudos to us. I imagine that we could all start filing motions-- or, conflicts of interest on every single bill preemptively for when it's on Final Reading. And then the Clerk's going to have to hire more people to process this-- and look at what we've done. We've expanded government. Bureaucracy. Or we can reconsider this vote. We can go back to the temporary rules that we adopted that still has the 20-bill limit and we can move on with our day. Thank you, Mr. President.

ARCH: Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. And I don't know if Senator Cavanaugh's planning to move her motion to a vote or if she's planning to with-- we're going to vote on it. OK-- if she was planning to withdraw it. But this was her only opportunity for additional debate or deliberation. But I do want to just note for the record and perhaps widen the lens here for new colleagues and for citizens who are concerned about these issues and perhaps watching from afar. First of all, I, I do want to extend my continuing appreciation and gratitude to Senator Lippincott, my friend, Senator Lippincott, and our good friends that serve on the Rules Committee and thank them for their additional hard work in these opening days of session to conduct the, the challenging work of constructing our rules. And I think that they approached it with the seriousness of purpose. And it was a very, very thoughtful debate that we were all able to have on a lot of key issues. I do want to note, even though there were some policy disagreements with some of the rules that we moved forward-- in particular, Senator Kauth's rule in regards to forced voting-- I, I do think that we made important changes on efficiency with Senator Hansen's measure and Senator Ibach's measure, and I appreciate lifting that up. I think we will continue to work together to address the arbitrary bill limitation, and I'm grateful Senator McKinney brought that forward so that we could have a thoughtful debate. And I want to close with a reminder that the key components in our rules, which help to strengthen, support, and sustain the nonpartisan Unicameral Legislature, which the citizens bestowed on this state through their vote almost 100 years ago, the key components thereof that are reflected in our rules-- open government, ensuring press access

even to executive sessions, nonpartisanship, ensuring a secret ballot for leadership positions, and robust debate and deliberation without hindrance or speech codes and a protection for minority voice and minority rights through our cloture rules suppress access, free speech without additional hindrance, secret ballot, and a strong cloture rule were all preserved in the rules that we have before us. And that is why I'm voting for the package as a whole even though I have disagreements with the body's decision not to revisit the arbitrary bill limitation or the forced voting measure that Senator Kauth put forward. But let's not lose sight of the forest for the trees. And perennial calls to undermine the key hallmarks of this proud institution have been put asunder by this body, and congratulations to each member in that regard. Thank you, Mr. President.

ARCH: Seeing no one left in the queue. Senator Machaela Cavanaugh, you're recognized to close on your motion to reconsider.

M. CAVANAUGH: Thank you, Mr. President. Again, colleagues, if my motion to reconsider-- well, actually, we have to vote on the motion to reconsider. And then we vote again on the rules. So it's two votes. So if you vote for the motion to reconsider, then we will take a second vote on the rules. Generally speaking, if you don't want to take a second vote on the rules, then vote against the motion to reconsider. If you're like, hey, you know what? That did sound a little bananas. Maybe we should reconsider what we just did. Then I would say vote green. But also, this is just a great opportunity to learn more about the rules and procedures. So I would encourage everyone to vote green. And I was not going to do a call of the house, but I was asked to do a call of the house for some people who left the floor. But we'll just, we'll just start and see how it goes. And then we'll take call-ins if we have to. Thank you.

ARCH: Colleagues, the question before the body is the, is the reconsideration motion. All those in favor vote aye; all those opposed vote nay. Has everyone voted who wishes to vote? Mr. Clerk.

CLERK: 13 ayes, 28 nays on the motion to reconsider.

ARCH: The motion is not successful. Mr. Clerk.

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CLERK: Mr. President, some items. Amendments to be printed from Senator Machaela Cavanaugh to LB13, as well as notice of committee hearings from the Agriculture Committee. That's all I have at this time. Excuse me, Mr. President. I have additional items. The Judiciary Committee will meet in executive session at 11:00 in Room 2022. Judiciary Committee, 11 a.m., 2022. And the Business and Labor Committee will meet in executive session on Monday in Room 2102. Business and Labor, executive session on Monday immediately following their hearing, in Room 2102. Name adds: Senator Quick to LB41 and LB42; Senator DeKay, LB52, LB57; Prokop, LB116; Hunt, LB151; DeKay, LB188, LB193; DeBoer, LB336; DeKay, LB413; Andersen, LB550; DeKay, LB660; Holdcroft, LR21. Finally, Mr. President, a priority motion: Senator Rountree would move to adjourn the body until Monday, January 27, 2025 at 1:00 p.m.

ARCH: Colleagues, you've heard the motion to adjourn. All those in favor say aye. Opposed, nay. We are adjourned.