

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 11, 2024

DORN: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the seventh day of the One Hundred Eighth Legislative [SIC], Second Session. Our chaplain for today is Pastor Clint Chiles from the Grace Bible Fellowship Church of Central City, Nebraska, Senator Loren Lippincott's district.

CLINT CHILES: Let's pray. Father, we thank you for this day that you've given us. We thank you for the breath that you allow us to breathe. We are sinful people, and all that we have comes from you. You are our sovereign creator who sits over all things, including this Legislature. And Father, I pray that you will give wisdom to each man and woman in this room today. And I pray that, as the elected officials of our great state, that these men and women would legislate with the proper fear of God. I pray that they will choose to do not what is easy or popular, but what is right in your eyes. And Father, we will all have to give an account for our actions to your son. May these elected officials choose to do that which is right. And Father, I pray for anyone here this morning that may not know you, that they may-- that they would repent of their sins and place their faith in Jesus Christ. And it's in his name we pray. Amen.

DORN: I, I recognized Senator Wendy DeBoer for the Pledge of Allegiance.

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

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

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

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

CLERK: I have no corrections this morning.

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

CLERK: There are, Mr. President. Notice of committee hearings from the Transportation and Telecommunications Committee. That's all I have at this time, Mr. President.

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DORN: Thank you, Mr. Clerk. We will now recognize-- Speaker Arch for an announcement.

ARCH: Thank you, Mr. President. Well, good morning, colleagues. Today, we begin our rules debate. But before we begin actual debate, I would like to put our rules discussion into context, and so please bear with me as I explain. Our institution was seriously tested this last session, and it became apparent that there were significant opportunities to improve our processes and support systems to better address our work. But the issue was much broader than the filibuster we experienced. Society has changed, and I do not believe that we have responded well as an institution. We experienced several consequences of not responding to change in our last session, and I believe those need to be addressed to improve our process and our legislative product. We discussed these issues at our Legislative Council in December. But let me quickly remind you all once again, these issues will require changes to both our systems and structure, and we'll have more discussion of these throughout the session: the recruiting and retaining of quality staff, the supervision and training of staff, public engagement processes and how we handle large hearings and public input options, the imbalance of committee structure workloads, the knowledge and adherence to our policies developed by the Executive Board to govern our institution, the technology that we use, and proposed rule changes. So this is the context of where our rules debate fits into a much broader agenda of what I have called institutional reform. I believe that we must take every opportunity to strengthen our institution to produce excellent debate and an excellent product, which is any resulting legislation. As it relates specifically to rules, immediately after session last year-- actually, the same week-- I sat down with the Clerk with a list of rules that I felt needed to be strengthened and asked for his assistance. But the first question I asked was to understand how we define the purpose of our rules. As I discovered, we do not have our own statement of purpose in our rules, but he pointed me to Mason's Manual, which clearly defines the purpose of the rules of any Legislature. And there was a handout that was given to you this morning-- it's in bold-- with some quotes from Mason's Manual. And I quote: It is necessary that every legislative body be governed by rules of procedure in order that the will of the majority of its members may be determined and revealed in an orderly manner. Next quote: Minorities often require protection from unfair treatment on the part of the majority, and even the majority is entitled to protection from obstructive tactics on the part of the minorities. And the last quote: The great purpose of all the rules and forms by

which the business of a legislative assembly is conducted, whether constitutional, leger-- legal, or parliamentary in their origin, is to subserve the will of the assembly. And you'll see the citation there from Mason's Manual. So let me repeat. It is necessary that every legislative body be governed by rules of procedure in order that the will of the majority of its members may be determined and revealed in an orderly manner. It is majority rule. However, minorities often require protection from unfair treatment on the part of the majority, and even the majority is entitled to protection from obstructive tactics on the part of the minorities. So this is our challenge. It's to structure our rules in such a way that the will of the majority is determined and minorities are protected from unfair treatment and majorities are protected from obstructive tactics. That's a large challenge that we have but one we must successfully address as we seek to find that balance in our rules over the next several days. I now would like to take a moment to address a concern that was recently expressed to me. I've heard people mention it's unheard of-- highly unusual to debate rules mid-biennium. The information is inaccurate. Up until the 2019 session, permanent rules were adopted at the beginning of each year, not the biennium. In the middle of the 2018 session, the second year of the '17-18 biennium, Speaker Scheer had introduced a proposed rule change to change the adoption of permanent rules each year to the beginning of each legislative session each odd-numbered year. This rule change was adopted by the body and in place for the 2019 session. Prior to the adoption of this rule change, in 2018, the Legislature had been revisiting their rules at the beginning of each year for almost 40 years. To repeat: debating the rules during an even-numbered year is not setting new precedent. Until recently, adopting the permanent rules every year was the standard practice for this body. But why should we do this in this particular year? There's no denying that last session revealed weaknesses within our rules of procedure. I understand that there will always be ways to use the rules to our advantage, but that doesn't mean we shouldn't try to fix the ones we know aren't working properly. So I personally circulated about-- copies of 21 proposed rules to all senators and had multiple conversations in small groups and one-on-one. Those proposed rule changes were organized into some technical changes, some that would codify precedent and make the language clearer, and others it would improve our processes. After receiving feedback, I did not go forward with introducing all of the proposed rule changes and made edits on several others, and I want to thank those of you who provided input during this process. Senator Erdman, Chairman of the Rules Committee, did something similar by circulating his proposed rule changes so

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that the body at large would be aware, could study the proposals, and could take time to develop their perspective on the proposed changes. The resulting rule changes that I did introduce were each designed to address a problem, and they are intended only to strengthen the institution. The Rules Committee advanced 12 proposed rules over the past two days by a 5-0 vote-- a true indication of consensus reached in the committee. I will begin by scheduling several of these consensus rule changes. As Speaker, I have indicated on numerous occasions that I will not allow the rules debate to extend beyond Friday, January 19. Frankly, we just don't have that luxury. Given the need to try to schedule as many of the 108 anticipated priority bills as possible, we need to begin debate on bills the next Monday, January 22, the first day of public committee hearings. I would also like to address how I intend to structure the debate for the first four proposed rule changes on today's agenda. Over the past few weeks, I have indicated to members of the Rules Committee and others that I consider four of my proposed rule changes to be the highest priority. I identified these four because I believe that the adoption of these changes will have the greatest impact on strengthening our rules. Given the limited amount of time, I have scheduled these first on the agenda. In addition, I have structured the debate on these four differently. I have placed a motion to recommit, filed two placeholder amendments, and a motion to suspend the rules on each of these four. It's not my intention to limit debate, but to recognize that our time is limited by managing debate in this manner. With regards to a recommit motion, it is allowed and was used in the past to filibuster, so I introduced one and I would ask you to vote no when it comes to a vote. With regards to the placeholder amendments that I filed, I am open to allowing substitution for another substantive amendment. If you have a substantive amendment that you would like me to consider as a substitute, please come talk to me. And some of you already have done that. As I said, I did not file these with the intention of limiting debate. With regards to the rule suspension, this will be the final motion taken up to bring the proposed rules change to a vote. As a reminder, the motion to suspend the rules requires an affirmative vote of 30 senators. Finally, I would encourage a deliberative pace to our rules debate. It's not something to be rushed and it's not something to be obstructed. These are matters to be seriously discussed, and I would encourage the pace to reflect that. Thank you, Mr. President.

DORN: Thank you, Speaker Arch. Senator Erdman-- excuse me. Mr. Clerk for bills.

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CLERK: Mr. President, a single item: notice of committee hearing for the Natural Resources-- Resources Committee. Additionally, new bills: LB1134, introduced by Senator von Gillern-- a bill for an act relating to Tax Equalization and Review Commission; amends Sections 77-5017, 77-5018; change provisions relating to the accrual of interest; and repeals the original section. LB1135, introduced by Senator Dover: a bill for an act relating to real property; amends Sections 81-885.01, 81-885.24, and 87-302; prohibits recording right-to-list home sale agreements and certain liens and encumbrances and provides for such agreements, liens, and encumbrances to be void; defines a term and provides an unfair trade practice under the Nebraska Retail License Act; provides a deceptive trade practice under the Uniform Deceptive Trade Practices Act; provides a duty for the Revisor of Statutes; and repeals the original section. Additionally, LB1136, introduced by Senator Dover. It's a bill for an act relating to the Nebraska Real Estate License Act; amends Sections 81-885.10 and 81-885.55, and Section 81-885.17; changes the maximum amount of civil fines under the Nebraska Real Estate License Act; changes provisions relating to renewal fees and errors and omissions of issuance [SIC] ; and repeals the original section. That's all I have this time, Mr. President.

DORN: Thank you, Mr. Clerk. Senator Erdman, you're recognized to give an introduction on the Rules Committee.

ERDMAN: Thank you, Mr. President, and good morning. Let me start with, with this: I want to recognize several people who have helped us get this far with the rules that we have sent out. And as Senator Arch had mentioned, that he began working on the rules on the last day of our adjournment, on the day of our adjournment. I had done the same thing. And so when I first arrived here in '17, Senator Chambers stood in front of me. And he turned around and he said, I'm going to give you some advice: learn the rules. I began reading the rules and I began to understand it's very confusing. And so the goal was to make that-- the Rule Book, a document that a new person could pick up, read, and understand. And so I asked my staff-- I asked Joel Hunt, my LA, to begin working on a rewrite of the rules, a rewrite in such a way that everything that pertained to each stage of the debate was in one rule. We also discussed how we would adopt a rule to discuss how we change rules. He then sought the help of other LAs to help him do that. And those were Cyndi Lamm, Dan Walls, Dan Wells [SIC], Tony Baker, Rick Hechenboch-- or, Riley Hechenboch [SIC], Tim Duey, Joe Murray, and Drew Borske. We spent a significant amount of time rewriting those rules. And that was rule number 12 that I dropped in last week. That's nearly a hundred pages. That is the rule

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that needs to be adopted. Whether you adopt the changes that we put inside of those complete rewrite is another discussion. But rewriting them in a way that new people can understand them is what needs to be done. So I want to thank Senator Arch, Senator Hansen, Senator DeBoer, Ibach, Eliot Bostar, Senator Bostar for helping with this rule discussion. I've been on the Rules Committee ever since I arrived back in '17. Never seen rules be so involved and so cumbersome as they have been-- cumbersome as they have been the last couple years. Last year, we had 57 rule changes suggested. This year, we toned it down to 34. I would say that our rules hearing, both of them, and especially this year, was very efficient. We heard the issues that were important to people. And then we had two Executive Sessions, probably over five hours of Executive Session, that we had full and fair and open debate. And I would say if you ask the news media, they were there, and they would agree. It wasn't always in agreement, but it was very con-- congenial, very cordial, and very to the point, and I appreciate that so much because, you see, we can disagree in this body, but we don't have to be disagreeable. And I would say that's what we did. I noticed Senator DeBoer shaking her head yes, so I would think that she's in agreement. So as we go forward to talk about these rules-- and we will talk about these rules until day 12, according to what Senator Arch said-- I believe it'll take that long because I was here in '17 when it took nearly 40 days. And that was inappropriate. Shouldn't have taken that long. And that's why we have written rule number 12 to try to deal with how we deal with the rules. So just let me say I appreciate the fact that the people who were on that committee, those people who came and testified spent their time and effort doing that. I appreciated that. I believe we had several people suggest things that made sense. We made adjustments in Executive Session to rules that needed to be adjusted. We combined rules that the concept was similar. We've done several things to bring before you today-- things that Senator Arch had mentioned-- that will make our process more streamlined, more deliberate, more debatable. We cannot do again in '24 what we did in '23. And when I'm out visiting with people, there are two things that come to mind. The conversation starts generally almost always with taxes. And second to that, and almost as equal is, are you going to allow the session to be the same as last year? It is surprising to me to see the thousands of people who watch us. I never dreamt there were that many people that watched this. So for those of you who are watching, it is our goal that as we debate these issues this year, that we actually debate the issues. You sent us here to make decisions to make your life better. You sent us here to do the work of the people. What we did last year was not that. And so people will

say, well, we passed a lot of legislation last year. This will be no surprise to anybody in this room or anybody listening that knows me: it's not my goal to pass legislation. My goal is to pass legislation that makes sense. And when you pass 31, 30, 32 bills with one vote like we did last year, that's not the way to make laws. Also, we introduced 850-plus bills last year. At some point in the future, in the near future, whether we begin to limit the number of bills that can be introduced, we are going to be bogged down with hearings for the whole session. There may be a time coming when every bill that's introduced does not deserve a hearing. So unless we figure out how to make this body more efficient, we're going to continue to get what we've been getting. And you know the definition of that. And so as we discuss these rules, I would hope that you have pressed your light or you will press your light. I see there's several in there today. But let's get to the issue. Let's solve the problem. And it seems like we want to always stall and not really solve the issues in front of us. The issues in front of us is the majority is the majority-- the minority needs to be protected. I understand that. Because coming from my position, my bills always seem to be not advanced, for example. I've never had a, a, a priority bill ever get passed General File. I don't know whether it's because it's who introduces it or what the issues are, but I don't introduce a lot of trivial stuff. My bills are intended to make lives better. Go home-- go big or go home. That's my attitude. And you've seen that. So these rule changes, some of them are big. But unless we make these significant changes, we're going to continue to battle with what we've done before. And as I look around the room and I see the 13 or 14 of us that are going to be gone, these rule changes may not be significant for us. And one person asked me, why are you so interested in fixing the rules when you're not even going to be enjoying those rules or living by those? And I said, I planted a small tree when I was 70. I may not enjoy the shade, but my grandkids may. So why do we make these changes? Why do I continue to push for changing the rules? So when I leave and these others who leave in my class, we've left this place better than we found it. And by better, I mean a way that we can work together; disagree, but not be disagreeable. And so these rule changes aren't intended to restrict the minority. What these rule changes I've sent in is to make it a body that lets the minority be the minority and protect them-- excuse me-- the majority be the majority and the minority be protected. And we have that in the current rule system, and we will continue to do that. So as you go through the discussion, Senator Arch has placed those rules that he thinks are important up first. He scheduled the rules. He asked me about that. I said, you're

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the chief. You're the captain. You're driving our ship. You make the decision. But I will tell you this, that I did appreciate--

DORN: One minute.

ERDMAN: --so much the Clerk and his help in the Executive Session as well. We are very fortunate to have Brandon as our Clerk. And I know when things are good, you're not supposed to say anything, right? But I'm going to say it anyway. Thank you. So let's go forward and do the right thing so that when we leave here this year, we'll say, that was good. Thank you.

DORN: Thank you, Senator Erdman. Mr. Clerk.

CLERK: Thank you, Mr. President. Turning now to the agenda. First on my-- first item on the agenda is proposed rule change number 23 as amended from Speaker John Arch.

DORN: Senate-- Speaker Arch-- or, Senator Arch, you're recognized to open.

ARCH: Thank you, Mr. President. Again, there was another piece of paper that was provided to all of you, and it, and it identifies number 23, which we'll be discussing now. This is, this is reflective of, of-- it is not the temporary rule change we passed in the last session, but rather it is an attempt to refine that and improve that and, and-- but still address, still address the issue. And you will see that it, it modifies Rule 7, Rule 7, Section 6, offering of debatable priority motions. No motion to postpone to a certain to-- a cert-- a time certain to recommit or to postpone indefinitely being decided shall again be allowed at the same stage of the debate of the bill or proposition, and such motion may be withdrawn only with unanimous consent. The proposed rule change 23 that came out of the Rules Committee is a combination of my original proposal and Senator John Cavanaugh's proposed rule change 34. As presented to you today, proposed rule change 23 would keep in place our current restriction that the three priority motions identified there if decided-- in other words, is voted upon-- could not be reoffered on the same stage of debate. This proposal does, does restrict the current rule to strike on the same day. So one of these priority motions being decided would not be allowed at that stage of debate if the debate continues over more than one day. Additionally, this proposal adds the language from proposed rule change 34 to require an introducer receive unanimous consent in order to withdraw one of these priority motions. So how it would work is that a priority motion would be

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offered-- open on the motion, debate the motion. At some point, if somebody attempts to withdraw that-- so this is the issue of put up, take down, put up, take down, move on to the debate of the bill-- if somebody attempts to withdraw that, it can only be done by unanimous consent. So in other words, Mr. Clerk, I would like to withdraw that motion. Somebody would stand up and say, I object. So it can't be done by-- it forces, it forces-- it can force the motion to a, to a vote. But my original rule proposal basically said you can't do it more than once. What Senator John Cavanaugh brought to me was, well, there may be some conditions where that would be actually desirable. And, and so if the body allows for that, then that, that could be allowed. And I thought that provides more flexibility in, in the rule. And, and I thought that was a, that was a very good contribution to that. What it does is that both sides can lock the other one in-- in other words, in-- into a vote. So because the-- the language is "decided," not "offered." It's "decided." So either side, whoever-- whatever side you are on a particular bill, could, could lock the other side into a vote. I'm sure somebody's going to also talk about-- because sometimes-- the way we were running it is sometimes introducer of bills would feel the need to immediately file their own priority motions. And this should, should remove that initiative or that incentive to file your own priority motions on your bill in order to, in order to provide a, provide a one-and-done on these priority motions. In this case, it's still one-and-done. It just-- it, it-- it will go to a vote. So my original one said "offered," this says "decided," as it currently does. It does allow more flexibility. And, and it, it does allow someone-- this is the flexibility-- it does allow someone to withdraw if there is unanimous consent. The body can decide. So the opportunity to offer is still open, and it provides flexibility. So with that, I will, I will close my opening. Thank you, Mr. President.

DORN: Thank you, Senator Arch. Mr. Clerk for a motion.

CLERK: Mr. President, Senator Arch would move to recommit the proposed rule change 23 to the Rules Committee.

DORN: Senator Arch to open.

ARCH: Thank you. As I mentioned in my announcement at the very beginning, this is my attempt to structure this debate. So I would, I would ask that you vote no when recommit comes to a, a vote. But it, it, it allows, it allows discussion at this point. Thank you, Mr. President.

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

CONRAD: Thank you so much, Mr. President. And good morning, colleagues. I want to start off by thanking my friend, Senator Erdman, and my friend, Senat-- Speaker Arch, for their thoughtful approach to this process and their excellent comments this morning in addition to their leadership on these critical matters impacting our institution, our process, and our results that we are committed to delivering together for all Nebraskans. And before we jump into the minutia about the particular issues that are up on the board in regards to this first matter, I wanted to make a few general comments or global notes or reflections about some of the very authentic and important and ongoing conversations we have had together all throughout the interim about what we can do to strengthen relationships, what we can do to ensure thoughtful debate, what we can do to return Nebraska to a model of civility and commonsense problem-solving, and those authentic, real, ongoing conversations that we have shared together for months and months and months will now be put to a test together. We need to decide, with every statement and with every vote, whether or not we want to breathe life into those words with our actions. So first, this is the first opportunity that we've had to debate and to speak on the floor this year. And I know we've all enjoyed the opportunity to work together in bill introduction and Executive Sessions and have been very deliberate and intentional in resetting the tone of debate and focusing our efforts and our energies on the people's business. This is an opportunity for us to readjust our lens together from the tone and the tenor of last year that was acrimonious, personal, pitched, and out of alignment with our proud political culture and history in Nebraska. Indeed, I believe it was a low watermark for our special, unique, and beloved Nebraska. So that's the bad news. The good news is we have nowhere to go but up together, and this very institution provides us with the antidote and the opportunity to political dysfunction and partisan wrangling. This institution was gifted to us by the people in 1937, standing alone as a unique, nonpartisan, Unicameral Legislature. It was fiercely opposed by partisans. It was fiercely opposed by moneyed interests. Yet it has withstood the attack from inception through present day against those powerful interests because people who stood in these seats, who stood in this, this floor, and sat in these seats, put the people of Nebraska first and resisted the temptation to follow moneyed interests and partisan interests, as the people dictate and command through our state constitution. This institution has many defining features that allow

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the focus to be good policy and the people's business. It is one house. It is nonpartisan. It has a small membership by design. It has no secret conference committee. It is a true deliberative body--

DORN: One minute.

CONRAD: --that has been-- thank you-- a model of civility and problem-solving. We need to ensure that we carry that unique political tradition forward today and throughout the session. It's-- there's no doubt that we have opportunities to strengthen the institution through some of the matters that have been advanced from the Rules Committee. However, it is important to note a critical word of caution that some of the measures that have emanated from the Rules Committee that will help shape this debate do not address issues that arose last year, but are perennial attacks on the institution itself-- deliberate, deliberate, ongoing efforts to increase partisanship, to decrease transparency, and to limit the people's voice and the minority voice. So we need to bring that thoughtful--

DORN: Time.

CONRAD: --deliberative, intentional lens to this work together. Thank you, Mr. President.

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

WISHART: Thank you, Mr. President. And I echo Senator Conrad's sentiments. I want to thank Chairman Erdman for his leadership on the committee. I had a chance to watch the Rules Committee and I had a chance to tell him it was run very well. It was a-- very efficient. And I do believe that Nebraskans got a chance to have their say. I also want to thank Speaker Arch for his work on, on the rules. And I know a lot of this has been happening well into the-- to the interim, and I appreciate all that work this summer, the Rules Committee, of course, and then the Clerk of the Legislature and all the staff who were involved in this. We are so lucky to have all of you working here in our institution. I look forward to learning from all of you, especially from those who are on the Rules Committee. And, and I look forward to a vigorous debate. I have been in this Legislature as a staff member and now a senator for over 12 years, and some of my favorite days was when we had really rigorous debate and every single person was in their chair and they were listening and they were getting up and doing back-and-forths and getting intellectual and

philosophical. And it was just a wonderful experience. And I, I hope we, we see that this, this week and, and next week as, as we debate these rules. Similar to Senator Conrad, I've been thinking about sort of how I want to approach my decision-making on this very important project we're embarking on of setting up how we are going to work together. What does that fabric look like? And, and so I came up with some principles that I am going to use to, to guide me as I'm making a decision on each and every rule that comes before me. First of all, upholding the nonpartisan values of our Unicameral institution. I ran for office-- I never thought I was going to run for office when I was younger. It is not something I thought was in my future. I fell in love with this institution. I fell in love with the ability for me to work with a very diverse group of people and really be able to work with them and not have to feel like I'm on a different team, but that were all together at the table working together. And so that is something that is very important to me. And it's, it's the number one priority I'll, I'll be looking at through a lens of-- when I'm debating these rules. The next is, does this improve our ability to conduct the state's business? I do think that there are opportunities for change to improve efficiencies. And so one thing I want to know is, what is the problem that we're trying to solve? What is the problem, whether it was last session or, or previous, that we are trying, trying to solve? I need to know that before I feel comfortable changing a rule. And then, is this the right time? Even if potentially this is the right rule change, is this the right time for us to change that rule? Or, in making this change, are we going to create more problems, more distrust, more consternation because it was too soon for this, this change to be made and more work needs to be done getting more members comfortable with that level of a change? I also want to ensure that every rule we're looking at upholds the rigor of our Legislature. We are one house. It should be challenging to pass laws. Because we don't have another house that's checking what we're doing, we have to self-check. So there should be a significant amount of rigor before any type of law before it passes. And finally, I want to make sure that I'm making a very educated decision on each and every rule. And what does that mean? That means it is borne out of an open mind, where I am showing up here-- even though there may be a lot of different types of pressures-- I am showing up with an open mind to listen to every single rule with that open mind in place. And when I say listening, I mean active listening. I mean sitting here not doing other work and listening to every member of the body as they are having a conversation and debate on these rules. And when I say every member, I mean all perspectives. Sometimes it's good to be challenged on what you think. That's a good

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thing. That is where we figure out how to solve some of our pressing challenges, so--

DORN: One minute.

WISHART: --I welcome those challenges. I'm going to listen to all the perspectives of Nebraskans, my constituents, my colleagues, and then I'm also going to listen to my own internal perspective, that conscience that we all have where you know when something is right and wrong, and that is something that I think a lot of us will need to do a lot of self-- sort of self-listening to make sure that we are making the right decision after we've learned, making sure that we're making a decision while we listen to others that it's not because of pressure of others, but because it's what we know is right to do. So with that, I'm going to spend a lot more of my time listening and speaking. And I enjoy the process ahead of us. Thank you.

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

VARGAS: Thank you very much, Senator Dorn-- or, President. I never know which one to say first-- so, President. So, thank you, Senator Wishart, for those words. And, and also for everybody that's already filled in here. I, I wanted to, to jump in because I think a little similar to both Senator Conrad and Senator Wishart, and I think Senator, Senator Erdman as well, we have been in this body the longest. This is our our, last year. It's not your last year. Don't, don't leave us, Senator Conrad. But I, I, I think there's a perspective that comes from the time that we've spent here. Because I think one of the, the most difficult things-- or, bittersweet-- is I used to sit somewhere closer to where Dover and DeBoer is. Now I'm over here. And now I look at the, at the body and-- there's just so many more different faces. And I remember extremely distinctively having our, our first set of conversations about the rules and just having such an education from my colleagues on, on both sides of the aisle when we first came in and, and how green and how idealistic we were. And, and I came in with, with this very, very-- and I, I'm still leading with this same ideal, similar to what Senator Wishart just said, which is, the values and the principles of the nonpartisan Legislature are the reason why I ran for the Legislature. They really were, because I believed that it's possible to be political or politic. It's possible to have debates on issues. It's possible to have healthy disagreements. I have them all the time off and on the mic with my colleagues. It is, it is important. It's possible. But that doesn't mean that the partisan side dictates every single aspect

of what we do. It's really clear with the number of votes that we have that are on the, on the board, where we have 40, 40 or more people voting for different pieces of legislation, including even if we don't necessarily all agree, some might agree or disagree. Many of those Christmas tree bills last year had more than 40 members supporting several different, you know, 10-plus bills. It wasn't because anybody was forced to. It was because we believed that the majority of these bills will help to improve the greater good. And so now that I'm sort of reflecting on these last seven, eight years, I think back to those first couple years on-- our first year on senators talking about the rules. And it was a lot of-- I-- it was a lot of-- not words of caution, but I-- listen, learn, figure out the culture. And when I remember them telling me this-- and this is kind of where I'm coming from and why I'm going to keep listening and I'm going to keep engaging in this conversation-- it reminded me what it was like when I was a classroom teacher in my first year. It was like all the tenured or the-- all the teachers and-- that have been there for years saying, look, you know, let's get your feet wet. But remember, your classroom, the culture that you set in your classroom, the culture that you set alongside your students is not something that is done to them. You're not fixing them. You're doing it with them. You are setting a set of parameters that will enable the classroom culture to grow and exist, and it changes over time. But it is predicated on this idea of what you value, what our values are. And each and every single one of us in this room I know have a different set of internal values. If you've done any of those different exercises or leadership exercises where you sort of pin down your five or six top values, we all have likely different ones. But when it comes to the culture of this body and what I'm looking at and sort of my bright lines or--

DORN: One minute.

VARGAS: --North Star, I'm looking at thinking about what it was like being a teacher, which is, how can we be both-- be consistent and make sure that we can be effective in the work that we have to do every single day? How can we make sure that we're supporting one another in, in solving problems, sometimes problems that we don't really always understand or are not true to our constituency? How can we make sure that we remove less of the partisanship-- not the politic, not the, not the debate, not, not the disagreements or different views on issues, but just the partisanship side that sometimes make it harder? And are we actually solving the most pressing issues that we are trying to solve, even from last session, on how we operate and govern together? That is what I was reminded by

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my first year-- in my first year with the senators that were more senior and reminded me of my time in the classroom--

DORN: Time.

VARGAS: --and is guiding me this year. Thank you.

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

DUNGAN: Thank you, Mr. President. And good morning, colleagues. I do rise today in opposition to this motion to recommit, as requested by the Speaker, and so I would encourage my colleagues to vote similarly. I want to echo some of the comments and sentiment that's already been said by a number of my colleagues. And before we get into the specifics of rule change 23, which I do think we need talk about, just to make sure we understand it and ask some questions about that, I similarly want to take a step back and kind of have a 30,000-foot view of, of what we're doing here and the conversations that we're having. Like many of my colleagues during this interim, I had an opportunity to speak with a number of my constituents. We had a number of town halls. A number of people reached out to me. A number of folks emailed, called about last session. And one of the things that was consistent with regard to the comments they made was that they wanted this session to be different. And I think so far, every single person that has spoken on the mic and my colleagues that I've talked to has echoed that same belief, that we need to see this Legislature and our body return to business as usual. And when I talk to my constituents and my neighbors, they would reach out and say to me, you know, that they, they wanted us to get back to talking about issues that were everyday issues that affect people. And those are things that we've seen a number of our colleagues already introduce bills about: workforce, affordable housing, health care, things that, when people actually look at the Legislature, they say, what are you doing to help me? And so that sentiment was brought up multiple times, and people said that it was really our job to do everything we could to sort of right the ship and get back to that business as usual. And what I've frankly been very encouraged by is, since returning to this body, the conversations that I've had with colleagues all around this room and in offices, it's been that everybody shares that same belief. And folks out in the Rotunda and people at home have asked me, you know, what does it feel like right now in the Legislature in these first weeks back? And my honest answer is, there is a good feeling in this room, that I-- feels like people are happy to be back, people are happy to get back to work.

And there's almost been, frankly, a levity about it. And my hope is that we can continue that energy into the rest of the session. You know, one, one of the first things that we're going to be facing here in this Legislature that I think people have talked about for, for months now is this rules debate or this conversation that we're going to have about the rules. And what I would say to my colleagues is that I, I would similarly encourage conversation. I would encourage listening. I would encourage debate, rigorous debate about the underlying rules. But as Senator Erdman said, we can have disagreement and still have it be civil. And I believe that that's what everybody in this body is working towards. And I believe that's what everybody in this body has the capability to do. And so I've been very encouraged thus far. I am an optimist by nature, but I do find myself optimistic about this session. I find myself optimistic about the conversation surrounding these rules. But turning to the actual conversation about rules, I, I think there are certain tenets that we need to keep in mind that I believe most of my colleagues would agree about. It's always a balance. When you have a conversation about rules, you have to balance guardrails that ensure the body operates the way that it should and smoothly. But of course, you also have to balance that with making sure that everybody's voice is heard. During this interim session, I had an opportunity to go speak to a number of folks who work in other legislatures around the country. And every single one of them, when I talk about the structure of our Unicameral, is really surprised at the ability that we have here in the Nebraska Legislature for all of our senators to have autonomy and for each of the 49 of us to actually stand up and have our voice be heard and be able to stand up for what we believe in.

DORN: One minute.

DUNGAN: Thank you, Mr. President. And so I do think that when we're having this conversation about the rules that we're going to have over the next several days, it's paramount that we ensure the voice of the minority is always protected. Now, obviously, that doesn't mean that, you know, we have to always cater to just one voice. But I do think it's, it's always going to be a balance. And as the Speaker has pointed out multiple times during Legislative Council and also as we started this legislative session, you will be the minority on something eventually. And we all find ourselves in the min--minority of some issues and the majority of others. And so this is not a partisan conversation. This is not a conversation about one particular bill or one particular issue. It's a conversation that we need to have about how we keep the ship on the right track, how we

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ensure civil debate, and how we ensure rigorous debate is protected by ensuring that every single member of this body has the opportunity to stand up and speak and be heard. And I think that all of my colleagues agree that that's important--

DORN: Time.

DUNGAN: Thank you, Mr. President.

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

DeBOER: Thank you, Mr. President. This is actually my second time talking on the microphone this year. The first time I was doing an announcement about a report that had come out of Planning Committee, but. I wanted to say it's-- Happy New Year, colleagues, first of all. And it's refreshing to hear the kind of conversation we've had this morning as we're first-- taking our first times back on the microphone to set the tone, I hope, for the whole session. And I think here again, like every day is a new day to try and do things differently, I think here again we have before us the opportunity to figure out if we can work together to de-escalate some of the tension of last year, and I'm pleased to see that that is the sort of thing we're doing this morning. As I've sort of jokingly said before, we might be, from time to time, in an unhappy marriage, but it's a political one, so we're stuck in it. So it's great when we have the chance to restart and reappraise the wonderful things about all of the colleagues that we work together with in this room. There's a lot of important issues that we need to take care of for Nebraska, and it takes all of us to do that. We got to talk about housing and broadband and child care and lowering property taxes and clean air and water and all of the things that we need to do. So these next few days of debate-- sure, they may become impassioned at moments, but I hope that they will be always in the spirit of cooperation as we are working together to figure out the future of our body and to find our footing again and get back together to where we have that respect for each other that I know we all have when I see it as we go to receptions or whatever and we talk together. Some of you who may have seen my joking with Senator Erdman at the, at the Exec Sessions for Rules Committee can see that there is this-- there is this connection between all of us when we work together here. I do want to thank a few people at the beginning of this discussion as well. I want to thank Senator Erdman, who did a really wonderful job with running the rules hearing this year. I thought it was very efficient. He told me we're going to be out of here by 5:00. I said, absolutely no way. I

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almost considered taking the last 45 minutes so that we wouldn't make that goal, just talking to myself, but then I thought better of that. So he was absolutely right. We got out of there. It was, like, 4:30. Wonderful job. Everyone got their opportunity to speak. It was, it was really well done. And I want to commend Senator Erdman on that. I want to thank Senator Arch and Senator Erdman for getting their rules proposals out to us, considering especially the sort of nature the, the largeness of some of these rule changes, I want to thank them for getting them out to the body over the interim so we had some time to digest them. I cannot tell you how important that is, that we have time to digest them. Rules is different than other committees. Other committees don't have the first five days of session or whatever as their busy season, and it has been busy season for Rules. So we, at the very beginning of everything, have to try and figure out all of these things. Having time during that interim, that's--

DORN: One minute.

DeBOER: --really key. Oh my goodness. I'm running out of time. I'll have to get back in the queue, but. So here we are. We're working on these rules. I've thanked Senator Erdman, Senator Arch. I also want to thank the Clerk. The Clerk is indispensable. You wouldn't think someone who is in the second full-time year in the job would have so much knowledge. But you say something, and he's like, well, back in 1942, this decision was made by this-- and I'm-- I have no idea how you do it. It's amazing. Thank you for that. And thank you to the other members of the Rules Committee who I thought had really good discussions over these rules. I'll come-- I have things to say about this particular rule, so I'll come back on the mic. But I just wanted to say thank you to everyone. And I'm really glad that we are changing the direction of our tone of our body. I think that's important, and I think that it's great for Nebraska. So I'll come back and talk about this rule. I sort of am new again at this microphone thing. And I have been talking much longer than I intended about my opening remarks. Sorry about that.

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

WALZ: Thank you, Mr. President. And good morning, colleagues. I too just want to start out by saying thank you to Senator Erdman and the Rules Committee, Speaker Arch, and our Clerk for all the work that they've put into this. I know it's been a long interim and they've put a ton of work into it, so I, I want to thank you for that. And Senator Erdman, I, I agree the rules are cumbersome and hard to

understand. I do remember the first day that I was here, as well as everybody else, and somebody giving me that Rule Book and saying, you know, you just need to, to read this be-- and it, it's, it's quite the task because it is hard to understand. So right out of the gate, I just want to say that I am not going to be a person who's a big fan of changing the rules. I'm just not. I was always taught that rules are there for a reason. My parents were very strong about that. We make rules for a reason. It's to protect you. Never did I hear my parents say, ah, you know, the rules are made to be broken; or, we can change that just for you. So I'm pretty cautious when it comes to talking about changing rules. Rules are necessary, and they do have a purpose. So again, this is the first day of debate on the rules. And I'm just going to say I'm not a big fan. Honestly, one of my fears is that we want to change rules to simply win. And I'm not saying that that is anyone's intention. I am just saying that that is something that I truly worry about, especially in this political atmosphere, as something that concerns me. Any time we have discussions about changing the rules, I want to make sure that the rule change is valid. I want to make sure that it's a rule change that we can ensure that we always uphold the values of our Unicameral system and certainly not one that gives one entity an advantage over another. So you all know, or most of you know, that my daughter is a swimmer. She swims in college. And of course we want her to win. Of course she wants to win. We've spent a ton of money and we've spent so much time sitting on a bleacher seat waiting for her to get done with practice or spending all day at a swim meet. So of course we want her to win. But if it comes to a time when she's in a race and she's clearly not going to be the fastest swimmer in her heat-- usually, the fastest swimmer is the swimmer in the middle lane-- I'm not going to ask for a change that the swimmer in the middle lane has to wait three seconds after the gun goes off to give my daughter an advantage. And that's kind of how I feel about-- or, why I'm so concerned about making sure that we're cautious when it comes to just changing rules. I understand that there may be some reasons to change rules, to tighten up the process, but changing the entire process because I want to manipulate an outcome-- again, I'm not saying that's the goal of anybody. I'm just saying I'm not a fan. And I want to make sure that we take--

DORN: One minute.

WALZ: --this discussion very seriously and that we all are cautious on how we decide to move forward with this. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. Ooh, it's my first time talking in 2024 as well, like everybody. So, good to see you all. I wanted to, I guess, start out-- I'd say-- like everybody, thank you to the, the Chair for how efficient the meeting was and for how they've handled this process, how Senator-- Chairman Erdman has handled this and the committee, and Speaker Arch in his willingness to always have a conversation about what's, what's in these proposals. And I would echo Senator Walz's comments about I'm-- I, I would say I'm in principle opposed to making changes to the rules at this point. I appreciate Speaker Arch's context that the rules have been changed in the second year of a biennium before, but my opposition is more-- comes from, I think it's a mistake to act out of anger. And I think that some of our response-- our rules are-- well, our stated objective here is to remedy some actions that happened last session. And while that maybe is what needs to happen, I think it's a, a mistake to act while you're still in the middle of being angry about it. And so I think it's-- need to take a minute, step back, make sure that everybody is making the best decision for the body and for the state of Nebraska. And to that point, we're still on the motion to recommit, but we'll get to some amendments on this to begin with. But the one thing I kind of wanted everybody to think about as we're going through these, there's-- I want-- I think everybody should look at them with fresh eyes, think about them critically. And the reason I say that is I was opposed to the idea of changing the rules. However, I saw Speaker Arch had proposed these rules and I started looking through them. And I saw on-- in particular his Rule 23, that I thought there was a way to do it better. And so I didn't get an opportunity to talk with the Speaker before he'd introduced his rules, and so I proposed my own rule of-- or, proposal of how I thought this could be-- his objective could be effectuated but with a way that still allowed for the potential of unforeseen scenarios, and he addressed that earlier in that conversation. And I point this out because I think the Speaker was making an honest effort to make a rule that addressed a certain concern and would work for the body. And he did, I think, have conversations with people about these rules before he introduced them, had a number of conversations. I didn't have that conversation with him, and that's not his fault. It was that I didn't make the opportunity or take the time. But after I looked at it, I saw a change that I thought was necessary for the body to function, and it was one that still served his objective. We proposed that rule. I

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talked with Senator Arch-- or, Speaker Arch-- and he did ultimately integrate it-- or, the committee integrated it into the rule. And I say this because I think everybody should look at every rule that way, that we should say-- look at them in a constructive, critical way and say, this is going to have an effect that you're not anticipating. Because even though you have the best intentions, these rules are complicated, and making big changes require maybe more than one set of eyes, maybe more than 10 set of eyes, maybe more than 49 sets. And so I made that suggestion. It's been integrated into the proposal here that I would expect will ultimately be adopted. But I would further point out that, in those conversations in the committee hearing, it was-- one of my-- my proposal was, I guess, constructively--

DORN: One minute.

J. CAVANAUGH: --criticized. Thank you, Mr. President. I'll push in again, I guess. Didn't think it'd take me this long-- was constructively criticized by Senator Bostar and integrated his suggested change into that. And so we came with-- there was three iterations already on that rule. And I will get back in to talk about this because I do have another proposal-- amendment that I proposed to this rule that's on file and we'll get to eventually. But it's another-- I would consider constructive that, perhaps once we have a conversation about it, the Speaker will agree that that helps his rule as well. But my point is it was something I didn't pick up on until I was looking at these rules last night. And so I think it's really important that we all have this conversation, you listen to the criticisms that people have and suggestions, and that we look at them in that-- in the spirit in which the suggestions are intended, to say, if we do choose to adopt these rules, we should do it in a way that best serves the intentions of the rule and best serves the body as a whole. And so that's my intention with any suggestions--

DORN: Time.

J. CAVANAUGH: Thank you, Mr. President. I'll push my light again.

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

McKINNEY: Thank you, Mr. President. I rise in support of the recommit motion to committee. And I say that because I am against changing the rules. And I'm primarily against changing the rules because I feel like we're changing the rules in the middle of a game. I had a long

discussion a few weeks ago with a ref coaching wrestling, and we were talking about the rules and how some of them changed. And through that conversation, we talked about how some rules are good, some, some rule changes are bad, and how when we change rules, are we actually thinking about the long-term impact of changing rules or are we just making short-term decisions to make our lives easier? And that's something I think we have to think about as a body, is, are these changes going to have negative impacts going forward? Yeah, we could always adjust to the rules and figure out ways around them, but why should we have to do that when the rules are the rules and we're the-- in the middle of a biennium, a short session? Why don't we just keep the rules the same, come back next year, and then maybe I might entertain changing the rules because we're not changing the rules in the middle of a session, pretty much. And that's why I'm, I'm against all of the rule changes because I don't think we should be changing the rules in the medium-- in the middle of the biennium. Yes, I know last session was hard and contentious and a lot of other things, but just because of that doesn't mean we just change all-- change a bunch of rules to make it easier or to make our lives easier. The things that we work on have lasting impacts not only on ourselves, but on our constituents and the rest of the state. So it should take a long time to get things done. We should have hard conversations. We should have controversial debates. We should have all those things. And it's never supposed to be easy because they are hard things and they are hard conversations. We shouldn't adjust rules to make it easier for horrible things to get passed. Whether you agree or not. Sometimes I might introduce something that somebody might think is horrible, and maybe they might introduce something that I think is horrible, but it shouldn't be easy, easy for either one of us to get something passed because of that. We should have to go through the process, and the process should not be easy. The process to get to the Legislature isn't easy. You have to decide to run for office. You have to speak with constituents. You have to campaign, canvass, do all the-- a bunch of things to get here. That is not easy. But we're voting on things that impact lives directly, and it shouldn't be easier to get those things passed out of convenience just because somebody don't want to go to sleep with a headache, just because we don't want to be frustrated under the balcony, saying, what's going on? It is hard for a reason, and we have to think about that. Are we making short-term decisions that are going to have negative long-term impacts? I beg everybody to think about that today when we talk about these rules. I am against changing the rules. It doesn't matter what the rule change is, whether you think it's--

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DORN: One minute.

McKINNEY: --good or bad or it's not going to have that much of an impact. I'm just against it. I think we should wait. And we shouldn't change them in the middle of a biennium. Thank you.

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

RAYBOULD: Thank you very much. Good morning, colleagues. Good morning, fellow Nebraskans out there watching this very critical and very important rules debate at home. I have to tell you that I think the Rules Committee has done a great job. I want to thank Senator Erdman and Speaker Arch for really working together collaboratively and cooperatively on putting forward reasonable rule changes. I have to tell you, I am so honored and humbled to serve my state as a Nebraska State Senator in this truly extraordinary and unique, nonpartisan institution. And I really am grateful to so many fellow Nebraskans out there that follow the important matters that we take on, debate, and deliberate, and try to do what is in the best interest of all Nebraskans. And I want, I want to thank those that-- out there have been busy emailing us their concerns, their opinions on the rules that have been presented because they are the second house and they should be respected. I've heard from a number of our senators, my colleagues, say that they're, they're hopeful. They are hopeful that the divisiveness from last year is put aside. And certainly last year as a first-year state senator, it was very traumatic to see several bills that were harmful and hurtful move forward. But, like my colleagues, I am cautiously optimistic. And at the same time, optimistically concerned. One of my constituents wrote-- and sometimes they're concerned because they think that if they email me, it's part of the public record, but it's not. One constituent expressed their, their anxiety. They said: After experiencing such a divisive and contentious legislative session last year, we hoped this year would be different. We hoped that the many voices of Nebraskans would be valued and heard as we move into the new session. Any proposed rule changes that limit the voices of Nebraskans and their representatives does not benefit us and our state. Power is not meant to be held by one person, and our diversity helps to support those from the vast different spaces of our state. We must hold true to our nonpartisan roots of a Unicameral and not change power to only be held by a few. It is very important that all voices of Nebraskans are heard. It is imperative that the integrity of the legislative body be honored and upheld. We ask you to look forward to the future of our state for our children and do the job of

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representing all who live here now and who may want to live here in the future. The people of Nebraska are your second house. You re-- you represent all of us. So, during this debate, I do look forward to learning more from my colleagues and their opinions on a thoughtful discussion, a thoughtful debate, on the importance and the impact each rule has on transparency, on our institution, on the debate that goes on in our institution so that all voices, all voices-- we're not talking just about mi-- political minorities. We're talking about urban versus rural.

DORN: One minute.

RAYBOULD: Thank you. We're talking about ag versus commercial, industrial. We're talking about small businesses versus large corporations. All their voices need to be heard to allow us to do our job and make great policy that benefits and betters our state. So that is why it is so important that-- I know my colleagues are getting emails from their constituents. We need to share their ideas. They want to be heard and they want their voice to be part of this critical debate. Thank you.

DORN: Thank you, Senator Raybould. Senator Fregr-- Fredrickson, you're recognized to speak.

FREDRICKSON: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. I want to also echo what so many of my colleagues have said this morning. And first of all, thank the Speaker, thank Senator Erdman, as well as the Rules Committee for this whole process. I know that they've been putting in a lot of hard work over the interim and certainly in the last week or two with the committees and the, the rigorous debate and conversations that have been going on within those. So I'm appreciative to all of them for their hard work on this. While I personally would not necessarily choose to change the rules currently or have a rules debate right now mid-biennium, this is the reality of where we find ourselves. And I think, given that we are having this, I do want to say that I think the communication around these changes, in particular with the transparency that the Speaker has gone ahead and provided his proposed changes in advance-- Senator Erdman did something similar-- so there's been opportunities for a lot of us to read these in advance. And I'm certainly appreciated-- appreciative of all of what my colleagues did to help prepare us for this debate. I'm also very much looking forward to intellectual conversation today and over the coming week as it comes to debate. I am looking forward to getting in the weeds and frankly looking forward to learning from my colleagues

about the nuance of the rules, the implications of the rules, and why these changes may or may not be beneficial for the institution. So, grateful for that. And I, I think one thing that I also learned just from listening to what folks are saying on the mic today but also in just conversation I've had with colleagues, is that one thing that I think really binds all of us together in this body is that we have a shared passion for this institution. I think we might have differing approaches on what might make this institution work well, but it is clear to me that we have a shared passion for this institution. And I say that because if we did not have a shared passion for this institution, these changes, these discussions, these debates would not be occurring. I also think it's prudent to remind ourselves that, unlike bills, what we're debating in here and what we're going to be voting on potentially over the next week or so isn't about public policy. It's about the institution. And the decisions we make in this debate are going to have significant impact on that. And I was thinking a lot about, you know, what is the function of these rules changes? Why are we proposing these? And I think it's certainly true to say and important to remember that the minority voice does not have a veto. That is 100% true. But the minority voice does have rights. And it is incredibly important that we maintain these rights and ensure that those rights are not infringed upon for a robust democracy. We also need to remember that, as a Unicameral, we have limited checks and balances. We do not have a second deliberative body to send bills to to, you know, dot our I's and cross our T's. So passing bills, as some of my colleagues have already said today, should not be easy. Bills should not fly through. There should be debate. There should be opportunities for rigorous discussion. Because as soon as a bill is passed, it goes right to the Governor. I'm keeping an open mind with the proposals. I think a number of proposals that are-- that were put out there are very-- just kind of provide more clarity to things that we already do. I think that that is-- I think that's wise. I, I'm not necessarily opposed to, to--

DORN: One minute.

FREDRICKSON: --making some clean up with that. But there's also others that have the potential to significantly change our institution and how it operates. The other thing that I've been thinking a lot about in the interim is trust. And I've been thinking about, how do we build trust? How do we create trust? How do we expand trust? We need to be able to trust each other and Nebraskans need to be able to trust us. I am concerned that the breakdown of trust that we've had in this body over the last year is central to the current predicaments that we find ourselves in, and I believe our

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future as a functioning legislative body depends on finding a way to reestablish confidence in the Unicameral and to reestablish confidence in one another. Thank you, Mr. President.

DORN: Thank you, Mr.-- Senator Fredrickson. Senator Blood, you're recognized to speak.

BLOOD: Thank you, Mr. President. Fellow senators, friends all, I stand opposed to the recommit to committee motion. With that, I don't have a prepared statement, as many of my peers do today, because I always choose to speak from the heart. I want to say that there's been so many really amazing things said on the mic this morning, and it is so great to hear the voices of my peers speak up and share their opinions on important issues such as the potential changes in our rules. I do appreciate the work that was done by the Rules Committee and the leadership shown by this committee, but I don't necessarily agree with some of the issues that were voted out. But with that said, I find it disheartening that people are already leaving the floor and that there are already loud conversations speaking over people that are sharing on the mic. And I would ask that people come back to the floor and show respect because if the rules are so important that you're choosing to vote for or against them, you should be here participating or, at the very least, listening to the debate. Now, with that said, I want to talk about the concerns I have about changing the rules. I agree with much of what's been said before me. Are we doing this for a reason that's really for the greater good? Because we know rules have been changed throughout the decades that this body has been in existence. But I also know that the rules have worked. Why are we trying to change something based on one year that didn't seem to work for everybody? That's a knee-jerk reaction, and that's not a good time to make rules. A good time to make rules is to go ahead and give us more time and let's see what happens in the future. What happened last year really pertained to individuals. It pertained to individuals and not the body as a whole. And when we talk about the rules for the Nebraska Legislature, we are talking about the body as a whole. And let's be honest, you are fooling yourselves if you think a few more changes in the rules is going to stop anybody from being disruptive should they choose to do so, because we have a lot of smart people on this floor. And if you believe that tweaking a few things is going to prevent them from getting their way on the floor when they don't agree with something that they feel is discriminatory or they don't agree with something that they feel is going to hurt their district or that they feel is a morally corrupt bill, what do you think's going to happen? So if it happens again on something this year, are

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they going to come back again and try and change the rules and then again and change the rules? Because, let's be really honest, we're talking about human nature. So all the words that you put on the paper, if you choose to change the rules, is never going to change human nature. It's never going to change how angry or determined or sad or happy or enthusiastic a senator is going to be when it comes to legislation, especially when it comes to the culture war issues. And like it or not-- and you have heard Senator Arch, Speaker Arch, talk about it several times-- the culture war issues are seeping into our body. The world-- the United States, at least, has become very polarized when it comes to politics. And so we've had some not really awesome bills come through here. And instead of trying to bring good legislation that helps the pocketbook Nebraskan, a Nebraskan that has a--

DORN: One minute.

BLOOD: --family who's just trying to pay the bills and needs help with health care and their mental and physical health, we're talking about bills that maybe 1% or 2% of Nebraskans maybe have a concern about. So remember, whatever you might change or not change is never going to change human nature and never going to change somebody who is determined to change how we do business in the body when they want their way. Thank you, Mr. President.

DORN: Thank you, Senator Blood. Colleagues, we'd like to recognize the Leadership Nebraska Class 15 in the north balcony under the leadership of Tara Lea. They are leaders from all over the state of Nebraska. There are 31 in the group. Please stand and be recognized by your Nebraska State Legislature. Senator Hunt, you're recognized to speak.

HUNT: Thank you, Mr. President. Good morning, colleagues. And good morning, Nebraskans. Every year we come back here and I hope I remember how to do this. And it's really great to be back in the arena. It's good to be, you know, getting back into relationship with all of you. I also want to echo the thanks for Speaker Arch and Senator Erdman for the way they have handled this rules discussion so early in the session here. Before I speak more, I also want to mention this handout that I distributed from Senator Ernie Chambers. He mailed this to me, and he asked me to distribute it to all of you. So even when he-- I guess even when he's not here-- he's, he's term-limited-- he still finds a way to reach us. But it's a picture of Senators Machaela Cavanaugh and Wishart and me and Senator Conrad that was on, on the World-Herald front page a couple days ago. And he

wrote: Being in the Legislature again would be like Hades-- such my thought until I saw this pic of my fair ladies. So he asked that I share that. I am in opposition to these rule changes, and I think that we should all be very hesitant to have such a reactionary-- to take such a reactionary position to what happened last year. And that is what this is about. And it's about people like Senator Erdman who want to have some kind of retaliation for what we went through last year in a very difficult, very contentious session. And I do think that last session was an anomaly that does not necessarily need to be repeated again. And, you know, I do think about Senator Ernie Chambers and what he did throughout his 46 years in the Legislature to use the rules to achieve his ends, to, to do what was available for him to do within the confines of the rules. And they did try to change the rules many times. And this was always in reaction to something. And he always found a way to get around it. And Senator Blood said something very similar just now, which is, if somebody wants to, you know, fool around with procedure or be a problem or be a pain in the neck to somebody, they're going to find a way to do it. And the people introducing these rule changes also know that. So I question why it is that, in this year, in the second year of our biennium, even if there is a precedent, Speaker Arch, for changing rules in the middle of a biennium-- or, as we did last year, changing them in the middle of the whole session-- even if there is a precedent for that, is it right to do something so reactionary instead of taking that lesson from last year that we're going to be reactionary, that we're going to punish, that we're going to attack the institution, that we're going to increase partisanship, that we're going to decrease access to democracy, why don't we stay in relationship? The lesson that we need to take from this is to stay in relationship. Colleagues, I experienced the greatest personal affront that has ever happened in my memory watching the Legislature last year from all of you. We're here with these rule changes because all of you deeply messed with me last year. Let that be said. Let that be said and let that be acknowledged. That's literally why we're here-- because it was more important for you to pass a discriminatory bill that personally harmed one of your colleagues than it was to stay in relationship, be real, be normal, do some things that you say you care about when you campaigned door to door.

DeBOER: One minute.

HUNT: Thank you, Madam President. The things like tax relief that Senator Erdman said was important to him. We could be talking about tax relief right now. But instead, we're talking about these rules that were brought in retaliation to choices you made last year. I am

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left of everybody here. My personal beliefs are extremely leftist, but I chose to run for office. And so this is the arena that I work in. I chose to be here. I work within a system. And I asked for it. I asked for it. And so I understand that success is doing what's available for me to do within the confines of the rules. And to be successful, we have to stay in relationship. I am in relationship with all of you and that's why we don't need these rule changes. Thank you, Madam Chair.

DeBOER: Thank you, Senator Hunt. Senator Bostelman, you're recognized.

BOSTELMAN: Thank you, Madam Chair. Speaker Arch-- I spoke with him before, that I was going to ask him a question, so I'll give him a minute to get over to his, to his desk here. I do rise in opposition to the recommit to committee. I do believe I do support the rule as has been proposed, but I do have a question for Speaker Arch if he would be willing to yield to a question.

DeBOER: Senator Arch, would you yield?

ARCH: Yes.

BOSTELMAN: Thank you, Mr. Speaker. Question that we talked about before. In years past, I've had bills on the floor and it's been filibustered. And during that filibuster, the queue gets filled and I have no opportunity whatsoever to be able to get in and speak, to answer questions or to counter points that are being made. Is-- was there discussion or any thought to-- for an introducer, perhaps-- to be able to, at some point late in debate, if it's six hours, seven hours into a debate, to be able to have a, a way to have a priority motion, if you will, to be able to speak to that, what's being debated, so that at least you have a, a, an opportunity to speak to the discussion rather than having to wait until you get to closing and-- you really can't address what's being debated on the floor? Was that discussed? Or how do you see that potentially happening?

ARCH: Thank you, Senator Bostelman. Yes, you raised that question to me today, and I, I've been doing some thinking about that. Certainly on a, on a bill that's not being filibustered, using a priority motion to jump the queue has been used, and, and it gets you to the top, and then you can speak and then withdraw the priority motion. We've certainly seen that happen. It-- if, if a, if a priority motion certainly has not been introduced or a prior-- or that priority motion has not been decided, that certainly is available to be used.

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And, of course, the other option that anybody has is to go to somebody who is in the queue and ask them to yield time. So I think that there's-- there are some options. But if, if the priority motion has been decided, that, that would be taken off the board. And so you are correct in-- you are correct in that as far as an option goes.

BOSTELMAN: Thank you, Mr. Speaker. With that, I think I do still stand in support of Rule 7 of Section 6 to suspend proposed change number 23. Thank you, Mr. President.

DORN: Thank you, Senator Bostelman and Senator Arch. Mr. Clerk for items.

CLERK: Thank you, Mr. President. Notice of committee hearing from the Business and Labor Committee. Additionally, new bills: LB1137, introduced by Senator McKinney. It's bill for an act relating to cities and villages; amends Sections 18-1201 and 18-1202; changes the rate of tax authorized for certain public safety purposes; and repeals the original sections. LB1138, introduced by Senator Riepe. It's a bill for an act relating to the Uniform Credentialing Act; amends Sections 38-1,146; changes provisions relating to prescriptions for controlled substances; and repeals the original section. LB1139, introduced by Senator Machaela Cavanaugh. It's a bill for an act relating to employment; amends Sections 48-652 and 71-7611; adopts the Paid Family and Medical Leave Insurance Act; creates a fund; transfers funds; change provisions relating to experience accounts under the Employment Security Law; harmonizes provisions; provide severability; repeals the original section. LB1140, introduced by Senator Erdman. It's a bill for an act related carbon dioxide; prohibits geological transport or storage of carbon dioxide; provides a penalty; eliminates Geological Storage of Carbon Dioxide Act; and outright repeals Sections 57-1601, 57-1602, 57-1603, 57-1604, 57-1605, 57-1606, 57-1607, 57-1608, 57-1609, 57-1610, 57-1611, 57-1612, 57-1613, 57-1614, 57-1615, 57-1616, 57-1617, 57-1618, 57-1619, 57-1620, 57-1621, 57-1622, 57-1623, and 57-1624. LB1141, introduced by Senator McKinney. It's a bill for an act relating to the Student Discipline Act; amends Sections 79-29-- 79-259 and 79-264, as well as Section 79-258, and Sections 79-254 and 79-265.01; changes provisions relating to suspension, expulsion, or exclusion of students under the act; provides a civil cause of action; harmonize provisions; repeals the original section. LB1142, introduced by Senator Wayne. It's a bill relating to animals; amends Section 71-4408; requires and restricts certain actions of any animal control facility, animal rescue, or animal shelter, or rabies control authority; harmonizes provisions; repeals the original section.

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LB1143, introduced by the Health and Human Services Committee. It's a bill for an act relating to public health; amends Sections 13-20--13-2302 and 68-1405, as well as Section 84-304; eliminates and replaces provisions relating to health districts; harmonize provisions; repeals the original section; outright repeals Section 71-1601, 71-1602, 71-1603, 71-1604, 71-1605, 71-1606, 71-1607, 71-1608, 71-1609, 71-1610, 71-1611, 71-1612, 71-1613, 71-1614, 71-1615, 71-1616, 71-1617, 71-1618, 71-1619, 71-1620, 71-1621, 71-1622, 71-1623, 71-1624, and 71-1625. LB1144, introduced by Senator Ballard. It's a bill for an act relating to aging services; amends Sections 81-2234; changes provisions relating to care management units; and repeals the original section. That's all I have this time, Mr. President.

DORN: Thank you, Mr. Clerk. Senator Conrad, you're recognized to speak.

CONRAD: Thank you. Thank you, Mr. President. Again, good morning, colleagues. I've so appreciated the thoughtful perspectives and ideas that have set the appropriate tone for this momentous and important debate about our internal deliberations, and would also like to echo a reoccurring theme from my colleagues that has been weighing heavily on my mind in preparation for this rules debate. Friends, as it is evident to each of us, that we're about 1/10 of the way through our, our short 60-day session, which is always frenetic and compressed even under the best of circumstances. But, of course, we have a lot of unfinished business from last year and we have a lot of unfinished business for our good friends and colleagues that are term-limited in this session. So I do feel it is incumbent upon the body to not only have the right tone and setting the right rules of engagement and parliamentary procedure to structure our debate to ensure a good process, but, but we need to work through this as quickly as possible. Because every day that we're spent on internal matters, we're not delivering tax relief for Nebraskans. We're not addressing the state's top issue of workforce challenges. We're not expanding access to quality child care or health care. We're not creating a lifeline to rural hospitals to keep their doors open and their quality of care high. We're not addressing the ever-growing teacher shortage in Nebraska that impacts our kids and our strong public schools. We're not ensuring that ARPA funds are appropriately managed and not clawed back by the federal government. And we're not strengthening the oversight requisite for other branches of government, including the judiciary and the executive branch. So we need to move forward in this state-- debate intentionally and deliberately, but we need to keep in mind that we should not be mired

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in internal matters so that we can focus our time, attention, our energies, and our collaborative efforts on delivering and centering issues important for Nebraska families. The other thing that I wanted to note in regards to this particular proposal-- which I am supporting and following the Speaker's guidance opposing the, the motion to recommit, but I understand why it's up, to structure debate. Colleagues, it's appropriate and right that we start with this particular proposal to take up our rule-- to frame our rules debate this year, and here's why. Out of all of the things that happened in an unprecedented and challenging session that we worked through and lived through together in 2023, I think perhaps the most dangerous precedent that was set was that, in an attempt to manage debate, the majority decided to change the rules of engagement without a public hearing in the middle of session. It's unprecedented in our institution. It flies in the face of public engagement and heeding the words of our second house and our commitment to transparency for how we conduct our business. We need to ensure that that never happens again--

DORN: One minute.

CONRAD: Thank you, Mr. President-- because it was dangerous. So this codification of a rule in regards to how we utilize priority motions in terms of substance and timing to structure debate and ensure good and thoughtful debate and appropriate utilization and execution of the rules available to each and every one of us, this is the appropriate way to do that: through a deliberative process that was subject to public hearing, that was advanced from committee, and that enjoys full and fair debate on this floor. I'm glad we are starting here, that we're jumping right in to something substantive and meaningful, and we're doing it the right way together. So with that, I do thank the Speaker again for his leadership on this measure. And I do encourage the body to adopt this specific measure, to think carefully and skeptically about the other measures pending on our agenda in coming days, and to remember when we seek a change in rules, this is the way to do it: with full and open debate, with a--

DORN: Time.

CONRAD: --public hearing. And I appreciate the opportunity to speak again. Thank you, Mr. President.

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

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HANSEN: Question.

DORN: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay.

HANSEN: Call of the house.

DORN: There's been a call of the house. The question is, shall the house go under call? All those in favor vote aye. Record, Mr. Clerk.

CLERK: 28 ayes, 1 nay to place the house under call.

DORN: The house is under call. Members, please return to the Chamber and record your presence. All the unauthorized personnel, please leave the floor. The house is under call. Senators, please record your presence. All authorized-- unauthorized personnel, please leave the floor. Senator Slama, Senator Murman, Senator McDonnell, please return to the Chamber. The house is under call. Senator Slama, please return to the Chamber. Senator Hansen, we're missing Senator Slama. May we proceed? Senator Hansen, the vote was open on the call of the question. Will you accept call-in votes?

HANSEN: Yes. Yeah.

CLERK: Senator Lowe voting yes. Senator Slama voting yes. Senator McKinney voting no. Senator Armendariz voting yes.

DORN: Record, Mr. Clerk.

CLERK: 34 ayes, 5 nays to cease debate, Mr. President.

DORN: The call of the house was already taken. Senator Hansen accepted call-in votes on cease debate motion. The vote required 25 yes votes. The vote was successful. Speaker Arch, you're recognized to close on your motion.

ARCH: Thank you, Mr. President. Again, I would encourage you to vote no on the motion to recommit to committee. Thank you.

DORN: The question is the adoption of the motion to recommit to committee. All those in favor vote aye; all those opposed vote nay. A roll call vote has been requested. Mr. Clerk, please call the roll. The motion before the body is recommit to committee.

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ASSISTANT CLERK: Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood voting no. Senator Bosn voting no. Senator Bostar. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh not voting. Senator Clements voting no. Senator Conrad voting no. Senator Day voting no. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover voting no. Senator Dungan voting no. Senator Erdman voting no. Senator Fredrickson voting no. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan voting no. Senator Lippincott voting no. Senator Lowe voting no. Senator McDonnell voting no. Senator McKinney voting yes. Senator Meyer voting no. Senator Moser. Senator Murman voting no. Senator Raybould voting no. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz voting no. Senator Wayne voting yes. Senator Wishart voting no. Vote is 3 ayes, 42 nays, Mr. President.

DORN: The motion fails. I raise the call. Mr. Clerk for items.

CLERK: Mr. President, next item on the bill: Senator Machaela-- or, excuse me-- the rule change. Senator Machaela Cavanaugh would move to reconsider the vote just taken on the recommit motion.

ASSISTANT CLERK: Senator Machaela Cavanaugh, you're recognized to open.

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. I'd like to start out by saying, even though they're in school, happy birthday to my Della-doo, who is 10 today. We started the day out with donuts, which we always do, because if she's watching, my former boss, Shannon [PHONETIC], turned me on to buying small donuts every year and making the year-- the number-- the age out of little donuts. And so that's a tradition my family has adopted. And since Della is 10 today, it was very easy because we got a Long John and a regular donut to make 10. So, happy birthday, Della. You caught me a bit flatfooted, Senator Hansen. Hoo. I was down in my office just catching up on some emails, and I had to book it up here. So I guess I'm getting my steps in. I should thank you for that. I've been listening to the debate this morning. And I have looked over the proposed rule changes with a pretty fine-toothed comb. And there is

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this common theme that has been said over and over to me: these aren't that bad. These aren't that controversial, or these are noncontroversial. I'd like to take you back to last year when we had a debate on, I believe it was the first stage of debate on LB574, and it went over the course of two days. And I would encourage you all to go back and read the transcript from the first day of debate on LB574. And as you read that transcript, hold in your mind and in your heart that up in that balcony right there were the families that you were talking about. It was one of the most repugnant times of debate I have ever witnessed in any legislative body. It was horrific. And all I and some of my colleagues could do was to do what we did the next day, which was to introduce a series of motions to fill up and jump the queue to speak with love in our hearts for the people up in that balcony who you were hurting so maliciously with your words. It was an extraordinary situation, and it was a situation that I would hope we would never see again. It was a tool that was utilized for the betterment of the people that come and watch this Legislature, and it was a tool to utilize to make you all behave better because you should be talking about the citizens of this state with love and compassion in your hearts. And you didn't. You were harmful. You were cruel and you were malicious. So, yeah. I went Mama Bear and I made a plan. And I executed that plan. And then after that, you all decided, well, we can't have that happen again. It's never happened before. It hasn't happened since. And why did it happen? Because of how you behaved. You caused that to happen. And you have never taken any ownership for your role in all of this. You caused us to introduce motion, withdraw, motion, withdraw until we filled the two hours remaining of debate so that those families didn't have to suffer your cruelty in addition to the cruelty of your vote at the end of that debate. They did not have to listen to you, and we made sure that they didn't have to listen to you that day. You had six hours the day before, and you used them to the maximum hurt that you possibly could. So go back and read that transcript and tell me: if you were talking about somebody that you loved, do you think you wouldn't have done everything possible to stop that from happening the next day? That's what we did. But no ownership was ever taken. None. Ever. Instead, Senator Erdman proposed a rules change mid-session-- not mid-biennium, mid-session. Changed the rules of engagement mid-session. And over the weekend before we had the rules debate, I called Speaker Arch and I called Senator Erdman and I said, if you don't do this, if you withdraw this rules change mid-session, I will hand in my motion pad for the year. Nope. Too late. Too late. You all did a bad thing on the first day of debate on LB574, and several of us tried to repair some of that damage. And then you couldn't even

take responsibility for it. And when I offered you a white flag, you threw it to the ground. And now we are back here today with this rules change to codify that temporary rules change yet again. And I am disappointed in this body. I am disappointed in so many of my colleagues who are going to vote for this today. Because this is a vote that says that it is OK, it is OK for this body to be abusive to the people of Nebraska with the words that they speak on this microphone and it is OK for this body to silence other members of this body. It is not OK. And I know that no one is going to listen to me. None of you are. You've already decided what you're going to do. It doesn't matter. And I don't speak for you anymore. I don't get on this microphone any more to talk to any of you because you don't listen. Maybe if a man got on here in some soothing, dull tones and said all of this, you would listen. But no. Senator Machaela Cavanaugh says it, and she's passionate and feeling, so we're not going to listen to her. But I'm OK with who I am. I'm OK that I am passionate. I am OK that I love this job, and I love the people of this state so much that I am willing to take the ridicule from you all and people out in the social media world. I'm OK with that because I know in my heart that I am leading with my heart. I am leading with kindness and compassion for the people that we were sent here to serve. And I question what you all are doing. Because from my seat, it looks like you're trying to make this job easier on yourselves. And someone already said this morning: it's not supposed to be easy. This job is supposed to be hard. It's supposed to be thoughtful. It's supposed to be purposeful. It's supposed to be intentional. We are supposed to have robust conversation and debate about the issues, and it is supposed to be hard. And the rules make it so that the minority has some tools in its tool kit, whoever that minority is that day, in that moment so that we can bring people to the table so that we can negotiate and come to a middle and come to a compromise. But when you dilute that, when you take away the minority's voice and ability to force you to the conversation, you're diluting democracy and you are diluting this institution. So none of these changes should be acceptable to anyone. Because everyone in here knows that those motions were introduced for a specific reason at a specific point in time. And I offered to turn in my motion pad. But we needed to be more penalistic, I guess. I don't know. I genuinely don't know why that wasn't an acceptable compromise.

DORN: One minute.

M. CAVANAUGH: I orchestrated filling the queue for two hours at the end of an eight-hour debate to mitigate harm caused by this body to the people of Nebraska. And I offered to never do it again. But

instead, we mid-session suspended the rules to change the rules of debate in the middle of a session. And what did it yield this body? Me having control over the session. You gave that to me. Do you really want to do that again? Because I don't want to have it. But if you give it to me, I'll take it. Thank you, Mr. President.

DORN: Thank you, Senator Cavanaugh-- Machaela Cavanaugh. Senator Wish-- Wishart, you're recognized to speak.

WISHART: Thank you, Mr. President. I rise in opposition to the motion to reconsider recommitting this to committee. I, I don't think that this, this particular rules change should go back to committee. I think that it is ready for a vo-- a vote about once there's more debate that, that has occurred on it. I'm-- I have-- I'm not necessarily ready to support this, but I am open-minded to it and would like to ask the Speaker a ques-- a couple of questions. The first-- so-- Speaker Arch, would you yield to a question?

DORN: Senator Arch, will you yield to a question?

ARCH: Yes.

WISHART: OK. Thank you. Senator, when you proposed this rule-- and obviously, this rule was the first that we brought up, so, so it is one in your mind that I imagine is important-- what is the problem that you are trying to address?

ARCH: So with all the, all the rule changes that I have proposed-- and thank you for the question-- all the rule changes that I have proposed, it is, it is to-- and I-- and I've used the term before, rules being guardrails. It is to, it is to more clearly define what those guardrails are, are so that we can focus on the policy debate. And, and-- I won't go back to my introductory remarks, but the things that we handed out-- that I handed out from Mason's Manual I think apply here. What it-- what has been done in the past and-- our temporary rule attempted to address it, but I think, frankly, I'm glad it was only a temporary rule so that we've had come-- time to come back and take another look at this. But it is, it is to prevent the putting up, taking down, putting up, taking down a priority motion so that you can never get to the debate of the bill. There are absolutely legitimate times when these priority motions can and should be used. And so we don't want to take that away. We just want to prevent these priority motions being used to stop us from debate on the policy itself.

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WISHART: OK. Thank you. And Speaker, do you see when you were crafting this and, and working with other senators and, and staff, do you see any unintended consequences that could come from this change?

ARCH: I don't see any unintended consequences. I would rephrase the question. Do you-- could there possibly unanticipated--

WISHART: Yes.

ARCH: --consequences? And the answer is yes. I mean, I don't see them at this point. But I think we're back to this discussion of rules. How many rules do you need? And can you pass enough rules to anticipate every contingency? And the answer is no. So there, there could be, but I don't see them at this point.

WISHART: OK. Thank you, Speaker, so much. This is what I'm wrestling with. First of all, I, I actually think it's, it's OK for us to be considering rules during mid-biennium. This is our legislative body, and we should anticipate that we learn from past experiences. And if we see ways of improvement, we should be working on making those happen. So I personally do not have an issue with us having a lengthy debate about rules and looking at ways that we can, we can improve our rules. With that said, it should be done with extreme caution and, and a lot of rigor and debate going into each and every rule, which is why I did not support calling the question, because I do think we should have a very healthy debate about this. Here's what I'm wrestling with. I remember, I think, the particular moment in which this, this rule is, is seeking to address, in which there was a long line of people who've signed up to speak in the queue, and then there were priority motions used to be able to jump those individuals who had--

DORN: One minute.

WISHART: --in the queue, and so I do see that that can, can be an issue. The one thing that I'm struggling with is, you know, on the other hand, if, if there is a bill that is brought with particular controversy and has not had the work done to negotiate with those who are opposed, should we expect that that particular bill will be met with more challenges than others? And are we, by changing this rule, incentivizing or disincentivizing the type of work, sometimes years of work, that goes into trying to get to a place where you don't have opposition and you aren't met with these level of challenges? And so that's where I'm kind of weighing right now, trying to figure out whether this bill would have that unintended consequence.

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DORN: Time.

WISHART: Thank you.

DORN: Mr. Clerk for items.

CLERK: Thank you, Mr. President. Notice of committee hearing from the General Affairs Committee, as well as an amendment to be printed from Senator Lowe to LB685. Additionally, Mr. President, new bills: LB1145, introduced by Senator Bosn. It's a bill for an act relating to treatment and corrections; amends Sections 83-171, 83-184, 83-188, 83-1,100, 83-1,101, 83-933, and Section 83-1,122.02; transfers the Division of Parole supervision to the Department of Correctional Services; change provisions relating to releases of certain committed persons; harmonize provisions; repeals the original section. LB1146, introduced by Senator Murman. It's a bill for an act relating to schools; amends Section 79-265.01; provides an additional exception to the prohibition of suspending student pre-kindergarten through second grade; and repeals the original section. LB1147, introduced by Senator Bostar. It's a bill for an act relating to insurance; provides certain requirements and exemptions relating to index-linked variable annuities. LB1148, introduced by Senator Bostelman. It's a bill for an act relating to insurance; amends Sections 40-771,15 [SIC-- 44-7,115]; change the requirements relating to step-therapy as prescribed; and repeals the original section. LB1149, introduced by Senator Day. It's a bill for an act relating to motor vehicles; amends Section 60-3,185; provides an exemption from the motor vehicle tax as prescribed; and repeals the original section. LB1150, introduced by Senator Brandt. It's a bill for an act relating to Tax Equity and Educational Opportunities Support Act; amends Section 79-1016 and Sections 79-1006, 79-1017.01, 79-1021, 79-1022, 79-1022.02, 79-1023, 79-1027, and 79-1031.01; changes provisions relating to foundation aid, adjusted valuations of property, local system formula resources, the Education Future Fund, and certain certification dates; to harmonize pro-- provisions; repeals the original section; declares an emergency. LB1151, introduced by Senator Dover. It's a bill for an act relating to revenue and taxation; amends Sections 77-3501, 77-3511, 77-3521, and 77-3529, as well as Sections 77-3517 and 77-3523, and Sections 77-3522 and 77-4212; defines a term relating to the homestead exemptions; harmonize provisions; repeals the original section. That's all I have this time, Mr. President.

DORN: Because I forgot: thank you, Senator Wishart, for being the last speaker. Senator Dungan, you are recognized to speak.

DUNGAN: Thank you, Mr. President. Colleagues, I just wanted to continue some of the thoughts that I had last time and then also delve a little bit more into the proposed rule here, change 23, that we're talking about. I don't know if I made it entirely clear on the mic last time because I frankly forgot how quickly five minute goes when you're up here talking, but I, I would say that I, I do respectfully believe that we should be trying to maintain some semblance of, of consistency throughout the biennium. I am generally opposed to the idea of permanent rule changes halfway through a session. I understand it's not unprecedented. Certainly, there are few things in this Legislature that are unprecedented. That being said, I don't think we should be modifying rules halfway through. It just-- it causes a little bit more inconsistency. I think it causes questions. And it puts us in a situation where, especially for freshmen senators, it's even more difficult for us to learn the rules and operations of the Legislature. So I do generally stand opposed to the modification of rules halfway through as a concept. That being said, I would echo what Senator Fredrickson said earlier, which is the reality of the situation is that we are here today debating these rules. And as such, I think it's helpful for us to discuss the underlying amendments that are being proposed. And I appreciate my colleagues starting that conversation. So turning here to Senator Arch's-- or, Speaker Arch's-- proposed rule change 23. He mentioned at one point in his opening on that that I think Senator John Cavanaugh had proposed some modifications. So I was wondering if Senator John Cavanaugh would yield to a question.

DORN: Senator John Cavanaugh, will you yield to a question?

J. CAVANAUGH: Yes.

DUNGAN: Thank you, Senator Cavanaugh. It's nice to be sitting back next to my rowmate again this year. So can you go into a little bit more detail about what you proposed as a modification and why you thought that was important to incorporate that into rule change 23?

J. CAVANAUGH: Sure. So Speaker Arch's original proposal basically just limited-- this-- it was a update of the rule from last year that said you couldn't offer-- these motions could not be offered more than one time on a round of debate. And so I looked at that and I said, well, there are instances where we might want to allow somebody to withdraw one and then have another one be offered. But also, there was-- there's the potentiality of gamification, meaning that when we have of that proposal where there's limiting the number of motions just to one per round, you see people filing prophylactic motions

and-- on all of their bills. And I think we've probably seen some of it already this year where folks have filed each of these motions on each round of debate to prevent anyone else from filing them, full well with the intention of getting to floor debate and withdrawing them immediately, which would then prevent the motions from actually having any effect. So I saw that and I said, well, a simple solution to that would be to require that a, a motion can't be withdrawn without unanimous consent, meaning that if anybody objects to a motion being withdrawn, then it won't be withdrawn, and then it will have, by virtue of the rule as it was already written, have to then go to a vote. And once a vote has been taken, another motion is not in order under the current rules. So that would both-- it, it would both serve the Speaker's intention of limiting the number that are offered, but it would also disincentivize the gamification of it. So that was why I offered it. My proposal also included a 25-vote threshold after the, the objection, to which Senator Bostar-- as I said in my first comments-- pointed out how that itself could be gamed. And I agreed with that. And we ended up-- that did not end up in the final version. So I think-- does that answer your question?

DUNGAN: It does, yes. And I-- thank you. And I appreciate that. And, and colleagues, I, I think that what that is emblematic of is I think some of the efforts and the desire that's gone into sort of trying to make these workable.

DORN: One minute.

DUNGAN: Regardless of-- thank you, Mr. President-- regardless of whether or not you agree with whether we should modify the rules, I think it's important to ensure that the rules that are being implemented actually function, that they actually work, and that they seek to enshrine what we've already talked about, which is that voice of the minority continuing to be heard and the further protection of the institution as it was intended to operate. I, I, I-- again, I want to laud Speaker Arch, I think, for being open to some of these-- not critiques, but these suggestions. And I think the fact that this was amended and modified is indicative of his willingness to continue to work with, the members of this body to ensure the rules operate as they are intended. I want to thank Senator John Cavanaugh and others, obviously, who worked hard to make sure that the rules-- again, regardless of where you fall on their actual operation-- are functional and achieve the goal that they seek to achieve. So thank you, Mr. President.

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DORN: Thank you, Senator John Cavanaugh and Senator Dungan. Senator John Cavanaugh, you're recognized to speak.

J. CAVANAUGH: Thank you, Mr. President. Well, thank you, rowmate, Senator Dungan, for the question and the clarification on my opportunity for clarification on my thinking. So, colleagues, like I said my first time speaking, I am not, in principle, in favor of amending the rules at this point in time. But I did approach the rules as suggested in an attempt at a constructive way to-- my, my point is to say, if we are going to adopt rule changes, they should be as strong as possible. And I was trying to encourage folks my last time around to look at these with a critical eye in that spirit. And I was telling about that story about how I made that proposal. And then Senator Bostar had made a suggestion. And, and so this, this current proposal that we have right now is at least in its fourth iteration since I got involved. And when we do get to it, I have an additional proposal-- which I think you might have on your desk now-- which is something that I didn't think of-- I think is an important change, and I'll talk about it when we get to it-- but I didn't think of it until after these proposals were out and on the floor. And I looked at and I said, well, this is something else we need to integrate into this, which still respects the spirit of the intention but still makes it more workable. And I point that out because we have all of these rules that are before us. And I think there is a predisposition by some folks to just vote for them as is, not think, necessarily, critically about what are some of the criticisms that are being suggested, or not take to heart the, the statements of folks who are opposed to these changes when they raise-- when-- how these rule changes will go into effect, which is why-- again, I think a lot of people said this-- tread carefully when we change the rules. Be very deliberate about it. But my initial comment about this was that we shouldn't do this in a reactionary way. We shouldn't be making pretty substantial changes to some of these rules in reaction to something we don't like. So, you know, I'm often quoting from-- stole it from Senator Chambers-- but A Man for All Seasons, when, Sir Thomas More, who is much beloved by lawyers, was talking to his son-in-law, and he wants him to go after somebody un-- perhaps without evidence-- and he says, you know, you need to prosecute him. And he says, you know, England is planted thick with laws. And if I go after him, I'd have to cut down all the laws in England to get to him. And he says, should I do that? And he says, of course you should do that. And he goes, well, should I do that to go after the devil? And he says, of course. To go aft-- to go after the devil, you should cut down all the laws between you and him. And Sir Thomas More says,

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then where do I hide when the devil turns back round upon me? And I think that-- Senator Chambers mention-- talked about that a lot, and I have always appreciated that-- I mean, obviously for its poetry, which I'm not doing justice to at this point-- but because it so clearly elucidates the fact that you might be looking at these rules right now out of a place of anger about how things have transpired here in the last session and think, things will go the way I want them to go if we make this change. But the thing you have to remember is when the rules get turned back around upon you, you will no longer have the protection you are seeking to eliminate at this point in time. I've had plenty of bills that I wanted to advance--

DORN: One minute.

J. CAVANAUGH: --not get forward. I, I appreciated Senator Erdman's comments about how he's never had a bill get passed General File. Senator Erdman, you've had more bills make it to General File than I have, so I'm always hopeful just to even get that opportunity. But the tools that we have here are meant to structure debate-- and I'll push my light and talk some more about it. But just keep in mind a constructive conversation about how these rules are going to play and be very cautious about what changes you make because you might need those protections if you're going to be here for another seven years, another two years, or another 55 days, 54 days. You never know when they're-- when you're going to need them; but when you need them, you want them to be there. So that's-- I would appreciate that kind of spirit and attention to detail as we go forward in this conversation. Thank you, Mr. President.

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

McKINNEY: Thank you. Thank you, Mr. President. I rise in support of the motion to reconsider. And I support the recommit to committee for the reasons I spoke to earlier. I don't think we should change the rules. And another reason why even reading this is-- basically-- maybe I'm wrong, but I think I'm sort of right-- is that the attempt to change the rule is to make it easier for somebody with a bill I disagree with to pass. That's exactly what it's doing it. Maybe I'm reading it wrong and somebody can come tell me off the mic, but I think so. And that's the issue here. One day, there's going to be a bill that somebody disagrees with, and you're going to want to slow it down, stop it, not let it pass. But if we make this change, it makes it that much easier to get that passed. I'm not saying it's going to pass, but changing the rules makes it a little easier for it

to pass. There's other ways within the Rule Book to slow things down and make it hard, but this is just a step to make it easier. And that's what I disagree with. Nothing in here should be easy to pass no matter if it's a bill I want to pass or a bill you want to pass. It shouldn't be easy just because we're changing laws that affect people directly on the daily. And if it's bad, it's bad. And if it's good, it's good. But no matter what, let's have a, a, a standard that you have to go through to get things passed. I don't see what's wrong with that. Just because we had a session last year that wasn't the greatest doesn't mean we come back this year and say let's throw a bunch of new rule changes on the board and get them passed because so many people were frustrated, we had long nights, people don't like each other no more-- those type of things. That doesn't mean we change the rules. Now, maybe in 2025, we come back with a new body. Possibly, yes, we can consider it because we're starting a new biennium. But right now, in the middle of one, we should not be changing the rules. I don't agree with it at all. Why should it be easy for somebody to pass a bill, or easier? And me, I've been in the minority and-- I'm in the minority in this body in two categories. Technically in America, I'm in the minority as a black man, but not globally. But I've had to navigate that, where the rules or the game has been stacked against me and I had to find a way up. And that's what I think everybody should have to do. The rules are the rules. Find a way to pass your bill through those rules. It doesn't mean you need to try to change the rules right now. That's-- to me, it's-- I won't say unfair because if you could change them, I guess, and you got the numbers to change them. I don't know if that's fair or unfair. I just don't agree with it. We have to be cautious and think about the future. These things will have long-term impacts on the way this body functions. Because once we change this rule, it is going to be hard to get it back to what it was. Probably impossible. And you need to think about that. What if we change this, realize throughout the rest of this session, or change any of these rules, that they're horrible; they don't work? It's going to be hard to change them back to what they were.

DORN: One minute.

McKINNEY: It's-- with anything, with any law we change, if we want to change it back to something, it's hard to do, especially if it's criminal justice-related. If you increase a penalty, you're probably not getting that penalty decreased in this state. And that's something we got to think about, think about making a short-term decision that will have long-lasting impacts in the future. Thank you.

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

RAYBOULD: Thank you, Mr. President. I stand in opposition to the motion to reconsider and against the previous motion, recommit to committee. What I do stand in support of is the great discussion and dialogue that we're having and giving everybody an opportunity to give their opinions. I agree 100% with Senator McKinney. We, we want to safeguard our institution. We want to safeguard the minority voice, be it urban and rural, ag versus business. We want to safeguard that voice. And I think it's only by going through this difficult process of looking at all the unanticipated consequences. And so as we debate-- and I want to say thank you to Senator John Cavanaugh. I see he has a, a motion to amend this rule that I, I certainly hope that we get to because that is one of the elements that has come out during this opportunity of debate, to hear these unanticipated incidents that could occur that we really can't foresee unless we really focus on it as we're doing now and come up with great decisions. So I do have some questions of the Vice Chair of the Rules Committee. And Senator DeBoer, would yield to a couple of questions?

DORN: Will Senator DeBoer yield to a question?

DeBOER: Yes.

RAYBOULD: So I, I was really grateful to Speaker Arch for going over the history of how rules have been changed in our institution. And the question I have to you-- and I, I asked this last session. I thought it was highly unusual. We passed rules. And then in the very middle of the session, we changed the rules. And then I stood up and said, I'm reading the Rules Book, and it says we have to have a public hearing on the rules changes that were proposed in the middle of the session. Could you talk a little bit about-- was that abnormal? Because we didn't have a public hearing last, last year for the middle of the session rule changes.

DeBOER: Yeah, I think, I think that was somewhat unusual to do it that way. And you may recall, there was a lot of discussion about that at the time. It's not typically what happened. Typically, you'd do something more like this at the beginning of a year.

RAYBOULD: OK. And then, Senator DeBoer, may I yield the rest of my time to you?

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DeBOER: Sure.

RAYBOULD: OK. Thank you.

DeBOER: Well, I'll just go on without finding out how long I'm yielded. Thank you, Senator Raybould. And I just wanted to take a second to talk about what it is we're actually talking about. Senator Raybould talked about how we changed the rule mid-session last year. It didn't look exactly like that. One of the things the committee-- the Rules Committee will tell you is this-- this year, when we were talking about rules, I had really been-- something Senator Erdman said really struck with me, which is that we want to make it so that people can open up our Rule Book and understand what the rules are. And I think that's particularly important when you only have eight years here. Maybe if you didn't have term limits and you had a couple of people who had been here for a long time, they could explain the rules, whatever. But it's particularly important, I think, in an era of term limits to have a Rule Book which is easily understandable. So everything I kept saying in the hear-- or, in the Exec Session was, fewer words, less words. Let's do this in less words. We want to make this simple. And I think that this particular rules change is a more elegant, simpler way of doing what we--

DORN: One minute.

DeBOER: --were working with last year in that mid-session attempt to change the rules. The unanimous consent factor-- I mean, we actually have this already in our Rule Book. And you hear, when you're presiding-- sometimes Senator Dorn or myself or whoever's presiding will say-- without objection, we do X, Y, Z. That's actually your cue, colleagues. If you hear that "without objection," to say, wait. Excuse me. Pardon me. I object. So this would be what would happen if this rule change passes, then-- and by the way, I voted for it out of committee-- then what would happen is if you wanted to object and you wanted to bring the motion to a vote so that another one subsequently would not be introduced, then you would just say, I object. And then we have the opportunity. I'm going to say more about this rule, but I think fewer words are better.

DORN: Time.

DeBOER: But this is an elegant way-- thank you, Mr. President.

DORN: Thank you, Senator DeBoer and Senator Raybould. Senator Erdman, you're recognized to speak.

ERDMAN: Question.

DORN: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. There has been a request for a roll call vote. Mr. Clerk, please call the roll. [INAUDIBLE] question to cease debate.

CLERK: Senator Aguilar voting yes. Senator Albrecht voting yes. Senator Arch voting yes. Senator Armendariz. Senator Ballard voting yes. Senator Blood not voting. Senator Bosn voting yes. Senator Bostar voting yes. Senator Bostelman voting yes. Senator Brandt voting yes. Senator Brewer voting yes. Senator John Cavanaugh voting no. Senator Machaela Cavanaugh voting no. Senator Clements voting yes. Senator Conrad voting yes. Senator Day voting yes. Senator DeBoer voting yes. Senator DeKay voting yes. Senator Dorn voting yes. Senator Dover. Senator Dungan voting yes. Senator Erdman voting yes. Senator Fredrickson voting yes. Senator Halloran voting yes. Senator Hansen voting yes. Senator Hardin voting yes. Senator Holdcroft voting yes. Senator Hughes voting yes. Senator Hunt voting no. Senator Ibach voting yes. Senator Jacobson voting yes. Senator Kauth voting yes. Senator Linehan. Senator Lippincott voting yes. Senator Lowe. Senator McDonnell voting yes. Senator McKinney voting no. Senator Meyer voting yes. Senator Moser. Senator Murman. Senator Raybould. Senator Riepe voting yes. Senator Sanders voting yes. Senator Slama voting yes. Senator Vargas voting yes. Senator von Gillern voting yes. Senator Walz voting yes. Senator Wayne voting no. Senator Wishart. Vote is 35 ayes, 5 nays, Mr. President, to cease debate.

DORN: Debate does cease. Senator Machaela Cavanaugh, you're rec-- you're recognized to close.

M. CAVANAUGH: Thank you, Mr. President. Well, Senator Erdman, it looks like 35 of our colleagues want to get to your stuff as quickly as possible, so that's good news for you. We'll just keep calling the question and everybody will keep voting for it and cease debate, which is kind of proving the point that we're here to silence debate, not to have debate. And I heard colleagues sitting behind-- I think it was Senator Jacobson-- ask something about, why aren't we talking about the proposed rules change? We should be talking about the proposed rules change. The proposed rules change still puts a disproportionate amount of authority in the hands of a singular senator with priority motions. And I, after the demonstration of last year post-- mid-March, I would think that you all would be a little

bit more reticent to do that, because that didn't really go very well, to be honest. I, I think that was a-- short-sighted in how we should be approaching debate. It was reactionary to a specific situation, but I have always contended the rules are the rules, and I will work within the rules, whatever those rules may be. So if those rules are a cloture vote with the major-- 2/3 majority of people who are physically present, OK. If those are open ballots for committee Chairs-- well, frankly, I don't even care about that one. Like, I will tell you all who I voted for for committee Chairs. I voted for Lynne Walz for Chair of Education Committee. She's a former educator. She is a lifelong, dedicated teacher inside the body and outside the body, and I think it is abhorrent that she was not retained as the Chair of the Education Committee. And I would love to know who didn't vote to retain her. So bring on open Chair votes. I don't care. I do not care. I-- trying to think of what other contended-- oh. Well, we all know. Probably, I don't have to say it. But Chair of Transportation and Telecommunications Committee, since I nominated her, I also voted for Senator DeBoer to be the Chair of that committee. And I stand by that vote. And she still should be the Chair of that committee because she knows those issues better than any of the rest of us on that committee. And she also-- inadvertently, it's kind of important-- knows how to run a meeting. And I am sorry, but not all of you know how to run a meeting, especially in committee. So I'm OK with open committee Chair votes. I probably won't vote for it, but it doesn't really impact me because is it going to change anything about how we elect our leadership here? No. You all are going to decide before session even starts who you're going to vote for for committee Chair. And that'll be that. And probably we'll have even fewer contested committee Chair votes. And so that's not my hill to die on. The cloture vote I think is complicated and unruly, but have at it. I, I honestly feel like this institution, this Legislature is a bit broken. And there doesn't seem to be a desire or a drive to fix it. There seems to be a desire and a drive to be nice and to get along and to have a smooth session.

DORN: One minute.

M. CAVANAUGH: But a smooth session can only come when clearer heads prevail, when putting the institution above political gamesmanship is the cornerstone of how we are operating the work. I have always been transparent about what I am doing and what my goals are, and my goal right now is to preserve this institution and the integrity of this body, such as it is. And I would hope that more than three or four people would join me in that. But I always have hope, otherwise I

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couldn't get up in the morning. But I am also a realist, and I know that I will most likely be--

DORN: Time.

M. CAVANAUGH: --failed by this body. Thank you, Mr. President. Roll call vote.

DORN: The question before the body is the motion to reconsider. There has been a request for a roll call vote. Mr. Clerk.

CLERK: Senator Aguilar voting no. Senator Albrecht voting no. Senator Arch voting no. Senator Armendariz voting no. Senator Ballard voting no. Senator Blood voting no. Senator Bosn. Senator Bostar voting no. Senator Bostelman voting no. Senator Brandt voting no. Senator Brewer voting no. Senator John Cavanaugh voting yes. Senator Machaela Cavanaugh voting yes. Senator Clements voting no. Senator Conrad voting no. Senator Day. Senator DeBoer voting no. Senator DeKay voting no. Senator Dorn voting no. Senator Dover. Senator Dungan voting no. Senator Erdman voting no. Senator Fredrickson voting no. Senator Halloran voting no. Senator Hansen voting no. Senator Hardin voting no. Senator Holdcroft voting no. Senator Hughes voting no. Senator Hunt voting yes. Senator Ibach voting no. Senator Jacobson voting no. Senator Kauth voting no. Senator Linehan. Senator Lippincott voting no. Senator Lowe. Senator McDonnell voting no. Senator McKinney voting yes. Senator Meyer voting no. Senator Moser. Senator Murman. Senator Raybould. Senator Riepe voting no. Senator Sanders voting no. Senator Slama voting no. Senator Vargas voting no. Senator von Gillern voting no. Senator Walz voting no. Senator Wayne voting yes. Senator Wishart. Vote is 5 ayes, 35 nays, Mr. President, on the motion to reconsider.

DORN: The motion is defeated. Mr. Clerk for items.

CLERK: Thank you, Mr. President. First of all, notice of committee hearings from the Education Committee. Additionally, new bills: LB1152, introduced by Senator Brewer. It's a bill for an act relating to government; amends Section 32-233, 32-569, 32-713, 32-1308, 60-483, 60-484.02, 85-1514, 32-304, 32-330, 32-570, 32-1303, 32-1306, Sections 32-101, 32-202.01, 32-308, 32-912.01, 32-912.02, 32-915.03, 32-941, 32-942, 32-1002.01, 32-1027, and 60-4,115; changes provision, provisions of the Election Act relating to election workers, verification of citizenship, the use of confidentiality of digital images and signatures, voter registration lists, special elections, the designated meeting location and date for the convening of

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presidential electors, the state's certificate of ascertainment submitted by the Governor, notations on precinct lists and certification forms relating to a religious objection to being photographed, obtaining and presenting valid photographic identification, in-person early voting, procedures of voting identification, notice regarding recalls; change amounts credited to certain funds as prescribed; provides duties; changes provisions relating to issuance of state identification cards; provides for nondisclosure of certain records; harmonize provisions; provides operative date; repeals the original section; declares emergency. LR278CA, introduced by Senator Murman. It's a bill-- is a resolution. The-- at the general election in November 2024, the following proposed amendment to the constitution shall be submitted to the electors of the state. Until terms commencing in 2027, the State Board of Education shall be composed of eight members who shall be elected from eight districts of substantially equal population as provided by the Legislature. Beginning with terms commencing 2027, the State Board of Education shall have seven members. The Governor shall appoint two members subject to the approval of the Legislature. At the statewide election in 2026, one member shall be elected from each congress-- congressional district and two members elected at large. Notice that the Rules Committee will meet in Executive Session under the south balcony immediately upon recess. Rules Committee under the south balcony, Exec Session upon recess. Additionally, the Reference Committee will meet upon recess in room 2102. Reference in 2102 upon recess. Additional notice of committee hearings from the Banking Committee. Finally, Mr. President, a priority motion: Senator Holdcroft would move to recess the body until 1:30 p.m.

DORN: All those in favor say aye. Excuse me. Motion to recess. All those in favor say aye. Opposed, nay. We are in recess till 1:30.

[RECESS]

DORN: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I do, Mr. President. Suggested reference report from the Referencing Committee concerning LB1103 through LB1133, as

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referenced. Notice of hearing from the Executive Board. Additionally, new bills, LB1153, introduced by Senator Arch, is a bill for an act relating to state government; eliminates the Nebraska Sesquicentennial-- excuse me-- Commission that has terminated; outright repeals Section 81-8,309 and Section 81-8,310. LB1154, introduced by Senator McDonnell, is a bill for an act relating to appropriations; appropriates funds to the Department of Health Human Services; and declares an emergency. LB1155, introduced by, introduced by Senator McDonnell, is a bill for an act relating to appropriations; appropriates federal funds allocated to the state of Nebraska from the federal Coronavirus State Fiscal Recovery Fund pursuant to the federal American Rescue Plan Act of 2021, 42 U.S.C. 802, as amended; states intent regarding appropriations to the Department of Health and Human Services; and declares an emergency. LB1156, introduced by Senator Holdcroft. It's a bill for an act relating to crimes and offenses; amends Sections 25-21,302, 29-4001, 29-4001.01, Section 28-830, 28-831, 29-110, 29-4003, 29-4007, and Sections 76-1410, 28-101, and 28-1354; transfers provisions relating to labor trafficking; defines terms; requires registration under the Sex Offender Registration Act for solicitation of prostitution and certain inchoate and related offenses; requires registration for certain trafficking offenses; changes procedures and requirements regarding registration for certain offenses; states intent regarding appropriations; harmonize provisions; provides an operative date; and repeals the original section. LB1157, introduced by Senator McKinney, is a bill for an act relating to the Nebraska Juvenile Code; amends Sections 43-290, 43-290.01, as well as 43-2,129; requires hearings regarding juveniles in certain counties detained in juvenile detention facilities; requires payment of certain costs by the Office of Probation Administration; harmonize provisions; and repeals the original section. LB1158, introduced by Senator Bostar, is a bill for an act relating to revenue and taxation; amends Section 77-2716; adopts the Medical Debt Relief Act; provides certain income tax consequences; and repeals the original section. LB1159, introduced by Senator Ibach, is a bill for an act relating to victims; amends Section 81-1850; changes offenses included within certain victim notification requirements; repeals the original section. That's all I have at this time, Mr. President.

DORN: Thank you, Mr. Clerk. Speaker Arch for announcement.

ARCH: Thank you, Mr. President. Well, given the weather forecast and beginning this afternoon, expected to continue throughout the day tomorrow with a potential of up to eight inches of snow in parts of eastern Nebraska, I have decided tomorrow will be a check-in day,

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with the only business being bill introduction. Our rules debate is important. I don't want to continue it without the knowledge that a number of senators may be absent due to the weather, nor do I want anyone to risk being on dangerous roads because they don't want to miss the rules debate. So with that said, we do need 25 senators for a quorum even to hold a check-in day. Right now, I've got about 27, 28. That leaves me a little uncomfortable. So for those of you that said, like, well, if you really need me, if it's-- if you stay down here in Lincoln, certainly. Please, please come. It doesn't leave a whole lot of room for error. And if you've told me that you're going to come, you definitely need to be here. So, if you indicated to me you'll be here tomorrow, please, please know that we're counting on you. And we will begin at 10:00. So you all have a chance to shovel in the morning. Thank you, Mr. President.

DORN: Thank you, Speaker Arch. Mr. Clerk for items.

CLERK: Mr. President, when the Legislature recessed this morning, pending was the proposed rule change 23, by Speaker Arch, to Rule 7, Section 6. Pursuant to that, Senator Arch has a amendment to the proposed rule change he is withdrawing and substituting a separate proposed rule change amendment as has been distributed to members.

DORN: Speaker Arch to open.

ARCH: So this was an amendment that has been brought to me by Senator John Cavanaugh. And I think it's definitely substantive and it is definitely worthy of discussion. So I would like Senator Cavanaugh to discuss that. Do I yield time? Senator Cavanaugh, you have my-- you have-- remaining time.

DORN: Senator Cavanaugh, you're yielded 9:43.

J. CAVANAUGH: Thank you, Mr. President. And Senator Arch, I did-- Speaker Arch, I did tell you I'd be here tomorrow, so I'll be here. Thank you for the time. And thank you for substituting the-- my proposal. So, colleagues, as Senat-- as Speaker Arch just said, this is a serious proposal. And I've been talking about it a little bit, hinting at it as we've been discussing this. And I'll get into it here first and then talk a little more. So you should have it on your desk. It's got some red writing on it. Essentially, it's the Rule 7, Section 6 of Senator Arch's proposal. And then after such, the new addition of such motion may be withdrawn only by unanimous consent, adding the language of a motion offered in writing and withdrawn prior to being introduced shall not preclude a subsequent motion. So

the intention of this change is it's been practice where somebody offers motions and before they get actually introduced on the floor and read across, you could withdraw them. And what has happened sometimes, people file a motion on the wrong bill and they want to withdraw it, or as we've been talking about what's the gamification of some of these motions and people filing protective motions. And folks, maybe once we make this change, will realize they don't want to have a motion on their own bill because it's going to feed a filibuster or a potential filibuster. So they may want to withdraw those motions that have been offered. And so this is just allowing that motions that are withdrawn before we get to the debate stage will not affect someone else's ability to introduce a motion. Decreases, again, the gamification but also decreases the number of motions we may end up debating when they are unnecessary. So-- and I've talked about this a little bit and kind of my general encouragement of everybody to engage in the conversation and the review of the rules and the debate. And I use this as an example of, as I said, Speaker Arch went through a process of writing these rules and came up with a proposal that served an objective. And then I-- after he published those, I saw him and said, oh, we need to make this change that then was contemplated or is included in this proposed amendment or proposed rule change. And then we went to the Rules hearing, and Senator Bostar made a suggestion that actually I think improved on my suggestion. And that's where we were at this point. And then after all of that, I looked at it again and said, well, I think we're missing this part, as well. And so what I'm saying is this is a very short-- is a three-sentence rule that has some small changes in it but have a broad impact, and that when we're making these changes, we all need to be really dialed in and thinking critically about what the consequence of the change we're about to make is and whether it needs another tweak. I think all of us-- not all of us were on the Rules Committee. Not all of us have had our input put into it. And some people don't dial in, you know, even on the floor debate. But people don't dial in until a-- something is being debated on the floor and you hear somebody discussing it and you say, wait a minute, that's not my interpretation of how this rule would work. Why, why would it work that way? And maybe we should change it in a way for clarification purposes, so we don't get into a fight when it actually gets used, or we make sure that it is-- it's serving the actual goal that we're talking about. So this is a proposal. I hope you take a look at it. If you don't-- if you need another copy-- like I said, it's got red ink and blue ink and black ink, which is-- I'm a big fan of. Everybody who knows me knows I have all three colored pens in my pocket, but I appreciate that the

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Clerk's Office copied these in color, and has that proposed language at the bottom. I'd be happy to take any questions people have about it. And like I said, this is something I came up with since these rules were posted on the agenda today. And I'm perfectly willing to concede that this is not the, the exact final product of the drafting. And maybe there's some other change that would need to be made to actually serve the goal that I'm telling you I want it to-- I think that we should serve in this. And so I would appreciate people's feedback on that. I wrote this quickly in-- but like I said, this is something that will be used by us going forward and that we could, you know, if you get something wrong in it, could have an unintended consequence. So that's what I hope people will engage in that same spirit of constructive criticism and try to figure out how we can best make these rules serve the goals of this body, the goals of the people of the state of Nebraska. And like I said, I'm not exactly in favor of amending the rules at this juncture. But if we do do it, I think we all owe it to ourselves and future Legislatures and Nebraskans to make the best possible version of the changes that we have. So I would encourage your green vote on the amendment to the amendment. And I-- like I said, I'd be happy to take any questions. Thank you, Mr. President.

DORN: Thank you, Senator Cavanaugh and Speaker Arch. Senator Wayne, you're recognized to speak. Senator DeBoer, you're recognized to speak.

DeBOER: Thank you, Mr. President. I was wondering if Senator John Cavanaugh would yield to a question or two.

DORN: Senator John Cavanaugh, will you yield to a question?

J. CAVANAUGH: Yes.

DeBOER: So we're talking about the-- you passed out the rule proposal and then you had some more written in red underneath. This is what we're talking about?

J. CAVANAUGH: Yes.

DeBOER: OK. So this was actually an interesting offering from you to me because I thought, oh, no, we may have done something very wrong here, but I talked to the Clerk. Apparently, if you propose one of these motions but you don't-- but they don't get read across, it doesn't count as being done. So are you-- and is that something that is your understanding, as well?

J. CAVANAUGH: So I guess your question is the, the current practice is what you just articulated, that if you ask to withdraw a motion before it gets read across, then it stands withdrawn.

DeBOER: That it doesn't even have to be withdrawn. It doesn't stand withdrawn. It just never happened.

J. CAVANAUGH: Yeah. That's my understanding of the current practice. I am concerned, however, with us making the change as we've changed it, that there's an interpretation of the rule that we're drafting that would say you couldn't do that, that once it's been offered, it is only able to be withdrawn by unanimous consent. And so I'm trying to make clear that we are not talking about those instances that are current practice.

DeBOER: So could we instead say a motion offered in writing and withdrawn prior, prior to be introduced instead of shall not preclude a subsequent motion does not require unanimous consent? Because then, if it's withdrawn before it's read across, it gets rid of the problem where we had before, where people are withdrawing a series of motions, but it also-- it, it handles more, I think more directly the question that you're saying, which is do they have to have unanimous consent? Because what this says is shall not preclude a subsequent motion, which means that it doesn't answer the question of whether it's-- still requires unanimous consent. Do you see what I'm saying?

J. CAVANAUGH: I, I think that's a fair interpretation of it, yes.

DeBOER: So I would, I guess, suggest that should we adopt your amendment, that we should amend your amendment to say, shall not preclude or shall not require unanimous consent.

J. CAVANAUGH: I think we'd have to withdraw this and write another one is how this works at this point because we're amending an amendment.

DeBOER: Well-- OK. So I'll say this, I don't think there's a--

J. CAVANAUGH: I don't think that's a problem to do that. I'm just--

DeBOER: --I don't think there's a real danger that we're going to misinterpret this, particularly with this legislative history. So let's lay some legislative history. It is not the intent of this rule that any motion which has been given but not read across-- has been handed in but not read across, does not require-- it, it does not require unanimous consent unless it's read across. That was not clear

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legislative history. Let me try again. A motion, having been offered in writing, may be withdrawn without unanimous consent. Is that correct?

J. CAVANAUGH: Well, if it has not been read across on the floor, yeah.

DeBOER: Correct.

J. CAVANAUGH: Yes.

DeBOER: OK.

J. CAVANAUGH: That-- that's the intention for sure.

DeBOER: Let me ask the Speaker a question. Senator Arch, would you yield to a question?

ARCH: Yes, yes, I will.

DORN: Senator Arch, will you yield to a question?

ARCH: Yes.

DeBOER: Senator Arch, can you help us lay some legislative history since this is your proposal?

ARCH: Right.

DeBOER: So instead of requiring the amendment--

DORN: One minute.

DeBOER: --which Senator Cavanaugh has introduced, can we just clarify on the record that a motion which is offered in writing but withdrawn prior to being read across does not require unanimous consent?

ARCH: That is my understanding, yes.

DeBOER: All right. Thank you. Thank you, Senator Arch. All right, so you heard it here first, law clerks who are looking at the legislative history. The motion which is introduced in writing and withdrawn prior to being read across does not require unanimous consent. Thank you, Mr. President.

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

J. CAVANAUGH: Great. Thank you. So to kind of go back to what Senator DeBoer was talking about, the intention of the rule as written is that the standard practice would continue. And the standard practice is if someone offers an amendment and asks that it be withdrawn before that amendment is introduced on the floor for consideration of the Legislature, that that would not count as an introduced amendment. My concern and the reason I wrote this language was that when you make a change to a rule that, that necessarily could change the interpretation of the current standard practice. And so that's why I offered this. I think I agree with Senator DeBoer that there's a better way to write the amendment. And I agree that the intention of this body is not to make that change, but I guess I would leave it to folks about whether they want to adopt this amendment. I think there's other folks in the queue behind me so they can speak to this. I'd be perfectly willing to make a change to the amendment as well to make it clearer or to change that, that text, as suggested by Senator DeBoer, but I think I'll let-- well, maybe-- oh, no. There's somebody in the queue, so I will yield the remainder of my time. Thank you, Mr. President.

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

WAYNE: Thank you, Mr. President and colleagues. I just want to point to those who might be watching, this is actually how you move a debate forward. So last year, there was a lot of filibustering, but that was because this body chose to allow a filibuster to continue that long. We don't need rule changes to move a filibuster along. You do what's happening right now. You call the question. You make that question, you show five hands, and you move forward, and you just keep moving forward. So I'm a little bit opposed to most of these rule changes simply for the simple fact that we're reacting to something that we could have internally controlled the entire time on this floor. It requires a little work. It requires for somebody to be in the queue and say question. It requires for the Chair to know who spoke and who hasn't spoke and what the conversation is. But at the end of the day, a filibuster only lasts so long as this body wants it to last. There's a way to move things forward or to at least make it difficult to filibuster. What I mean by that is, if you call the question over and over and over, then that person has to either drop amendments or find other ways to continue to talk. We didn't do none

of that last year. So while we're reacting to some of these rule changes, which I think some of them might be necessary, so I'm not totally opposed to all of them, I just wanted to point out to those who might be at home watching for whatever reason if you're that bored, that you can stop a filibuster or move things along just by the rules that we currently have. So moving some things and eliminating how we do motions and priority motions doesn't change anything. And I'm, I'm going to prove that this year on a couple of bills that I'll probably drop a hundred-and-something amendments. And you may file a motion or-- underneath these proposed rule changes to make it dilatory or whatever, and that's going to take 40 votes. And we'll see who lines up and does 40 votes. But what's crazy about that rule-- and we're not here yet-- is it takes 40 to do it. But if you don't got 40, you can just take 30 to suspend that rule and change the, change the amount. So I don't understand the threshold on so many things because it just takes a simple 30 to change the rules. So, so-- no, I'm just saying even if you wanted to do it. It might not have come out. But I'm saying, so like everything we're doing, at the end of the day, it comes down to a vote. So the rule of this body and the rule that people should understand that if you have 25 votes, you actually run the rules. Because somebody gets up and says, objection, point of order. The Chair makes a determination. It only takes 25 votes to overrule the Chair. So no matter what the rule is, the Chair can find that in order or out of order, and somebody can say, I challenge the Chair. So the rules are there, but I'm just telling you, at the end of the day, the real rule that everybody should understand going into this body is it's 25 votes to make any rule change you want by just simply overruling the Chair. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. I think I'm the last person in the queue on this. So I appreciate the conversation from Senator DeBoer and Senator Wayne and Speaker Arch and the folks I've talked to off the mic. But I think that having the sort of actual conversation-- and as Senator Wayne pointed out, we can have an actual conversation about our disagreements, about our shared goals and still actually maybe come to a resolution in a quick fashion if we all set our mind to it. And I guess my-- again, my point on this motion-- or, this amendment to the rules amendment is that we're making a change to this particular rule. And I think it's important that we make sure that we're clear about how we intend it to be played out because, yes, all of us, I think, are going to understand.

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But this Legislature hopefully continues on for a long time after we're all gone and will be-- have these rules and rather than them have to go back and look for what our intention is, we have the opportunity to put it into the rules. So I'd ask for your green vote on the amendment and I think-- oh, some other folks in there, but. So if you have any other questions, I'm happy to take them. Thank you.

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

HUNT: Thank you, Mr. President. And Senator Cavanaugh, I wasn't intending to speak. I just-- as we're building a record and as we're setting new precedent basically all the time, I wanted to, to share a few of my views on the record as my constituents watch this and, and look back at what we've done here in the beginning of the session. What Senator Wayne said is exactly right. All of this is in reaction to the filibuster that happened last year. But we had the power all along to stop that at any time and didn't. And we don't need a rules change to do that. We don't need a rules change to punish anybody here in the body. What we need to do is stay in relationship and keep our shared promises to Nebraskans to have a productive session. I'm committed to that. I know that my colleagues are committed to that, who, who I hang with and who I talk to regularly. And we've talked about that a lot over the interim. We've talked with other leaders in the body. We've talked to the Speaker. We've talked to the Clerk's Office. We want to find out how to move past what happened last year. And that's the kind of work that happens a lot behind the scenes, not on the camera, not on the floor when we're talking about rules debates. And the reason we don't need this is exactly what Senator Wayne said. He spoke quickly and succinctly, and he said that perfectly. I'm going to support Senator John Cavanaugh's amendment because it improves the rule. But this, colleagues, gets to the whole entire point of why we don't need to be changing the rules. We've got all of these rules proposals in this binder. And Senator John Cavanaugh identified a linguistic problem with change 23, and he introduced an amendment that improves it. But there are problems with numerous rules. And we're going to back ourselves into a corner, setting new bad precedent, passing rules that aren't complete, that aren't necessary, that leave holes that create new loopholes that are not helpful to the institution or the body. And I think that we should forgo this debate, get to the work of policymaking, substantive debate-- and not a single issue either, but really all of the things that we came here to work on. I, I understand that we cannot stop a rules debate. Like, that was never going to happen. I do think that cooler heads in the body, including many conservatives,

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agree with me, agree with people like Senator Wayne and even Senator Machaela Cavanaugh who don't want to enter this discussion. We just want to move forward and be productive. But there is a minority of people who think that we need to be punished, who think that we need to have this debate so that we can retaliate against what happened last year and be reactionary. And there's probably just not the votes to stop that from happening. So that's why we're here. It is a waste of time. I'll support Senator Cavanaugh's amendment because it improves a rule that was probably not perfectly written. And it would be my preference to forgo the rest of the rules debate and just move on. Thank you, Mr. President.

DORN: Thank you, Senator Hunt. Seeing no one else in the queue. Senator Cavanaugh, you're recognized to close on your amendment. John Cavanaugh.

J. CAVANAUGH: Thank you, Mr. Chairman. Thanks-- Senator Hunt's comments. And I agree with what Senator Hunt and Senator Wayne have been saying about-- that-- I think this-- I've said it several times. I don't think we should be changing the rules at this point. But I'm trying to do my best to make an honest proposals to make the rules that are being proposed as sound as possible. I think that this clarifying statement makes this one a little bit better, in my opinion. And yes, I think I agree with the, the analysis that acting-- this place works well. And conflict is part of the process. And our goal is not necessarily to pass every piece of legislation that gets introduced. Our goal is to have a adversarial process that derives or goes to the benefit of the people of the state of Nebraska and that, to get some changes done sometimes, requires forceful conflict and compromise, forcing a compromise through that conflict, or getting people to listen. We all know. We all get distracted. We're all-- a lot of folks are not on the floor right now. A lot of folks are in other rooms. But it's important to ensure that we still preserve the ability of dissenting voices to force us to consider their perspective so that we best serve all of the people of the state of Nebraska and not just the quickest and the easiest solutions. If we didn't allow for that kind of conflict, we would pass worse legislation that does not contemplate all of the minutia and the intricacies of the lives of our fellow citizens. We've all seen that we've had to bring bills. Anybody who's been here for any length of time has had to bring a bill to fix something in one of their own bills. And the reason that happens usually is because nobody has been-- looked at it critically enough. And that's, I guess, my point in engaging in this process the way that I have is that I disagree with this idea, but I'm trying to engage

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constructively to help make it better, which is how I would hope we could all get to on bills, that we take people's criticisms as a way of making our bills stronger and making better law for everybody. And we need to make sure that when we change these rules, if we make changes to them, that we are conscious of the value that that conflict brings, both to ourselves, to our bills, to the laws, and to the people of the state of Nebraska. So I propose this change and I propose some others, and I will continue, I promise, to look at the rules as they are coming up to make sure that it-- as we're discussing them, if there is something that I think could be better, then I will propose it and I will explain to you why I think so. And we can have a robust conversation like Senator DeBoer and I were having. But I would ask everybody else to do that. I would certainly-- would love to hear from other colleagues who have not spoken on the rules about why they think some of these rules will help us and ways in which they think that they could be strengthened. So this is one proposal that I think makes this stronger. And I'd encourage your green vote on-- I guess it's amendment-- I don't know if it has a number. My amendment to AM23. So thank you, Mr. President.

DORN: Thank you, thank you, Senator John Cavanaugh. Colleagues, the question is for the passage of the amendment offered by John Cavanaugh to rule change number 23, which is Rule 7, Section 6. All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Mr. Clerk, record.

CLERK: 42 ayes, 0 nays on adoption of the amendment, Mr. President.

DORN: Next motion, Mr. Clerk.

CLERK: Mr. President, continuing on the proposed rule change, I have an amendment from Speaker Arch with a note that he wishes to withdraw, as well as a motion from Speaker Arch with a note, a note that he wishes to withdraw that as well, as well as two amendments from Senator Conrad, both with indications that she wishes to withdraw. In that case, Mr. President, I have nothing further on the proposed rule change.

DORN: Could we have Senator Conrad and Speaker Arch come forward? Seeing no one in the queue, Speaker Arch, you're recognized to close on your rule.

ARCH: Thank you, Mr. President. I think we've discussed the rule adequately, and I-- but all I want to say is thank you to John

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Cavanaugh both for his initial input and now this amendment that just passed to this rule change. All, all good. Both-- all of his input made this rule better, so thank you. I ask you to vote yes.

DORN: Thank you, Speaker Arch. The question before the body is a passage of proposed rule change number 23 by Arch, Rule 7, Section 6. This will take 30 votes. All of those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 40 ayes, 3 nays on adoption of the amendment to the Permanent Rules.

DORN: The rule change is adopted. Mr. Clerk, next item on the agenda.

CLERK: Mr. President, some items quickly. Notice of hearing from the Agriculture Committee. Additionally, new bills. LB1160 introduced by Senator Walz, is a bill for an act relating to the Excellence in Teaching Act; amends Sections 85-3105, 85-3106, and 85-3112; changes provisions relating to the Attracting Excellence in Teaching Program; changes provisions relating to Excellence in Teaching Cash Fund; harmonize provisions; provides an operative date; and repeals the original section; declares an emergency. LB1161, introduced by Senator Dungan, is a bill for an act relating to arbitration; adopts the Consumer Employment Arbitration Data Reporting Act, provides a duty for the Revisor of Statutes. LB1162, introduced by Senator Lowe, is a bill for an act relating to county government; amends Sections 23-1112.01, and 33-117; changes provisions relating to reimbursement for mileage earned by sheriffs; and repeals the original section. LB1163, introduced by Senator Lowe, is a bill for an act relating to motor vehicles; amends Section 60-6,356; authorize the operation of all-terrain vehicles utility-type vehicles between the hours of sunset and sunrise if used for snow removal as prescribed; harmonizes provisions; repeals the original section. LB1164, introduced by Senator Lowe, is a bill for an act relating to State Racing and Gaming Commission; amends section 2-1201; removes redundant language; and repeals the original section. LB1165, introduced by Senator Lowe, is a bill for an act relating to zoning; defines terms; provides criteria and guidelines for zoning regulations; requires certain cities to allow the use of duplex housing; provides when certain regulations govern; and provides an operative date. LB1166, introduced by Senator Lowe, is a bill for an act relating to zoning; defines terms; requires shifting restricting zone regulations by municipalities relating to accessory dwelling units as prescribed; and provides for a fee. LB1167, introduced by Senator DeBoer, is a bill for an act relating to criminal procedure; amends Section

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29-1816; provides a deadline for arraignment for individuals arrested without a warrant; eliminates obsolete provision, harmonizes provision, repeals original section. LB1168, introduced by Senator DeBoer. It's a bill for an act relating to health care; adopts the Uniform Health Care Decisions Act; and provides severability. LB1169, introduced by Senator Erdman. It's bill for an act relating to the Nebraska Historical Society; amends Sections 81-1108.26 and 82-101, 82-101.02, 82-102, 82-105, 82-106, 82-107, 82-108, and Section 82-101.01; provides changes and eliminates provisions relating to Nebraska State Historical Society; harmonize provisions; and repeals the original section. LB1170, introduced by Senator Riepe, is a bill for an act relating to the Employment Security Law; amends Section 48-628 and, and 48-628.10 and Section 48-626; changes provisions relating to the maximum annual benefit amounts and periods of disqualification for benefits; eliminates obsolete provisions; harmonize provisions; provides an operative date; and repeals the original section. That's all I have at this time, Mr. President.

DORN: Mr. Clerk for the next item on the agenda.

CLERK: Mr. President, next up: proposed rule change 25, from Speaker Arch, concerning Rule 7, Section 10, cloture.

DORN: Speaker Arch, you are recognized to open.

ARCH: Thank you, Mr. President. So this is, as the, as the Clerk just read, rule change number 25. And it is, it is the expansion of our cloture rule to include other items. My understanding is when, when the cloture rule-- prior to the cloture rule, the way debate ceased was suspension of the rules. And so that was kind of routine. Not all-- I mean, it wasn't-- cloture wasn't-- cloture wasn't at issue as often as perhaps it is today, the filibuster. But nonetheless, when they wanted to cease debate, it would have to be a suspension of the rules. At some point they decided, well, maybe we ought to have a cloture rule. And so this cloture rule was instituted at that point. I don't have the-- I don't have the year, but it was-- it, it strictly applies to legislative bills, not other items. And so this is an expansion of, of the cloture motion to other items. And let me just now get a little more specific. So it expands the cloture rule to other resolutions or main motions, not just bills. It does carve out an exception that cloture will not apply to rules, either motion to adopt permanent rules or a motion to amend permanent rules. It, it very specifically spells that out. Other items could include, for instance, committee recort-- reports, rule suspensions, bill withdrawals, Governor appointments, which is a committee report,

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canceling hearings, which is a rules suspension, withdrawing unnecessary legislation. So we're just trying to say those kind of, I say, routine business items that are, that are part of our work would, would fall under cloture. So currently, as I say, the only way to stop debate is to suspend the rules on these matters. It, it allows the Legislature to do its work. I would add just one other thing, and that is the issue of full and fair debate then would apply to this. But my intention would be if this, if this rule changes, that we would, that we would have a category of these kind of items with a certain amount of time. And I say similar to what we do with our A bills right now, where might the-- this last ti-- this last session, full and fair debate indicated with A bills that they're different than the legislative bills. So A bills were 30 minutes and, and an hour if it was a, it was a substantial debate being engaged in. And so, we would have something similar. And I don't have the time exactly in mind as to how these would be hap-- how this would happen, but it would-- but, but that would allow us then to at least close off debate at some point and move these, I say, the business-- routine, routine business of, of the Legislature. So with that, I will, I will stop and we can begin discussion.

DORN: Thank you, Senator Arch. Mr. Clerk for items. Senator Wayne, please state your point.

WAYNE: The floor is different-- what's on the board is different than what Speaker Arch just described.

DORN: The board will be changed. Mr. Clerk for items.

CLERK: Mr. President, Senator Arch would move to recommit the proposed rule change, rule change 25 to the Rules Committee.

DORN: Speaker Arch, you're recognized to speak.

ARCH: Thank you, Mr. President. So, as I mentioned, the four bills that I have here-- or, this four-- the four rule changes that I have here, I have, I have structured. And this is the first priority motion that we can dispose of quickly if you choose. I would encourage you to vote no on the recommit. But if somebody wants to discuss it, it is available for that. Thank you.

DORN: Thank you, Speaker Arch. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. In accordance with the Speaker's guidance in terms of why this motion

has been filed in order to structure debate, I plan to vote no on the motion before us and am supporting the underlying rule that Speaker Arch has put forward and that was passed out of the Rules Committee. I think it's really important to take a step back and, and think about a few fundamental points in regards to this particular measure in regards to when and how cloture applies for different business before the Legislature outside of typical legislative rules and then also to remember kind of what it's-- what is really at the heart of any rules debate and particularly this rules debate here that we find ourselves in as we embark on the 2024 session. But even though this may not be perhaps the most exciting debate for some members or for other stakeholders, our rules are fundamentally important. Parliamentary procedure is fundamental to our process and our operation and our institution and to ensuring an orderly and effective process for each member to engage, bringing very divergent ideas, perspectives, and principles into the legislative arena. So when we're thinking about how we structure our rules and why it's important, I also wanted to just kind of embrace the learning opportunity that the Speaker and the Rules Committee have put before the body to dig into our rules together over the next couple of days. And a fundamental component of this debate is that the Legislature unequivocally has the right to set its own rules, subject only to restriction, limitation, or prohibition perhaps found within a constitutional authority. So that would be the first order in terms of primacy of authority that we would look to governing things like our rules and parliamentary procedure would be the constitution itself. Second thereto are our rules, are-- as codified in these familiar Rule Books that we all have at our desks and utilize frequently. And then, according to our rules, the, the way that we deal with things not delineated or defined in our rules specifically is through a deference to custom, usage, and tradition. Those-- that custom, tradition, and usage has been codified informally but helpfully in a book of precedents that the Clerk's Office has available to help guide each Legislature as they're implementing various aspects of the rules in the midst of debate. And then finally, as directed by our Rule Book, after we work through those initial sources of authority in that order-- which is important, colleagues-- then and only then for contested issues or additional guidance for matters that are not specifically addressed would we turn to a secondary authority: Mason's rule of legis-- Rules of Legislative Procedure-- Manual of Legislative Procedure. So that is just kind of a good refresher about kind of the, the legal structure, the policy structure that our rules in particular are debated within. And then the other thing that we need to keep in mind that I've been

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thinking about a lot as we've engaged in good faith negotiations with those who have been--

DORN: One minute.

CONRAD: --working diligently-- thank you, Mr. President-- on the rules is that each and every change to the rules is not reflexively an attack on minority rights or minority voice. It's important that we look at each of the rules brought forward on their own merits in terms of substance and impact. And when you look at this measure before us today, I do not believe that this is a significant threat to minority right or minority voice when we apply the cloture rule, which we're already familiar with and apply frequently to legislative bills, to committee reports, and to gubernatorial nominations. It does afford a significant amount of debate under the existing cloture rules for those important aspects of legislative business, but it does remove unlimited debate from those components, which I think strikes the right balance.

DORN: Time.

CONRAD: And thanks to--

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

WAYNE: Thank you. Mr.-- thank you, Mr. President. Colleagues, we-- in this effort to be kumbaya, I really appreciate it, but we need to take time to actually read these rules. I don't know what underlining comma means. Underlining is usually a adjective to the noun, which would be a bill, resolution, or main motion. The reason why I say comma is because our entire Supreme Court review of the United States Constitution came down to a comma. So it's really important where you put a comma. And if you read this right now, there is actually no underlining noun in, in any motion. So you, you can't-- there can't be an underlining comma. It has to be an underlining bill. And I don't understand why we're using the word underlining because the bill is either up on the board or it's not. And I'm going to ask some questions on my next time because I'm trying to figure out what main motion means. I don't know you could filibuster a main motion, nor do I understand what a main motion is unless it's a motion maybe to change the Speaker priority or the Speaker schedule. I guess that could be the motion on the board. But what separates that motion from a main motion? And so now I'm going through Mason's Manual trying to figure out what-- I mean, I know what a main motion is. It's the

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underlining motion. The motion that we're-- like right now, the main motion is a motion to recommit. Any other things would be subsequent to that. But if you do a cloture vote, you do a cloture vote on everything on the board. So I'm not sure how that would be different unless it's just a motion that you're also allowing an, an actual filibuster to go on on a motion. So I-- on the face, this sounds like a simple thing that we should all agree to, but I think being the person who my texts don't make sense half of the time because I don't follow grammar. I think if we're going to put grammar in the, you know, in the rules, we should have not a comma after underlying. But I'm not sure why you even need the word underlying. I, I just-- you can't have two bills on the board, so why do you need underlining underneath the bill? There can't be LB1027 on the board and we're also going to vote on LB1028. There can only be one bill on the board. So what's, what's the underlining bill? Is there another bill that is secretly not on the board? I don't know. It's a, it's a great question. As far as resolutions--, I mean, you know, I don't care if that's there, but I don't understand the main mo-- the main motion. Either it's a motion that is on the board and everything else is incidental or secondary or it's just the motion. So-- not sure what that means, but I'll ask some questions here. And maybe nobody else finds the underlining comma an issue but I think it's one because I don't know what underlining is in this category.

_____ : Ask Senator DeBoer.

WAYNE: Senator DeBoer, will you yield to a question?

DORN: Senator DeBoer, will you yield to a question?

DeBOER: I would be happy to.

WAYNE: Senator DeBoer, the question is what is underlining comma mean?

DeBOER: Well, I have been told that when we have-- because-- it doesn't mean anything. You're correct. You have found a grammatical error. We have been found out.

WAYNE: OK.

DeBOER: So that was the king-- the little king--

DORN: One minute.

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DeBOER: --the little baby in the king cake. Justin Wayne has won. What it-- we need to get that fixed. The Clerk says that because we do not have an E&R process since there's only one stage of debate on rules, they traditionally-- and this has happened many times before-- fix the grammatical errors on their own after we pass any proposed rule change.

WAYNE: That is very dangerous. I mean, again, Marbury v. Madison came down to a comma. And that's what guided the entire Supreme Court to over-- to be able to det-- determine things to be constitutional or not constitutional is because in our Constitution there was a comma that said the Supreme Court could. So just allowing Bill Drafting, while I love them so much, our Revisors, it matters where that comma is when we vote on it. And so right now, underlining has no meaning. So we're just going to assume that they're going to fix it when they reprint next year?

DORN: Time.

WAYNE: Thank you, Mr. President.

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

CONRAD: Thank you, colleagues. Good afternoon again. Sorry, I, I ran just a little bit short on my last time on the mic and I wanted to finish some of those thoughts. But in regards to the important drafting issues that Senator Wayne has identified, I think the body has at least a few options that we can think through in, in regards to making that correction. We can, of course, file a floor amendment. I had some substantive amendments on these various rules that I would be happy to perhaps ask for your unanimous consent to swap out. Or we can rely upon past practice, as was mentioned earlier, to make only technical corrections for essentially what is a scrivener's error rather than any sort of substantive drafting issues. So I think that, while the members discuss those different remedies to address the issue that Senator Wayne has brought forward, we, we do have a variety of different options available to us. Colleagues, the-- a couple of pieces in regards to this specific rule that I wanted to make sure to lift up when I ran out of time on the mic last was what I think is important about this rule is, is also what's not in this rule that has been introduced and advanced, and that's a part of significant part of good faith negotiation led by the Speaker and has been a very robust discussion amongst many members over the last weeks and months. So when it comes to looking at how our cloture rule

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applies, of course it's an important-- it's important to remember that the utilization of cloture should be a, a fairly extraordinary remedy. We should not rush to cease debate. We should not rush to stop debate. As the only deliberative body in the state of Nebraska, it is important to ensure as much debate as possible on the key issues before us. However, when there needs to be an opportunity for the body to effectuate the will of the majority to move forward on different measures, we cannot and should not give veto power to any minority to thwart that. So cloture seeks to strike the right balance in whether or not we cease debate, whether or not we allow the debate to move forward, whether or not a significant amount of those in the minority position can come in to kill or stop a bill at that point in time. So of course we're familiar with it when it comes to utilization and application in legislative bill debates. But for these other matters, based on historical negotiations, when cloture was adopted in our institutional practice and policies, there had been a negotiated agreement to exempt out committee reports. Think of things like the Committee on Committee reports, for example, that has generated significant debate and dialogue, including last year in regards to committee assignments or things like gubernatorial appointments. And the reason some of those measures were exempted out from application were to ensure that those checks on other branches of government remained robust, including the executive. And that was--

DORN: One minute.

CONRAD: --one way to effectuate that through our rules. Thank you, Mr. President. But colleagues, what you will notice if you've followed this process closely, was that in initial ideas put forward by the Speaker, there was also an application of the cloture rules to the rules themselves. And that was found to be highly objectionable by many members, including myself, because we really felt like that tipped the balance too far and would be a very, very dangerous precedent to adopt in regards to how we conduct our business. So I applaud the Speaker for working in good faith in very tough negotiations over the last weeks and months to remove that component of the cloture rule and its application. And I think what has come before us from the Rules Committee is a reasonable compromise to help effectuate the--

DORN: Time.

CONRAD: --rule of majority and protect minority rights. Thank you, Mr. President.

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

WAYNE: Thank you, Mr. President. Colleagues, I'm going to say again: rules come down to 25 votes, and I've always felt that way. But hear me out again. By specifying here that-- let's say we scratch underlying and comma and we say bill resolution and main motion. Now, I'm going to make a very technical argument here, but bear with me on why I don't like the word main motion. Main motion right now on the board is to change Rule 7, Section 10. The secondary motion or incidental motion or-- there's other ways to describe it-- is the motion to recommit. So if I invoke cloture, I'm going to invoke cloture per this rule on the main motion. My argument would be if I'm the one who offered to recommit is, that's fine, but you can't get to your motion even though it's the main motion because you would have to first invoke cloture on my secondary motion to recommit. That is the only way you're going to get there. Because you're specifying may motion-- main motion. So it's cleaner if you just say motion. So then in your motion to invoke cloture, you cite your bill, your underlining motion, and your, your underlining amendment and your underlining amendment so you can invoke cloture on everything. Sounds technical, but, in a rules debi-- debate, I would argue that. And I would say as long as you are specific about main motion, then you can invoke "foreclosure" on any incidental or secondary motions. That's just how the rule reads. Now, Chair may ignore me and say, no, it means the whole thing. I read it differently. But if they're going to come back and read this transcript, they're going to say this was pointed out, that you can't get to the main motion for "forecloture" if you can't "foreclote" on the secondary motion. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I'd asked if Speaker Arch would yield to a question.

DORN: Speaker Arch, will you yield to a question?

ARCH: Yes, I will.

M. CAVANAUGH: Thank you, Speaker Arch. This is a gotcha question. Just kidding. Just kidding. We already talked about this, but I wanted to make sure that we spoke about it for the whole body. So when a committee report comes out for gubernatorial appointments and

there's a group of them, it's still-- you can still divide the question, correct?

ARCH: That is correct. And that is-- that's fairly common to come out as a, as a group and not one at a time. And so yes, dividing, dividing that out is, is going to be able to continue.

M. CAVANAUGH: Thank you very much. I appreciate you answering that question. As you know, I love voting on things individually. And I would not want to give up that opportunity, though I do recognize why we do it that way. But I think if you're a gubernatorial appointee, you might want your day in the sun and have an actual conversation about you on the floor. So that's why I-- I'm a stickler for that one. Would Senator Wayne yield to a question? It's definitely a gotcha because I didn't tell him in advance.

DORN: Senator Wayne, will you yield to a question?

WAYNE: Yes.

M. CAVANAUGH: First of all, thank you for talking about commas. You know I have a deep-rooted love of commas. I did come in to the tail end of your first conversation about the comma and I wanted to make sure I was following along. Are you taking umbrage with the comma after underlining-- underlying in the first sentence?

WAYNE: Yes.

M. CAVANAUGH: OK. Yeah. That doesn't make sense. I'm with you.

WAYNE: No.

M. CAVANAUGH: So we probably need an amendment to strike that comma, correct?

WAYNE: Correct. And I think there's one coming. And-- I mean, to give credit, when I read rules over and over, I read what's there or which I think is there and not what's actually there, so.

M. CAVANAUGH: Sure. Yeah. But in the law, as you said, that matters. So then I have an additional question-- and maybe you already addressed this-- but the underlying part that's "except the motions to adopt permanent rules or amendments to the permanent rules may not be subject to cloture," I see that there was a period, but it also looks like it's strick-- struck-- stricken?

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WAYNE: Yes.

M. CAVANAUGH: And then-- but then the T is capitalized for the next sentence. So do we need to reinstate that period?

WAYNE: Correct.

M. CAVANAUGH: OK. Do you know-- do I need to get an amendment for that or is somebody--

WAYNE: Yeah. I'm not doing it.

M. CAVANAUGH: You're not doing it. OK. Just insert period. OK. Well, thank you. Then I will be just drafting a quick floor amendment. Thank you very much, Senator Wayne. Thank you, Mr. President.

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

DeBOER: Thank you, Mr. President. I definitely don't want to bring a rubber band to a gunfight, but I'm going to talk to Senator Wayne about what he's discovered here. I think that, Senator Wayne, the discussion about main motion that you're having here says that we would not treat the recommit to committee as-- your reading is we would not treat the recommit to committee as a "clotureable" motion if we just have the rule written as main motion. But my understanding is we've been doing this with bills for-- since 1991 session, which says that whatever's on the board gets clotured together with the top of the board, which is the bill that's up there. So by the transitive property, whatever's on the board under the main motion would get "clotureable" just like the, the bill would. So I don't think there's a problem because this is how we've been operating with bills since the closure rule passed. Senator Wayne, would you yield to a question?

DORN: Senator Wayne, would you yield to a question?

WAYNE: Yes, I will.

DeBOER: Do you follow my logic there that with bills, when we have other things on the board, even though it says bill in the cloture rule, everything else that's on the board is part of the "clotured" motion. Is that correct?

WAYNE: That is our current practice, but we are also changing the current rules, so there is no practice going forward.

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DeBOER: Well, we're not changing the rule with respect to "bill," since we're going to erase "underlying" and "comma."

WAYNE: Correct. But we are changing and adding the word "main motion." And the reason for that is-- majority of the reason for it is committee reports, i.e. appointments.

DeBOER: Correct.

WAYNE: So the main motion would be the committee report. A secondary motion would be a motion to recommit.

DeBOER: Right. But if we treated a main motion, which is at the top of the board, the same way we treat a bill, which is at the top of the board, then it would follow that everything we've been doing with subsequent or subsidiary motions in bills would similarly be done with main motions. Is that right?

WAYNE: Right. So you're suggesting that the word "bill" and "main motion" be treated the same. And I'm saying we don't have a history of that.

DeBOER: Of treating them the same?

WAYNE: Correct.

DeBOER: Well, we could right now say that's what we mean.

WAYNE: Is that what you mean? That's the whole point. I don't think that's what it means.

DeBOER: That was my understanding in the Rules Committee.

WAYNE: And that's not how the plain language reads.

DeBOER: I do think it is how the-- main, main motion being top of the board like a bill, that seems like the plain language to me.

WAYNE: Where do you see "like a bill" in there?

DeBOER: No, it doesn't-- they are in-- whenever you have a list of things separated by commas, they are deemed to be similar things.

WAYNE: So here's, here's-- but here's what I'm telling you, though. So main motion right now in a committee report is not able to have a "foreclosure," right? It can go forever.

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DeBOER: Correct. Prior to the establishment of this rule.

WAYNE: So you're changing that practice by using the word "main motion" to create a new practice that we currently don't have.

DeBOER: Right. But it is put in concert with the word "bill," which we do have the practice around. And I'm saying we could treat it the same as bill and it would be--

WAYNE: And I'm saying we 100% could treat it the same, but we also spell out permanent rules or amendments to permanent rules.

DeBOER: Well, I have an amendment that would change that to permanent or temporary.

WAYNE: Oh. Because this-- so you acknowledge--

DORN: One minute.

WAYNE: --we don't treat temporary rules the same as we do permanent rules, just like we don't treat-- so even if you add comma in there, you're not going to treat them the same because historically we don't treat them the same.

DeBOER: You can't do a comma with two things in a list.

WAYNE: You can't do a comma with two things on a list?

DeBOER: No, you have to have three to have a comma.

WAYNE: Correct. So it's amendments or permanent rules or temporary rules. Whatever. I'm just saying that's not how it reads, so.

DeBOER: How would you like it to read?

WAYNE: Motion.

DeBOER: But then that doesn't get at the main motion. It wouldn't--

WAYNE: It gets at all motions on the board.

DeBOER: It wouldn't get to the committee report.

WAYNE: Why don't you just put-- if the issue is committee report, why not just put committee report?

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DeBOER: Because I don't actually think that's what we call them. Anyway.

WAYNE: No, it says committee report up on the board.

DeBOER: OK. Well, then--

WAYNE: And it lists the, the-- it lists the, the committee. So if we just don't want to filibuster-- or, or have a cloture on a committee report, let's just put committee report.

DeBOER: It would be committee report--

DORN: Time. Thank you, Senator DeBoer and Senator Wayne. Senator Wayne, you're recognized to speak. And this is your third and final time.

WAYNE: Thank you. I think I only spoke twice because I wasn't here for one, but that's OK. And maybe I was here for all of these. It doesn't matter. It's a great day to be in Nebraska. All I'm saying is whatever you guys want it to be, it's fine. I will adjust. I just pointed out some things. It doesn't matter what the rule is. I do think what you're going to see moving forward is what just happened here, is every bill introducer is going to file their own motions, priority motions, or recommit, et cetera, et cetera, to take away that opportunity for other people to do so. Then that, to me, makes the motion to recommit and the motion-- and the priority motions null and void. So we might as well just get rid of them. Because if you as a bill introducer don't want those three priority motions put on your bill when it comes out of committee, you're going to file them, or before it comes out of committee, you're going to file them. Then you're going to file them with the Clerk on Select and you're going to file them with the Clerk on Final Reading so you can withdraw them. This is what's going to happen. I mean, there's no way that I wouldn't do it. I'm just talking about all the rules that I'm seeing proposed and conversations and what I'm hearing. Again, I don't know why we're doing this, so I'm kind of against it. I'm just not going to spend all my, my time. There's some other things brewing that I'm going to spend 54 days talking about, particularly about all the people who are profiting off of north Omaha. We're going to get into that. And so that'll be some fun conversations. But as far as the rules, let me be clear what the rules are. The rules are 25 votes. It's called overruling the Chair. That's all you have to have. If you don't think there's been full and fair debate, overrule the Chair. If you want to call the question and the question is not-- and you see

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five hands but he says, no, there hasn't been a full debate, overrule the Chair. If you want to introduce a bill and they say, no, you can't, overrule the Chair. It's 25 votes. So do with it how you will. It won't change how this legislation is going to-- Legislature is going to operate this year. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. A very critical grammatical update for everyone: there is an amendment coming that strikes underlying comma. And, Senator Wayne, I didn't realize that you were striking underlying in addition to the comma, but it does make sense. I also want to just note for the record that this is a serial comma, so I'm pretty excited about that. I think you all know how I feel about serial commas. They provide clarity. They're not necessary, but they provide clarity. And also, there's going to be that period reinstated after the second cloture in this. Though sitting here listening to Senator Wayne's comments and, and expressed concerns about this rule change-- so I pulled up old, old agenda to see because there was a conversation between Senator Wayne and Senator DeBoer about how we say committee reports. And we do actually have on, like, last-- let's see here. This is May 25, 2023, day 85. There is legislative confirmation reports. And so that does actually bring up a very great question. I don't even know if those reports would be covered under this because they're not a-- this isn't a motion. This is a report. So do the committee confirmation reports, are they covered under this if we call them legislative confirmation reports and not legislative confirmation motions? Would Senator DeBoer like to yield to a question?

DeBOER: I thought you'd never ask.

DORN: Senator DeBoer, would you yield to a question?

DeBOER: Yes.

M. CAVANAUGH: Go ahead.

DeBOER: The thing I think is is that you motion to accept the committee report. So the motion is to accept the committee report.

M. CAVANAUGH: OK. But to Senator Wayne's point "or main motion," so then does this not cover additional motions?

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DeBOER: So yes, if you would-- you heard what we talked about. But I think the point of not just pointing out committee reports was that there are other main motions besides just committee reports.

M. CAVANAUGH: What are the other main motions?

DeBOER: I knew you were going to ask me that.

M. CAVANAUGH: Uh-huh. You told me I could ask you anything I wanted.

DeBOER: I was really stupid. I-- motion, motion to withdraw a bill would be one. So that would be a main motion.

M. CAVANAUGH: OK.

DeBOER: That's what I got right now.

M. CAVANAUGH: OK.

DeBOER: There are others.

M. CAVANAUGH: But the priority motions are not considered main motions, or are they?

DeBOER: No, because that would not be the initial top-- they're never the top thing on the, on the board.

M. CAVANAUGH: Oh. OK. I'm-- it's-- the light bulb's going on.

DeBOER: Yeah. So something that's the top of the board.

M. CAVANAUGH: OK. OK. So, yeah. For everyone at home, so we always say the board, what's on the board, top of the board-- top of the morning to you. The board is telling us what is happening on the floor. So right now, the board says amendments to permanent rules, proposed rule change 25. That's the number of this rule change. Arch, Rule 7, Section 10. And now we are recommitting to committee, which I had missed that part when I got on the floor. But this is very helpful. I appreciate that Senator DeBoer and Senator Wayne. Having attorneys, as you both are, looking over these changes I think is really critical because a comma here, a period there could change the entirety of how our rules changes can be interpreted. And knowing that a main motion could be more than just the committee reports, which is--

DORN: One minute.

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M. CAVANAUGH: --I did not know that it was more than just the committee reports, so that is helpful to know. But I guess we kind of missed the whole conversation about whether or not you should be able to-- and I-- this is going to sound real rich coming from me. I don't know that you should be able to filibuster the withdrawal of a bill, but we haven't had that conversation. And this would, in fact, provide cloture on the withdrawal of a bill. But I've withdrawn bills before, and it usually is a very short process. I think we've had several withdrawn this week. And so, you know, in the normal course of the Legislature, we don't tend to filibuster our withdrawals of bills. So I'm going to get myself-- I was in the queue, sorry. I think I covered everything I intended to cover with grammar and motions and--

DORN: Time.

M. CAVANAUGH: Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. Well, I was actually-- I apologize for taking a little bit more time than I meant to here. I was trying to pull up Mason's Manual because this idea of what is a main motion is one that was not something I was able to find in our Rule Book. And I did a little Con-- or, Apple F or a find option here on the Rule Book that I have on my computer. And main motion was not defined in there. And so I was trying to pull it up and, of course, now that I'm on the mic, I'm struggling to find it. I do want to highlight, as I continue to scroll through here, that I do agree with Senator Wayne that we do have to be very careful about this. You know, it sounds like we're echoing the same sentiment time and time again, but the rules are important. I was having a conversation with somebody recently about how when we start changing the rules willy-nilly, the Legislature starts to feel like Calvinball. For those who aren't familiar with Calvinball, it's a sport where the only real rule is that you can't have the same rule twice, and you make the rules up as you go. So I-- we obviously do not want the Legislature to resemble Calvinball because then it's just essentially going to be mayhem. So I do think that having guardrails in place is important. I also agree with Senator Wayne that we need to look through these with a fine-tooth comb. I think his legal lesson about Marbury v. Madison coming down to a comma is also important because that does matter. And I remember last session, as I was trying to learn the rules and trying to figure out exactly how this all operated, it was

frustrating for me. Because coming from a legal background, it's usually clearly delineated in statute how things operate. And if statute is not entirely clear, you can almost always find case law or certainly court rules that I think lay out how things are supposed to operate. I was a little frustrated, I think, being new to the Legislature that that was difficult to have a-- an analogous thing here. The rules are pretty short in our, in our Rule Book, and they can change, and that's kind of what we're dealing with here. And so it's frustrating because you want there to be some arbiter beyond just ourselves over how things operate, how things work, and what historical precedent is. But I do think it's a little bit frustrating to try to connect the dots with what is-- how the rules should work and how they currently work. So I did find here the main motions-- and I want to just take a second to make sure I'm on the right page and we can talk a little bit more about what the main motions look like because this is something that is important. The term main motion is used in its broad sense to include any proposition or matter of business presented to the body for its consideration. As a convenience, the term main motion, in quotes, is applied to all propositions of this type, whether they be bills in a state legislature, ordinances or orders in a local legislative body, or whether they be any question presented for the final determination of the body in any other form. A main motion presents an item of business to a deliberative body for its action or decision. Main motions are distinguished from the many procedural motions like the motion to adjourn or to lay on the table or postpone, which relate to what the body will do or how it will proceed with its real business, which is the consideration of main motions. So I think that's kind of an arcane way of saying what we've already said, which is that the main motion is what's at the top of the board. It's the thing that we're considering. And then all of the other procedural, logistical motions like IPP and things such as that are, are the motions that we're then operating on in, in order to reach the consideration of the main motion. There is more about main motions in Mason's Manuals. I'm not going to read that all into the record. I'm not trying just to bore people to death here. But--

DORN: One minute.

DUNGAN: --thank you, Mr. President-- Mason's Manual is informative. For those who are tuning in for the first time or didn't follow along with some of our rule debates previously, you'll know that in our Rule Book, it essentially says that Mason's Manual can be informative or, or helpful if there's a question as to how our Unicameral rules work or operate. And so I think it's really helpful to have a copy of

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Mason's Manual because for questions like this-- which, frankly, I had never talked about before or read about-- it's helpful to be able to delve into some of the history and background of things like the definition of main motion versus a more procedural motion. With that, I generally am probably going to be opposed to the recommit to committee, but I am still open to listening to the conversation from all my colleagues. Thank you, Mr. President.

DORN: Thank you, Senator Dungan. Senator Conrad, you're recognized to speak. And this is your third and final time.

CONRAD: Thank you, Mr. President. I wasn't intending to speak again, but just to resolve the ambiguity, perhaps. So I-- and I'm glad that we had this opportunity for this discussion, because like I said, when I was approaching this debate, I was thinking about how our words and how our acts either strengthened or weakened our institution in this debate. And I think thus far, our words have strengthened the institution and I think our actions have been thoughtful to strengthen and advance the institution in the context of this rules debate thus far as well. The other lens that I was thinking about in regards to this debate is an opportunity to embrace a learning opportunity, so to speak, for all members but particularly new members, to dig into the Rule Book and think about, what the rules mean and why we have them and how we use them because it is a critical component of our work and sets appropriate guardrails that should apply equally to all members regardless of the contentiousness of any measure that should come before the body and help us to maintain order and an effective, efficient process as we move through those challenging issues. But just to lift up and to clarify-- and I think we've, we've heard some of these-- the application of cloture to main motions is different than subsidiary motions, which I think there can be some confusion about. So the main motion's being the primary act, like a motion to withdraw, like a motion to suspend the rules, the Legislature can essentially only effectuate its work or act through really three main mechanisms: by acting-- by taking up and acting on a main motion, through work and deliberating, and/or adopting or rejecting a resolution, and the same applicable to legislative bills themselves. So our Legislature is confined to our actions through main motions, resolutions, and bills. When you think about things like a motion to bracket or a motion to recommit or otherwise, those what we typically call priority motions are not main motions, but rather subsidiary motions that help to guide the process and guide debate on those other matters, those other vehicles, like a main motion, resolution, or bills and are not equally available to each and every one of those vehicles, dependent upon what kind of

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issue is before the body. So the other thing that I want to note that's really important to how this particular rule that is before us plays out is that it doesn't end debate or even extend a debate on things like a committee report, which typically could be known to us through a Committee on Committee reports, indicating committee assignments, or even gubernatorial appointees which come to us as committee reports. So it is absolutely critical that the Legislature not lose an important aspect of effectuating our checks and balances as a coequal branch of governor-- of government. So when we interface with the executive, the Governor gets to make appointments and we get to hold nominations hearings and then give a thumbs-up or thumbs-down as to those particular nominees either in a group that emanates from a--

DORN: One minute.

CONRAD: --committee or one by one. And so I-- thank you, Mr. President. I think what is important about this particular rule change is that it still entertains a significant amount of debate on a key separation of powers, checks and balances kind of component that's important to our work and important to ensuring that we remain an independent, coequal branch of government. But at some point, usually around eight hours or so, if debate has not resolved itself organically, it does seem to make sense to allow for some effort to finally force a vote on key appointments so that work can happen. And I worry without this and without appointments having the opportunity to receive an up or down vote, we'll see more and more interim appointments which could, in fact, have an unintended effect--

DORN: Time.

CONRAD: --of diminishing checks and balances and separation of powers. Thank you, Mr. President.

DORN: Thank you, Senator Conrad. Senator Arch, you are recognized to close on your motion, seeing no one else in the queue.

ARCH: Thank you, Mr. President. I would ask that you vote no on the motion to recommit.

DORN: Seeing no one else in the queue. The question before the body is to vote on recommit-- the motion is to recommit to committee under proposed rule change 25, Arch, Rule 7, Section 10. All of those in favor vote aye; all of those opposed vote nay. Mr. Clerk, record.

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CLERK: 2 ayes, 30 nays to recommit the proposed rule change, Mr. President.

DORN: The motion fails.

CLERK: Mr. President, next item on the proposed rule change, Senator Machaela Cavanaugh would move to reconsider the vote just taken as to the recommit motion on rule change 25.

DORN: Senator Machaela Cavanaugh, you're recognized to open.

M. CAVANAUGH: Thank you, Mr. President. I'm just a creature of habit here, I guess. It's kind of my go-to to never vote on something unless I'm actually going to vote on it. And so-- and part of the reason is just-- my name is not spelled correctly. It's missing the V. Just to bring us all up to speed since we're having a rules debate, why not talk about rules and how they work? So Senator Arch put up a motion to recommit to committee, which would mean if that last vote had had 25 green lights, it would have gone back to the Rules Committee for the Rules Committee to decide whether or not they wanted to send it back to the floor or amend it and send it back to the floor in a different state. If you are present, not voting, you can make a motion to reconsider the vote that was just taken. But I learned last year you also can make a motion to reconsider the vote if your vote was in the minority. I'm looking up at the Clerk to see if that's right. Yes. OK. So I was present, not voting on this last vote, but Senator John Cavanaugh voted green, so he could have introduced a motion to reconsider his vote because I think there was only a handful of people who voted green. Now, why have a motion to reconsider your vote? Well, if you voted one way and you were perhaps confused about the vote-- which we had earlier today when we had a call of the house and a vote for calling the question, the two votes kind of gotten conflated, and people didn't realize that they were voting for one over the other. So this was-- this would be an opportunity. Although I, I have to admit I'm not 100% sure. Can you do a reconsider of a vote on a calling of the question? That would be something to look into. I'll probably be asking that of-- I wish-- I really wish I could ask the Clerk to yield to questions sometimes because it would be helpful to just get that answer on the spot for the record. But I will ask the Clerk and follow up with everyone at a later date. OK. So this is a motion to reconsider the vote. So if you change your mind and you want to actually change what your vote was, this would be an opportunity. This has actually happened successfully a couple of times. Last year, I believe Senator Conrad introduced a motion to reconsider a vote of a gubernatorial appointment, and that

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was successful. And I don't know if it was two years ago, but Senator John Cavanaugh introduced a motion to reconsider a vote that was successful because it was-- I think it was two years ago-- on gambling, maybe, and people thought it was-- anyways, that people were genuinely-- they voted one way not realizing, and so then we had a motion to reconsider, and the votes kind of came around to the 25 that were needed to move it forward. It might have even been an amendment. Anyhoo, it is a useful tool in this toolkit to keep things going in the direction that we want, and it also is a useful tool sometimes to just take time. But every tool of process can also be a tool of time. And I wasn't really particularly using this right now for taking time. I just kind of, like, do this sometimes, just, oh, let's do a motion to reconsider. Can let everybody chitchat about what, what they want to see happen next. But I do think that we have some amendments that we probably should get to, like that ever important underlying comma and reinserting that period, so I will withdraw this motion. Thank you.

DORN: Motion is withdrawn. Mr. Clerk.

CLERK: Thank you, Mr. President. Next item: on proposed rule change 25, an amendment from Speaker Arch to the proposed rule change with indication that he would withdraw and substitute an amendment from Senator John Cavanaugh.

DORN: No objections. So ordered. Senator John Cavanaugh, you're recognized to open.

J. CAVANAUGH: Thank you, Mr. President. Thank you, colleagues, for the great discussion we've been having on this. Appreciated Senator Wayne and Senator DeBoer's robust conversation about what these things mean. And I do think that, that it was really valuable and it does demonstrate how this conversation-- I would-- should go. Senator Wayne pointed out some actual mis-- typographical errors or whatever you want to call it, scrivener's errors. I like that word. That's a great one, lawyer word from Senator Conrad-- that need to be fixed in the best practice when we have the opportunity is to fix it. But the other part and Senator Dungan, my rowmate, went and looked up the definition. Looked-- he looked first to our rules; didn't find a definition for main motion. So then he went to Mason's, which is what our rules direct you to do, and found a definition of main motion, which I think was helpful in elucidating this conversation so we all know what we're doing here. Because I'm sure a lot of folks read this rule, myself included, and sort of skimmed over and said, oh, I know what they're talking about here. I know what the Speaker's getting at

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in this proposal, and didn't go and look at what the word main motion meant. But then we come to find out some people interpret it as, you know, committee reports. Some people maybe didn't think about committee reports and only thought about motions to withdraw. But to have that clarity is great, and we get to that clarity by people engaging in the conversation, asking questions, and drilling down and us finding the answer so we're all on the same page when we get to that point. So I think that is a really important part of this conversation and this debate. And as a result of that, I think we're going to do a better job. And I think we should try to hold ourselves to that sort of inquisitive standard on all things and try and get to that point. But the reason I'm talking is my amendment. And again, this is one of the ones where I kind of read this thing last night after I saw it was on the agenda for today. And I thought to myself, you know, what's missing here? So my proposal, which you all have in front of you-- or should have in front of you-- adds to-- I think it's the third line, which states that cloture may be invoked by the introducer of the bill, the Chair of the committee in which it's introduced, or the Vice Chair. I'm add-- I'm adding "or the Vice Chair" if the others are absent. And I thought of that was helpful because we all know-- like, tomorrow, we're talking about whether some people might not be here. Some folks are out sick sometimes and maybe for long periods of time. And if we're debating a bill and the Chair of the committee is not there-- or, more likely now, if we are debating a committee report for appointments and the Chair of the committee is not there-- the rule would preclude at-- as currently written, the Vice Chair from invoking cloture on that committee report. So in my opinion, this is nice to have. And while we're-- you know, as long as we're under the hood, we may as well do this part too is kind of my thought. But I think it's-- it, it is not something that's going to come up all the time, but it is something that, when it does come up, we'll want to have this option. So it's just adding in there that, when necessary, the Vice Chair is empowered to ask for cloture as well in addition to the Chair if the Chair is unavailable. So I think this has been a really good conversation. And I hope folks continue to talk about these rules and think about these rules as we're going over the next couple days or however long we talk about them and bring the kind of energy that Senator Wayne brought to this conversation that is helping us to make a better product. So I'd encourage your green vote on my suggested change to this amendment. And be happy to take any questions. Thank you, Mr. President.

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

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M. CAVANAUGH: Thank you. I have updates. Senator Clements, thank you so much for bringing this to my attention. I was incorrect. Rule 7, Section 7A, line 2, reconsideration if you are in the prevailing side or not voting, not on the failing side. So I want to correct that for the record. And I also spoke with the Clerk for two other clarifications. I can actually ask the Clerk for clarifying questions on the microphone, which he should not have told me, but I'm not going to do it today. But that is a dangerous thing for me to be able to do. But he did provide on why you cannot do a reconsider of your vote on a vote to call the question, and that is because it is a, a motion or a, a vote that you can take and do again. So if you were to call the question and it failed, 5 minutes later you could call the question again. So-- but if you did that on an amendment, we can't vote on the same amendment multiple times. It has to be different. So something that's renewable, you cannot reconsider the vote on, which I very much appreciate. I wasn't sure if Senator Cavanaugh was saying that this was a great conversation with himself on opening on this bill or if this was a great conversation on this rule change writ large. But I just wanted to point out that it seemed, appeared to me that you were having a great conversation with yourself. Thank you, Mr. President.

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

ARCH: Thank you, Mr. President. I just wanted-- again, thank Senator John Cavanaugh. This-- he's absolutely correct. While we're at it, let's make it as clear as possible because we don't need to-- we don't need to be keep talking about interpretation. We should just make it as clear as possible, so I certainly do support this amendment. Thank you.

DORN: Thank you, Senator Arch. See one no-- seeing no one else in queue-- in the queue, the motion before you is amendment-- excuse me. Senator John Cavanaugh, you're recognized to close. Senator Cavanaugh waives. Seeing no one else the que-- in the queue. The question before the body is the passage of amendment offered by John Cavanaugh on proposed rule change 25, Arch, Rule 7, Section 10. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, record.

CLERK: 36 ayes, 0 nays on the adoption of Senator John Cavanaugh's amendment.

DORN: The amendment is adopted. Mr. Clerk.

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CLERK: Mr. President, next item: Speaker Arch has a-- an amendment with a note that he wishes to withdraw and substitute for Senator Conrad's amendment: Striking underlying comma and inserting a period after the second word, cloture, in the first sentence. Those-- that will be distributed to members.

DORN: Without objection. So ordered. Senator Conrad, you're recognized to open on your motion.

CONRAD: Thank you, Mr. President. Good afternoon, colleagues. I want to thank Senator Wayne and Senator Machaela Cavanaugh for identifying some technical drafting issues in regards to this proposed rule change and an amend-- that will be effectuated as an amendment to our permanent rules. So in terms of looking at how to structure the debate after the proposal's emanated from the Rules Committee, I did see at least a few areas that were perhaps good opportunities for clarification or harmonizing different aspects of our rules. So I filed serious substantive amendments on a few of Speakers-- Speaker Arch's proposals that had been advanced from the committee. Because we had those amendments in place, we have worked collaboratively with Speaker Arch, with the Clerk's Office to address the issues that Senator Wayne and Senator Machaela Cavanaugh have identified in regards to technical matters or scribner's errors to ensure clarity and appropriate, accurate punctuation and grammar in the proposed rule change. So it is not a particularly substantive measure that has been substituted and is before you. It has been worked out collaboratively. I'd be happy to answer any questions but would urge your green vote in regards to this measure. Thank you, Mr. President.

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

DUNGAN: Thank you, Mr. President. Colleagues, I would urge you to vote green on this amendment. I do, I do rise in support of Senator Conrad's amendment. Again, to reiterate what I said previously, I think that Senator Wayne did point out some, some substantive concerns with regards to the actual transcription of this. I think that it was probably a scrivener's error. But I also think it's important that we as a body make these modifications rather than leaving it up to Bill Drafters who are, of course, absolutely competent. But I just think if we're writing our own rules, we want to make sure that we get it right at this stage of the game. I do think that it's also further indicative of the collaborative process with which individual members of this body have engaged in in the conversation around these rules. You've heard myself and others stand

and say that we do not necessarily agree with the modification of rules during the second half of the biennium, that it could potentially be problematic for a number of reasons. But I think that disagreement does not necessarily preclude one from participating and ensuring that the modifications are done appropriately or at least accurately. I think that, you know, we've seen now two substantive amendments pass from Senator John Cavanaugh, who had also said that he was generally opposed to the possible modifications of rules. Senator Conrad has brought this. I've spoken with the Speaker as well about rules and, and concerns or questions that I've had. And I want to say that I think that the Speaker and other members of the Rules Committee engaging in these kind of negotiations and conversations is, is huge. And I think that that is part of what gives me hope and optimism moving forward in this legislative session, is that there can be these conversations and that we can work together and that we can find ways to disagree but still at the same time try to work to, to change some of the language that is just problematic or potentially detrimental to the intent of the underlying rule. To that point, I think Senator Conrad makes a couple of changes here that are helpful. I think that in a discussion about rule change 25, it's important to note sort of the different things that cloture does and does not apply to. Obviously in here it says: Except that motions to adopt permanent rules or amendments to the permanent rules may not be subject to cloture. I am of the belief that the modification of rules in this body should be difficult. I believe that the modification of rules in this body should not be something that's done with ease and should not be something that's done just sort of frivolously because somebody is frustrated or acting in a reactionary manner to the way that a, a prior session has gone or a thing that a particular senator has said. And so I think that what you're seeing with regards to the potential effect of this proposed rule change 25 is an enshrining of the idea that it is difficult to change the rules and it should remain so. I was not here in 2017. I know a number of senators have spoken about that and they've talked about that protracted rules fight and how it all went down and, and, I think, some of the issues that came out of that. But I do believe that the reason that that fight happened or that discussion happened was because of the modification of the rules at that time was something that enough people disagreed with that they were able to make their voice heard. And the, the way that the rules were then written and would be written still moving forward with rule change 25 ensures that there is some actual debate and discussion around a rule change and that the discussion surrounding a rule change is not just kept to this sort of short shot clock. I understand why we have cloture. I was

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doing a little bit of research over here when this rule change came up, and I didn't realize that cloture was added, I think, in 1992 is what it sounded like. So I didn't realize that cloture was that relatively new of a rule in this body, but I understand why it exists.

DORN: One minute.

DUNGAN: Thank you, Mr. President. I get why it exists, right? We understand that we have to get some things done. That being said, there are certain things that I do not think should be subject to that because they are of the utmost importance. And up until now, rules had not been a part of that. Even with rule change 25, they do remain sort of at a higher level of, of debate by, by ensuring that cloture is not going to be on that, that portion of that. So I think that this rule reflects-- or, this proposed rule change reflects a lot of thought. Again, I want to thank the Speaker and thanks to the Clerk for working on this in a way that I think seeks to achieve what their goal was while still ensuring that the institution is protected as a whole. I hope we can continue to discuss this. Again, I would urge my colleagues to vote green on Senator Conrad's amendment. It is substantive, substantive and I think makes a positive change to proposed rule change 25. Thank you, Mr. President.

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

DeBOER: Thank you, Mr. President. First, I wanted to say I've heard a couple of people saying, when Bill Drafters gets the rules-- Bill Drafters never gets the rules. The rules, when they're being looked over, that's done through the Clerk's Office only. So our hardworking Bill Drafters-- which I'd like to take a second out and thank because I know that they're working really hard right now. And they probably don't see their families very much right now. And I really appreciate them. This is a precursor to, I don't know, one of the rules that's coming up later, but I want to say that they do an excellent job with their E&R amendments, and I wanted to commend them on those. Apparently in the hearing, I made it sound like they don't do an excellent job. They really do. They are human. There might be a stray mistake here or there, but they do a good job. But back to the matter at hand. This amendment has both the sort of grammatical piece and it also adds temporary rules after the word "permanent." And the reason for that is we had a discussion in the committee-- and actually, Senator Bostar brought up that we have the exception for motions to adopt permanent rules or amendments to the permanent rules. And we

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would add the word "temporary rules" after "permanent," so that you would understand that all rules changes are going to be treated the same under this rule. When we asked the Clerk in committee about whether that needed to be added, the Clerk said, well, under Mason's Manual, when you're operating under temporary rules, you can't amend those rules. And then there was a whole long discussion. And then the very last sentence he said was, at least I wouldn't hope the Legislature would do that. And that gave me a little pause. So I thought, let's just put it in here and then we don't have to worry about whether the Legislature might do that even though we're not supposed to. So that's the piece about the temporary rules, is that just making sure that we would be explicit, that all rules are going to be cha-- treated the same under this particular rule change. So, colleagues, if you're wondering why we have that part of the thing there. I talked to Senator Conrad and we sort of thought about, do we feel comfortable or uncomfortable with? We would hope the Legislature wouldn't do that. And we thought, again, while we're looking under the hood-- which I thought was a funny phrase-- we might as well make sure we're clear. So even though that adds a few words, which I am generally against right now, it is only a few wor-- words. And I think it makes it clear. And it's also nice when you don't have to go back and look at Mason's to understand what to do. So here we are. Therefore, colleagues, I would ask for your support of this amendment, which makes it a little more clear what the intention was in general, and also gets rid of our grammatical errors and makes a clear rule. Yeah. Thank you, Mr. President.

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

WISHART: Thank you, Mr. President. I am still undecided as to whether I am going to support this rule change. I came into the last one leaning opposed and because of the debate ended up deciding that I could support that rules change. I'm not there yet with this one mainly because I have concerns with changing cloture rules for, for anything. And so I wanted to-- and I already asked Senator DeBoer if I could ask her this. You know, I'd like to get a better understanding from her perspective of how she came into the committee reviewing this for the first time and what got her to a comfort level of being able to vote this out of committee as one of the rules she supported. So, Senator DeBoer, would you yield to a question? Would you yield to that question?

DORN: Senator DeBoer, will you yield to a question?

DeBOER: Yes, I would.

WISHART: And so can you explain to me a little bit your process?

DeBOER: Yeah. So when I was looking at all of these rules, I kind of tried to look writ large at the whole circumstances. And I was looking at, how do we apply cloture? What's the sort of theory of cloture, the idea of cloture, the, the underlying purpose for which it exists? And the purpose for which it exists is it, it structures the day-to-day activities of a Legislature on things like bills. So when we have a bill, it structures how long we're going to have. So everybody knows, on these things that we do every day, this is how long we're going to have. We can plan for it. We know that. And if there's not going to be a filibuster, of course it's shorter, but we know at the maximum it's going to be about eight hours. You know, sometimes you like to know, when's my bill going to come up? And you see an agenda and you want to be able to figure that out. So that's one of the purposes of cloture, to move us along, to get us going on those things that we do every day. And I was thinking about this when it came before me and it says: a bill, a resolution, or a main motion. The resolutions tend to be the LRCAs, which are those constitutional amendment resolutions, and we treat them in many ways similar to a bill. They have a hearing, that sort of thing. We have hearings with our committee reports, that sort of thing. So much of what we're taking here are those day-to-day activities and we're saying those are like bills. They are the main sort of activities of a Legislature and we want to have this kind of orderly "we know how long it's going to take" kind of structure to our day-to-day activities. And so to me, those things seemed more like bills than anything else. So I wanted to make sure that we understood that we were structuring them in a similar way to bills. So when I thought about that, and I thought, if a bill only gets eight hours of floor debate at the maximum, should we say that a motion to withdraw a bill gets unlimited debate? And that didn't make sense to me because it seemed to me that, that the motion to withdraw a bill shouldn't take longer than to pass it. So I was trying to find some consistency for those day-to-day activities that we do in the Legislature to make sure that-- yeah, so that they had some similarity. And I, I-- frankly, I don't think everyone even knew that cloture didn't apply to those things.

DORN: One minute.

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DeBOER: So, yeah. That was kind of my reasoning. I thought it makes sense to apply it evenly and it shouldn't take longer to withdraw a bill than to pass one.

WISHART: OK. Thank you, Senator DeBoer. That was very helpful. Thank you, Mr. President.

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

J. CAVANAUGH: Thank you, Mr. President. I know people haven't heard enough from me today. So I-- yeah, I'm, I'm looking at this and I'm-- I think I figured out we're on the second circulated piece of paper that says: to pros-- amend-- move to amend proposed Rule 25 to add temporary rules after permanent and then strike the word underlying with the comma and insert a period after the second word cloture in the first sentence. So I, I think I get what this is getting at, and it's addressing the things that have been talked about that were brought up by Senator Wayne and Senator DeBoer and I believe the other Senator Cavanaugh inserting that-- well, I guess eliminating that superfluous comma. Not to be confused with those valuable series commas that do add clarity. I would support this amendment. I think it is helping to clarify things. As to the underlying, we haven't really talked-- I haven't really talked about my feelings about the underlying amendment. Like I've said all along the way is that I'm generally been opposed to the idea of making changes to the rules at this juncture, but I have tried to be helpful as I can as we're amending them and get things in there that, you know, maybe are these unforeseen situations. And I, again, have implored folks to pay attention, to engage in the debate and the conversation so that we can get answers to questions that we didn't know were being asked. And, you know, like my point on the first proposal, which went through, I think, six iterations, eight iterations before we ultimately adopted it, including my proposal that then got changed and adopted to the Speaker's proposal, and then another proposal that I suggested that had some conversation about what really that would do. I think that was all valuable. But my point is that these conversations are not superfluous, like the comma that we have in here. They are necessary, like the series comma, adding clarity, helping to make sure that what we're putting on paper is actually accurate. And so it's helpful to have these conversations drill down so we all know what main motion means, meaning what-- meaning what we're changing here. And then once we figure that out, we can understand we're all talking about the same thing. You know, we're talk-- if we're-- if we're talking about committee reports for

appointments, which is the one that I think about the most, but the withdrawal of bills, that we know that's what we're adding to the cloture rule. Because I think too many people just see rules change, we need to do this. Let's do it. And they're not really taking the opportunity, as Senator Conrad says, this learning opportunity to get a better understanding of what it is we're changing here. But you all are going to live under these rules, so I think it's really important that you take a minute to think about it before you cast that vote. And whichever objective you think it serves, be sure that it actually serves that. You know, there's the story from a couple of years ago of the state of Minnesota inadvertently legalizing marijuana because they didn't read the bill before they voted for it and so they thought they were doing one thing and they actually, you know, legalized, I think, edibles or something like that in marijuana. So just make sure you're paying attention. And like Senator Wayne pointed out some-- the problem with the comma here. In that Minnesota case, I think it was a problem with a decimal point in the amount--

DORN: One minute.

J. CAVANAUGH: --of allowable-- thank you, Mr. President-- the allowable THC in a product. So if you shift that comma, it's a lot more. So I think that's really important. I do think it's good for folks to take a look. We've got this amendment. It took me a minute, and I've been kind of engaged all day. Had a couple amendments circulating around to put the two together. So I'm in favor of this change, but I think everybody needs to make sure they are looking at it and, and making sure that they are-- know what they're voting on, how it's going to change the amendment as written. And actually, the amendment as not written on this paper, but as amended by my proposal that was already adopted and make sure that we are all literally and figuratively on the same page when we are moving forward with all these. But, again, there's other rules we're going to debate, take the same care and, and constructive criticism and critical eye to look at these before you adopt them. So let's-- and, and propose those changes so that we can get in there and make sure that we get the changes--

DORN: Time.

J. CAVANAUGH: Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. So the way that rules are debated or more how the information is shared and managed is vastly different from a bill and amendment. So there's nowhere on the website like you would have the day-- on the agenda, you can't just, like, click on the rule and then it has all of the same things that you would see or expect to see for a-- for a bill and then amendments and motions. So what you have to do is read the Journal. And it's a good thing that we have our Journal clerk who takes such care with our Journal. And our Journal is-- it is the, the written record of, of what happens here. So thank you for that, Jenni. But the Journal tells-- the daily Journal tells us everything that happened, the business that happened during the course of the floor time. And you will hear the Clerk read things across, read bills across-- across what? I guess we mean by across the desk. Read it across the desk like it's gone-- Carol hands Brandon the thing. He reads it and then he hands it to Jenni. I guess that's across. It goes-- there's three people up front. Well, there's-- actually, there's four or five. We have Diane, Carol, Brandon, Jenni, and Dick, so. But it goes across the desk, it's read across into the record, into the Journal, and you have to go and look at the daily Journal to see-- well, you'll see all kinds of things, you'll see bills that were introduced, you'll see resolutions that were introduced. You will also see the rules, but they will only be on the day-- well, you can go to the whole-- you can download the whole Journal, which is over 300 pages already on day six or seven. So you can go to the whole Journal, or you can go each day and just look at what happened that day. And you can find if rules were submitted, which if you look at the Journal, I think on the first day is when most of the rules that Senator-- Speaker Arch and Senator Erdman introduced and then the next day's Journal had additional rules from Senator Wayne, J. Cavanaugh, and Hansen. And then there's amendments to the rules and motions to the rules, et cetera, et cetera, et cetera, but you have to find them all in the Journal. Why is she telling us this? Because you might want to know. A lot of people apparently watch public access TV all day. I, I think Senator Erdman said it in his opening about how many people watch the floor debate in the Legislature. I too have found that, over the interim, people stop me in the grocery store a lot to talk about the floor debate. And I'm always fascinated. I'm like, wow, this is great. I hope you all donate to our public TV. So, so if you want to follow along, if you're in the Legislature or at home, you need to go to the legislative website, go to the calendar, and go to each day that we have been in session so far this year and look at the Journal. You could go to today-- when the daily Journal is updated for today, you could go to the whole Journal and see everything

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that's happened up to today. And as you might assume, the daily Journal will not be posted as soon as we adjourn because the lovely Ms. Jenni has work to do because we cause her a lot of headaches. She doesn't say that, I say that. Mostly it's me that causes her headaches. So--

DORN: One minute.

M. CAVANAUGH: Thank you. If you want to follow along, go to the legislative website, go to today's agenda, and then go to the Journal. And the Journal will tell you what the rules are that have been introduced, what rules have been kicked out of committee, what are the amendments that are pending. And the order that they are on there is the order that they were introduced because normally you can look at the legislative website to see the order of introduced amendments and priority motions, et cetera. But for this particular type of debate, you must go to the Journal. I think I'm about out of time. Thank you, Mr. President.

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

CONRAD: Thank you, Mr. President. Just wanted to lift up a, a couple of other key points in the context of this debate and really appreciate the good conversation that's happening on the floor and off the mic as people are digging into these important matters that help to govern our debate and deliberation and work on behalf of Nebraskans as we solidify and make some changes to our permanent rules. So the first thing, and it maybe is just a refresher from where the Speaker rightly started us out this morning, that's important to remember is that typically we take up potential changes to our permanent rules kind of at the, the start of the biennium instead of in our system in Nebraska. You know, we typically don't take up a lot of rule changes every year, and particularly in the short session. That being said, it does happen from time to time for a variety of different reasons and there is a process available to do so. So there's no question that the rules came into play, were tested, were a great topic of debate during the challenging 2023 session. And I think that we actually learned a lot together that was constructive during those debates and deliberations about technical updates we needed to make to our rules, certain rules changes that we could effectuate, that explicitly codified precedent, that sometimes had been fuzzy or was a frequent point of contention, as evidenced through our debate last year. And then the other categories of rules that have been discussed a lot in the interim and put forward before

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the Rules Committee and now the full body that at the start of this session, really, I think, in some ways are an attempt to be responsive to issues that were identified during last year's debate. And in another camp, I think there are persistent perennial issues that various members have brought forward at various times for various reasons that seek to undermine the unique features of the Unicameral Legislature, including nonpartisanship, transparency, and a strong opportunity for minority rights. So I think when you are looking at kind of this first set of proposals that have come up, they're really more technical in nature. They're really about codifying precedent. And you can see that those proposals that were put forward did not seek-- did not garner a significant amount of public engagement through the online comment portals or at the public hearing. I think most of the public feedback was in regard to the more controversial and contentious aspects which seek to undermine our unique nonpartisan Unicameral Legislature. So that being said, as I approached the rules debate and heard a lot about these issues in conversation with colleagues in the interim period, I appreciate and understand the principled position that some members hold that we should not change any of the rules at this juncture of where we are in the legislative session for a lot of different reasons. That is a completely legitimate--

DORN: One minute.

CONRAD: --principled approach to entering this debate. Thank you, Mr. President. So I'm taking into account that policy option in addition to the fact that as entered into the political dialogue is a significant set of rules changes that I find to be incredibly detrimental to the institution and to the debate. And so doing a quick vote card, doing a lot of conversations with our colleagues, it seems that there is a consensus amongst serious leaders in the body that there are going to be some rules changes. So working with that pragmatic, practical reality, I really have appreciated how the Speaker and others have come together to try and make sure that the changes that we're taking up are responsive, are responsible, and help to strengthen the institution and facilitate robust debate as it should be. So I just--

DORN: Time.

CONRAD: --wanted-- thank you, Mr. President.

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

DeBOER: Thank you, Mr. President. Senator Wishart's question actually got me thinking about talking about the way in which cloture operates in general. And, and to say, you know, why I think it's important that we extend it to these everyday sorts of concerns that the Legislature deals with. Cloture was established in the early '90s in our body. I don't know for sure, but it possibly wasn't even your addition to the rules. I don't know, that might be something Senator Conrad would know. This isn't a history of cloture so much as, like, a folklore of cloture. The idea was to save time because filibusters were going on for much longer than eight hours on an individual issue. It's my understanding, in fact-- again, this is the folklore-- that at some point, it wasn't eight hours that this eight-hours piece is sort of new, that it was 12 hours on General File at some point and that that was the practice, that cloture was 12 hours. Then it was reduced to eight. I don't know if it had a year or two at 10 between those, but it was reduced to eight. And then when I came in, it was six hours on General File, but it was in two segments. So if you're new here or newish here, this is how it used to go. It was in two three-hour segments. At the end of the first three-hour segment, if it appeared that your bill was being filibustered, my critique was, how can you even tell after three hours? Because sometimes you actually just want to make the bill better and it takes three hours to get through not even very many of us to try and discuss that. But if it went three hours the first time it was up, then you had to go around and talk to your colleagues and get a vote card, which has all our names on them and columns for yes and no. You had to get a vote card, fill it out with how everybody was feeling about the bill, and then you showed it to the Speaker. And if you had about 30-ish-- it takes 33 to get cloture-- if you had about 30-ish yeses, then the Speaker would reschedule it for its second three hours under the idea that you could get maybe a few more votes. But if you couldn't show 30, you just never got rescheduled. The result of that was that there were a lot of bills in here that we just didn't vote on, and there was a lack of transparency with that, that, that kind of bugged me. It was expedient. We got through things. It was expedient, but it lacked transparency. And so Speaker Hilgers went back to the eight-hour rule, which is eight hours of debate on General File and then four on Select and two on Final Reading. And Senator Arch continued that tradition. Or is it one on Final Reading? I don't even remember. Two. OK. It is two. The point is that this tradition of sort of trying to manage our time in here is something that we've been working on for a while, and it hasn't always been incredibly clear cut about how to best manage time. And sometimes we've tried to

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manage time by doing something like the three-hour rule, and it had unintended, unin-- unintended consequences--

DORN: One minute.

DeBOER: --of getting away with some of the transparency. My hope is-- yes, Senator Wishart, I suppose we are adding these new circumstances to when we will have cloture. My hope is that we will not have unintended consequences. I'm glad we're having this debate to think about whether or not that might happen, and I don't foresee any at this time, but if we do we might have to revisit this in the long session. So, you know, I-- I'm going to vote for this rule change. I think that it should not take longer to, to withdraw a bill than it does to pass a bill. So, ultimately, seeing how cloture has evolved over time, seeing that there are good and bad things that can come from lessening the amount of time, putting time restrictions on our debate, and also that it's reasonable at some point on these everyday activities to have--

DORN: Time.

DeBOER: --restrictions. Thank you, Mr. President.

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

M. CAVANAUGH: Thank you, Mr. President. I am a learner. I did once-- once, I did the-- those Gallup StrengthFinders and one of my top five was learner. I very much am a learner. I love learning things. So between my last time and this time I was, like, I'm going to go check out the legislative website to see about, you know, what, what I was talking about before, because I was just kind of doing it off the top of my head. But that sent me down a, a rabbit hole of looking at the legislative website, which is so fun. But then I also got out my Rule Book, which is a bright color and-- OK, I don't know what this color is called, but every year the previous Clerk, and it seems to be a tradition that the current Clerk has picked up, would do a very bright color for the Rule Book because he told me, this is Mr. Patrick O'Donnell, the longest serving Clerk of the Legislature in the country by the way, he told me that he liked to know when people were looking at the Rule Book on the floor, and if it was a bright color, identifiable color, he could see people in their seats when they were looking at the Rule Book, which I thought was an interesting thing to do. And there's a lot of things about the Legislature that are just about pure observation, pure observation.

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And the pages, you have a front row seat. So when you see this bright orange book, that is the Rule Book that everybody is looking at or not looking at, I don't know. OK. So I was looking at and I was, like, oh, we're on Rule 7. So I should probably look at how this is written in the Rule Book. And Rule 7, Section 1-- this is Section 10, but Section 1, I'm just going to share this because I thought this was fascinating. Meeting time restrictions: The Legislature shall meet annually at 10:00 a.m. on the first Wednesday after the first Monday in January of each year, and thereafter on each legislative day at 9:00 a.m., unless otherwise ordered by majority vote of its members present and voting thereon. And it goes on. But that is in our constitution. It is in Article III, Section 10. It is in our constitution that we have to come here this year on January 3, was it January 3? Yeah, at 10:00 a.m. Now it takes a vote of the people to change the constitution. But maybe we would-- should consider a constitutional amendment that adds a tiny bit of flexibility to a Nebraska Legislature not starting three days into January. I'm just putting it out there. It does seem like that was maybe slightly ill-conceived, considering the weather that we deal with here in January. But the thing that I found fascinating even more so-- because I already knew that. I already knew that it was in the constitution that we had to start on the first Wednesday after the-- Wednesday after the first Monday of the new year which means the, the latest that we can ever start is if the new year is on a Tuesday, because the next first Monday. So there you go. That's the latest we can ever start is-- well, no, wait. Is that right? Yeah. That's right. Yeah. I'm looking-- I'm looking over at the, the press and they're, like-- you're, you're my phone a friend right now. Thanks. OK. So--

DORN: One minute.

M. CAVANAUGH: Thank you. But the thing that I found interesting that's in the constitution beyond the very early start date, is that we must commence at 10:00 a.m. We put in the constitution a specific time of day that we have to start the first day of session every year. I don't know why that just struck me as kind of silly. So back to what I was talking about and I think-- oh, do I have one more time? Do I have one more time, Ethan? Yes. OK. OK. So what I was talking about was how you can follow along what we are doing at home. So if you go to the Legislature website and you go to the home page, this is just a font of information. And there's so much information in this institution on a daily basis, especially when we're in session, that--

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DORN: Time.

M. CAVANAUGH: Thank you.

DORN: Thank you, Senator Machaela Cavanaugh. And you are the next in the queue to speak. And this is your third and final time.

M. CAVANAUGH: Thank you so much, Mr. President. OK. So there's so much information on the legislative website that it can be overwhelming. And I remember my first year I did not know-- first of all, we have these things on our desk-- I didn't know that the long white sheet was the worksheet order. And I was, like, I don't know what that even means until somebody told me, and I actually did inform Senator Bosn when she started mid-session last year about the worksheet order. So, Senator Meyer, I should probably be coming by your desk sometime to give you a tutorial on the worksheet order. But the worksheet order is a fascinating piece of information, and you can find it on the website. Senators, we have them on our desk here. And the worksheet order tells you the order in which a bill is introduced and referenced to a committee. So we've got all the committees down below, and you can see there are 156 bills in Judiciary right now. Now some of those are carryovers from last year and some are new for this year. And then you go up to the top of it and you can see the bills that have been put on General File, put on Select File, Final Reading, Enrollment and Review, passed, approved by the Governor, line-item vetoed, and on and on and on. So that's one thing that you can find on the legislative website that I think is extremely helpful. But there's so many other things. The calendar-- now the calendar is important for multiple reasons, but if you are trying to look up something that happened last year-- like earlier in this debate, I was trying to figure out what we called committee reports so-- and I knew we had committee reports towards the end of session last year so I went to the calendar and I went back to May of 2023, and I just started looking at agendas at the end of May of 2023. I only had to look at two because I had a fairly good idea of when we did that, but that's a good tool to use as well. And if you put in-- there's a bill number in the current bill search-- if you put in a bill number for this current Legislature-- and it's a biennium so it's a two-year Legislature-- and so for the One Hundred Eighth Legislature, if you put in any bill number that has been introduced from January of last year through today, then you can go and see all the activity that I was talking about earlier that you cannot see with the rules debate. So back to how you follow the rules debate. So you go on the home page of the Legislature and you click on view day seven activity. Today is day seven. it's not available

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yet, but underneath on this page there is a link to the agenda, a print friendly agenda, hearing schedules-- there aren't any for today-- introduce legislation, the Journal daily, and it's gray right now, and it'll be a darker gray later. That is where you go and look and see what transpired, what was introduced, what votes were taken, and et cetera. And then you have the Journal full, so that'll be the Journal from the first day of the session through today, a summary sheet-- I actually am not entirely clear on what the summary sheet is because I feel like it's-- is it a summary of the Journal maybe-- it's a summary of the Journal-- the Journal clerk, of course, knows this-- and then the worksheet which I just told you all. And then this is also where you can find the transcript. And this is important if you say earlier today I was talking about a transcript of floor debate that I thought was kind of egregious and inappropriate--

DORN: One minute.

M. CAVANAUGH: --you can go back to that date of debate and look at the-- this date and look at the transcript. So shout out to transcribers. Thank you very much for all of your hard work. OK. So that's how you do it. That's how you follow along. Easy peasy, lemon squeezy. Just, you know, click here, here, here, here, and then here. And then go back because you clicked the wrong place and then go forward again here, here, here, and then you can follow us. Thank you, Mr. President.

DORN: Thank you, Senator Machaela Cavanaugh. Seeing no one else in the queue, Senator Conrad, you're recognized to close.

CONRAD: Thank you, Mr. President. Thank you, colleagues, for the thoughtful debate on this measure. Appreciate Senator Wayne lifting up the technical corrections. Appreciate working with the Speaker and the Clerk and their respective staffs to incorporate that into the measure that the amendment that I already had pending and would ask for your supportive vote of this amendment to the proposed rule change in front of the body. Thank you, Mr. President.

DORN: The question-- the question before the body is the adoption of the Conrad amendment to proposed rule change number 25, Arch, Rule 7, Section 10. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, record.

CLERK: 35 ayes, 2 nays on the adoption of the amendment, Mr. President.

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DORN: The Conrad amendment is adopted. Mr. Clerk.

CLERK: Mr. President, next on the bill: Senator Machaela Cavanaugh would reconsider the vote just taken on the Conrad amendment.

DORN: Senator Cavanaugh, you're recognized to open.

M. CAVANAUGH: Creature of habit. I just throw out those reconsider motions. Yeah, so I think I was saying that I'm a learner and, and, as such, sometimes I like to share what I'm learning. I will say, and this is not intentional, but Senator Chambers also instructed the body and those at home on what he was doing as he was doing it so that people could follow along and learn. And I, again, being a learner, my seat at that time was where Senator Day is, 2 rows ahead of me, and I think Senator Chambers was directly behind Senator Hunt so I had a nice sight line, and I would just sit and follow along in the rules while he was talking. And it was very helpful, very instructional. And so I like to, you know, carry that forward and allow others to also learn the process. And today is a particularly interesting day for me personally because everybody has referenced 2017, but my time in the Legislature, we haven't really had a very intense rules debate before today. I introduced some rules last year but-- well, they didn't get out of committee and they were things that, you know, it's nice to have, need to have, hope to have. So should I continue educating everyone? OK. All right. Nice to have, need to have. Sorry. I-- I'm going to talk off rules for a second. I love this place and I love the people in this place, the people that work here that take such great care. And last year was really hard for, I think, everyone. Everyone in here, everyone out there, everyone up there and up there, it was really hard. But this, today, has been really nice. It's been nice. We've had some interesting conversation. I've gotten an opportunity to talk about the Oxford comma, which you all know I love to do. I signed onto a bill. Thank you, Senator von Gillern, for bringing that around. I'm very excited about it. I agreed to vote Senator Jacobson's bill out of committee. There's been a lot of collegiality. It's felt more like it did in previous years, and I really appreciate that. I wasn't really intending to talk this much today. I kind of thought other people were going to be talking about all of this, but here we are. So I just wanted to take a moment to note that. Oh, although I do have a bone to pick with Senator Riepe, but that's, you know, we'll settle that in the parking lot later. Oh, he knows what he did. So, OK. How much time do I have? Oh, Madam President, how much time do I have?

DeBOER: 6 minutes and 12 seconds.

M. CAVANAUGH: OK. Thank you, Madam President. It's nice to see you back up in the Chair. Gentlemen, I'm going to be a little sexist here for a minute, but I will say that the 2 best people in the Chair in this body are Senator DeBoer and Senator Slama. They really, again, know how to run a meeting. So I appreciate having you back up in the Chair, Madam President. OK. Motion to reconsider is what we are on now. So again you look at the board. This is fun for the pages. Probably not fun, but I'm going to pretend like you're having fun. You look like you're having fun. OK, so you look at the board and we-- if we were to go to a vote right now, like, let's say that this had cloture on it, this is what we would do. We-- cloture would be down there. So we would vote on cloture. Then we would vote on the motion to reconsider the amendment. Then we would vote on the rule itself. If this were a cloture vote, we would move our way up the board. And I think that's what Senator DeBoer and Senator Wayne were discussing about this very rule change. It's a main motion. And that was my concern about priority motion versus a main motion. A main motion would be the top thing on the board. A priority motion would never be the top thing because you're putting it onto a bill or a rule. So a main motion, top of the board; priority motion is a motion that you are attaching to something. So a main motion can stand alone. So there you go when you're looking at the green board. The, the board is new. I think last year we got the board and it has taken some getting used to because it's very bright. I am definitely not used to the screens on the sides here though they-- I can't decide if they're easier to see than the one that was there. But my brother, Senator John Cavanaugh, last year-- because I talked about the screen so much-- so he got me opera glasses so that I could see the screen. I haven't tried them out yet on there, but if, if any of the pages come up to my desk and they're, like, why are there opera glasses? That's because my very thoughtful brother-- or maybe he was just fed up with me complaining about the screen-- got me rose gold opera glasses, so. OK. And I-- how much time do I have left, Madam President?

DeBOER: 3 minutes, 17 seconds.

M. CAVANAUGH: OK. So this current rule change that we're on, I actually-- I'm not entirely clear on how you can follow the amended rules that are coming on the floor today if you're at home. Is there a way to do that? Because they are published in the Journal, but the Journal isn't published until we adjourn. So is there a way for people at home to actually see the amendments that we are debating that have been introduced on the floor today? No? OK. So that-- it makes it even more important for us to be very clear here. Because it

has been passed out on paper, that's how we all are able to read the amendment. And this is how they used to do it back in the olden days before everything was on a computer, the people at home wouldn't be able to see the amendments in real time, they would-- because we would have the paper. So-- and I do remember that from last year's rule debate that paper motions were handed out. It does take changing the way you think about all of this, because it's like I was following everything along on worksheet order. I was following the agenda. I was following the amendments that are filed. And now you have to change how you follow those things. So I will say it's been a learning curve for me personally, but I think maybe I'm slightly catching up. So we have the underlying rule change, Rule 7, Section 10. Then we have Senator John Cavanaugh's amendment that I believe was already voted on, which is to insert: or the Vice Chair of the committee in the absence of the committee Chair. And that is to introduce-- consent to introduce on behalf of the principal introducer. And then we have Senator Conrad's--

DeBOER: One minute.

M. CAVANAUGH: --thank you-- to amend proposed rule change 25 to add temporary rules after permit and strike underlying and insert a period after the second word cloture in the first sentence. I think I have my next-- I'm next in the queue. And just to give a heads up, if-- I'm going to maybe ask Senator Conrad if she would yield to a question. So can we just go to my next time in the queue?

DeBOER: Thank you, Senator Cavanaugh. You are, indeed, the Senator Machaela Cavanaugh next in the queue.

M. CAVANAUGH: Thank you, Senator Wendy DeBoer. Senator Conrad, would you yield to a question?

DeBOER: Senator Conrad, would you yield?

CONRAD: Absolutely.

M. CAVANAUGH: I'm, I'm sorry. I'm just reading over your amendment, and I know you have talked about it and somehow I did not absorb the information that you were sharing: add temporary rules after permanent. Can you explain it to me again? I'm sorry.

CONRAD: Sure. And apologies for having to read my handwriting, number one, so that might be the--

M. CAVANAUGH: I muddled through it. Not great.

CONRAD: OK. That might be the, the first problem in terms of the lack of clarity there, but. I don't know if you were on the floor or not for this portion of the debate, Senator Cavanaugh, but Senator Wayne had identified some technical issues with the proposed rule change that came to us from the Rules Committee. You had additional feedback that dealt with grammar, punctuation, capitalization, those kinds of issues, to ensure accuracy and appropriateness. I happen to have a substantive amendment pending on the Speaker's rules. So I worked with the Speaker and his staff and the Clerk and their staff. And then I think you are part of at least some of those conversations to just kind of take those up together with the clarifying aspect that includes the component regarding the temporary rules and then the technical aspects for the punctuation, grammar, capitalization since this process, as you rightly noted, is a bit different than our Bill Drafting process, and we don't have the benefit of you-- the Bill Drafters office and the E&R process to, to make things clear. So that was what came forward in the amendment that we had visited about that you're seeking reconsideration on.

M. CAVANAUGH: So the, the part that is add temporary rules after permanent, what does that in effect do?

CONRAD: Right. So basically that rule, in general, talks about what cloture is applied to and what it's not applied to. So the rule clarifies that cloture will not be applied to debate and deliberations in regards to the temporary or permanent rules.

M. CAVANAUGH: Thank you. That's-- I'm, I'm just trying to, like, you know, edit all three together--

CONRAD: Yes.

M. CAVANAUGH: --and it gets a little jumbled. So--

CONRAD: Absolutely.

M. CAVANAUGH: --I appreciate that clarification. And how much time do I have, Madam President?

DeBOER: 2 minutes and 8 seconds.

M. CAVANAUGH: OK. I think I'll just yield my time to the Chair. Thank you.

DeBOER: Thank you, Senator Conrad and Senator Machaela Cavanaugh. Senator Dungan, you're next in the queue.

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DUNGAN: Thank you, Madam President. I, I just wanted to make a quick point here, and I think it's a little bit separate, apart from what we're talking about. We've talked multiple times on the floor about the Bill Drafters and them writing things with regards to the rules. It's been brought to my attention that the Bill Drafters have nothing to do with the writing of the rules at all. They don't touch the rules. They don't draft the rules. They don't edit the rules. So I just want to make that very clear to both the folks at home and the people in this body that when we're discussing the rules there are other individuals that may help write those or have scrivener errors but our Bill Drafters focus on drafting bills. So just wanted to make that very clear. We have other people in the Clerk's Office who do amazing work with that, but the Bill Drafters are separate and apart so I wanted to make that clear on the mic. Thank you, Madam President.

DeBOER: Thank you, Senator Dungan. Seeing no one else in the queue, Senator Machaela Cavanaugh, you're welcome to close on your motion to reconsider.

M. CAVANAUGH: Oh, what more is there to say? I think I'm tired for the day. I will withdraw my motion. Thank you.

DeBOER: Thank you, Senator Machaela Cavanaugh. Items, Mr. Clerk.

CLERK: Madam President, I've got a motion from Speaker Arch with, with a note that he wishes to withdraw that, as well as a-- an amendment from Senator Conrad with a note that she wishes to withdraw that. In that case, Madam President, I have nothing else pending on this proposed rule change.

DeBOER: Thank you, Mr. Clerk. Therefore, the question before the body is-- oh, seeing no one in the queue, Speaker Arch, you're welcome to close.

ARCH: Thank you, Madam President. So we are-- we are voting now on rule number 25, which I introduced expansion of cloture with the two amendments that have already been approved. And I think we are ready to move this. And I would ask for your yes vote. Thank you. I would like to call the house.

DeBOER: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor say aye-- vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 31 ayes, 0 nays to place the house under call.

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DeBOER: 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. The house is under call. Senator Halloran, please return to the Chamber. The house is under call. All unexcused members are now present. The question before the body is the adoption of the amendment to the permanent rules proposed rule change number 25 by Speaker Arch would-- which would amend Rule 7, Section 10. All those in favor vote aye; all those opposed vote nay. Have all voted who care to? Record, Mr. Clerk.

CLERK: 35 ayes, 3 nays on the adoption of the proposed rule change amendment.

DeBOER: The mo-- the rules change amendment has been adopted. Mr. Clerk. I raise the call.

CLERK: Madam President, some items quickly. Amendments to be printed: Senator Clements to LB1067. In addition, Senator Clements has designated LB1067 as his personal priority bill for the session. New bills: LB1171, introduced by Senator Hardin, is a bill for an act relating to the Pharmacy Practice Act; amends Section 38-2847; changes verification requirements for pharmacy technicians; repeals the original section. LB1172 introduced by Senator von Gillern, is a bill for an act relating to public health and welfare; amends Sections 81-647 and 81-663; changes requirements relating to requests for data access for research purposes; change the legislative intent for release of data; and repeals the original section. LB1173, introduced by Senator Riepe is a bill for an act relating to vital statistics; amends Section 42-371.01, 71-601.01, Section 71-605, and Section 71-612; defines a term; provides for use of abstracts of death as prescribed; provides for payment of a fee; change provisions relating to death certificates; and repeals the original section. LB1174, introduced by Senator Hansen, is a bill for act relating to roads; amends Sections 39-1410, 39-1722, 39-1724, and 39-1725; change provisions relating to section lines and vacation or abandonment of public roads; harmonize provisions; and repeals the original section. Series of name adds: Senator Holdcroft to LB61; Senator Aguilar to LB51; Wayne, LB825; Ibach, LB856; Senator Raybould to LB856; Lippincott, LB872; Senator Conrad, LB920; Raybould to LB933 and LB952; Senator Lippincott to LB974; Senator Albrecht, Hughes, Murman, all to LB984; Senator Jacobson, Linehan, Bosn, and Clements to LB999; Senator Albrecht to LB1023; Senator McDonnell, LB1035; Senator Jacobson and Lippincott and Clements to LB1061; Senator Ibach to

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LB1071 [SIC-- LB1072]; Senator Raybould and Murman to LB1087; Senator Slama to LB1096; Senator Ibach to LB1125; Senator McKinney to LB1126; Senator Vargas to LB1133. Finally, Madam President, a priority motion. Senator Murman would move to adjourn the body until Friday, January 12, 2024 at 10:00 a.m., 10:00 a.m.

DeBOER: You've heard the motion, colleagues. The question is, shall the Legislature adjourn? I'm sorry, colleagues, Senator Aguilar, before we vote on the motion, is recognized for an announcement.

AGUILAR: Thank you, Madam President. Final reminder to everyone that tomorrow at noon is the deadline to submit a bill request to the Bill Drafting staff in order to guarantee the bill will be ready for introduction before adjournment on the 10th legislative day. Requests received after noon tomorrow will be drafted if time permits. However, priority will be given to the request received before the noon deadline. Members are advised to please submit your drafting request as soon as they can and not wait until the deadline, if at all possible. Thank you.

DeBOER: Thank you, Senator Aguilar. Now the question before the body is, shall the Legislature adjourn? All those in favor say aye. All those opposed say nay. The Legislature is adjourned.