

Transcript Prepared by Clerk of the Legislature Transcribers Office  
Floor Debate January 23, 2025

**ARCH:** Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eleventh day of the One Hundred Ninth Legislature, First Session. Our chaplain for today is Clint Chiles from Grace Bible Fellowship in Central City, Nebraska, Senator Loren Lippincott's District. Please rise.

**CLINT CHILES:** Let's pray. Father in Heaven, we come before you this morning, and we thank you for the opportunity to gather today here at the Capitol. Father, we thank you that you are sovereign over all things and there is nothing outside of your control or catches you off guard. We thank you for the breath that you've given us so that we can continue to breathe and honor you. And Father, we thank you for the freedoms that we enjoy here in our country and here in Nebraska. And Father, we pray this morning for our new administration, pray for President Trump, that you will guide him and protect him as our nation's leader. I pray for the elected officials here in Nebraska. And Lord, I pray that you'll give them wisdom and discernment as they think through issues that impact us as a state. And Lord, I pray that you'll give them a proper free-- fear and reverence of you, knowing that all men will be accountable to you for their actions. And Father, we thank you most of all for the son that you sent to die for our sins. And it's in his precious name we pray. Amen.

**ARCH:** I recognize Senator Dorn for the Pledge of Allegiance.

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

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

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

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

**CLERK:** I have no corrections this morning, sir.

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

**CLERK:** There are, Mr. President. A Reference report referencing LB433 through LB524, as well as LR22CA, LR23CA, LR24CA, and LR25CA. Amendments to be printed from Senator Ballard to LB295. And notice that the Building and Maintenance Committee will meet under the south

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balcony at 9:30. Building and Maintenance under the south balcony today at 9:30. That's all I have at this time, Mr. President.

**ARCH:** Thank you, Mr. Clerk. Senator Ibach would like to recognize members from the Nebraska Cattlemen YCC 12. They are seated in the north balcony. Please rise and be welcomed by your Nebraska Legislature. Thank you, Mr. Clerk. We'll now proceed to the first item on the agenda.

**CLERK:** Mr. President, before the Legislature yesterday pending is the motion to adopt permanent rules. Pursuant to that, Senator Kauth had offered a proposed rule change. It's my understanding that Senator Kauth would withdraw that rule change and offer an amended proposed rule change amending Rule 6, Section 9, Rule 7, Section 10. This rule change has been distributed to members. You can find it on your desk.

**ARCH:** Senator Kauth, you're recognized to open on your rule change.

**KAUTH:** Thank you, Mr. Speaker. So I first want to say thank you to everyone who took phone calls, answered texts, and has been working with me on this because I think, as the discussions have gone, we've, we've come up with some really good points and counterpoints and ways to make this better. So that's why we are-- we're seeing multiple different versions of this, because we're continuously making it better as a body. So this new addition is-- there is a, a concern about if you have a conflict of interest, how does that impact it if your vote is automatically turned to a no only on Final Reading? And so we are saying if you have filed a conflict of interest form, you're an excused absence. So that way you won't actually have to worry about your vote impacting you negatively. So to recap, what this does-- and again, it is much, much smaller than I had originally planned. Sometimes we do things in increments here, but this will, on final passage, Final Reading, if you do present, not voting, it will change to a "no" vote. And this is for transparency and accountability for our constituents so that they know where we stand or how we're voting on issues. So we can't kind of take the easy way out. I also want to say that this is a salute to all of the people on this floor who show up even though they are struggling with health issues, personal issues, everything. And I, I hope people in Nebraska understand how much is going on on this floor at any point in time. Last year, we had seven members who were dealing with cancer. We had a senator who came without a knee. We had people who showed up to take the votes, and I think that needs to be honored by making sure that every vote counts on this floor. So I would appreciate-- and I know we have some people who are going to jump in for some further discussion. I'd appreciate further discussion about

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it, and I would appreciate your yes vote to this rules amendment. Thank you.

**ARCH:** Senator Dungan, you are recognized to speak.

**DUNGAN:** Thank you, Mr. President. Good morning, colleagues. I do rise today in respectful opposition to the rule change proposed by Senator Kauth. I want to start by saying this morning I had the opportunity to tour the Nebraska Public Media studios, and I saw the little room where they control these cameras right here. And I told them I would really appreciate it if they could get some better angles of me. So we'll see when I check the, the footage of this later if they, they listened or not. But a big shout-out to Nebraska Public Media and the opportunity they provide the public to see what we do here. I think that's really important. So thank you for what you do. Colleagues, I do rise opposed to this proposed rule change for a couple of different reasons. I didn't participate in the debate yesterday because I was trying to just listen a little bit as to what the proposed rule change was and what the reason for it was. Whenever we're talking about an issue on the floor or, or rule change, I ask myself, what is the problem that this seeks to fix? And if the ill that we're seeking to cure is not actually that significant, then I don't necessarily think it requires something as significant as a rule change. I listened all day yesterday, and I can't for the life of me understand what this seeks to fix other than seeking some sort of political gain or outcome. As of right now, we have three, three different ways I guess we can vote. You can be for something, you can be against something, or you can be present, not voting. To me, each of those three things represent a significant and different belief. So saying that I don't agree with something is different than being present, not voting. It sends a different message. And saying that I'm for something sends a different message. And I think some of my colleagues pointed that out yesterday. For example, if you're present, not voting on an issue, it might mean that you're still listening, trying to figure out which side you fall on. It may represent a, a soft no, as some people have said, where there's maybe a procedural problem you have. But the point that I'm trying to make is that present, not voting is a stance. And in some opportunities, it can be a very bold stance. And so I guess I don't understand why it's problematic to have your vote recorded as present, not voting. If we're seeking to achieve accountability and if we're seeking to achieve transparency, certainly I believe having an accurate Journal reflecting how I voted achieves transparency and accuracy better than changing my vote which was present, not voting in real life to a "no" vote in the Journal and on the board. I think that if the public is seeking to see how their senator voted, it's actually more transparent and it's

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actually more accountability for the voters at home to see they were present, not voting. Because if, if people at home are upset that their senator's not taking a position on something, they should see on the record that they're not taking a position on something, not voting no. And so to argue that this rule seeks to achieve some sort of oversight by the public I think is actually antithetical to what the rule does do. So in that sense, I have a problem with it. I also object, colleagues, to the process, I guess, with which this is being adopted. We have a Rules Committee for a reason. And I want to applaud Senator Lippincott. I think that the Rules Committee this year actually was much smoother than I've seen occasionally in the past, both before I was in the Legislature and since I've been in here. We had a hearing where a lot of different ideas came to the committee. They were, they were listened to. And my understanding is the committee had an opportunity to talk about those rules, debate them internally, and then they put forth to us as a body the ones that they believed were, to put it simply, ready for prime time. And every senator is allowed to introduce a rule change on the floor, but I think that part of the reason that this rule is problematic is it's now been changed multiple times from what its original iteration was and in fact is being changed yet again here this morning, and that is indicative of the fact that I don't think it's ready for prime time. Now, if you're going to bring a rule that you brought to the committee and you want to introduce that to the floor and it's the same rule that you introduced to the committee but you just didn't think it had its due hearing, that, that's fine. But I think the fact that this rule continues to change means that the process still needs to take a little bit more time for it to work. Senator DeBoer I think yesterday made some good points about continuing to have a conversation about this maybe during the interim and, and, and trying to make sure it's actually fully baked before we take a vote on it. I would agree with that. So for all of those reasons, both the process with which this is being brought as well as the content within the proposed rule change, I do stand opposed to the, the proposed rule. And I would urge my colleagues to vote no or be present, not voting on it. Thank you, Mr. President.

**ARCH:** Senator Raybould, you're recognized to speak.

**RAYBOULD:** Thank you. Good morning, colleagues. And good morning, fellow Nebraskans. I really want to commend the Rules Committee for their review of the rule changes submitted this session and their disciplined fortitude to put forward only two changes with committee support and leaving all of the perennial, contentious, divisive rule changes in committee, where it belongs. We talk about collegiality, camaraderie, and cooperation being the bedrock of working collaboratively together

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to enact the best policies that benefit Nebraskans in this unique cam-- Unicameral. It is sad to see efforts, big and small, that tear at the fabric of our traditions and this framework that has steadfastly served and protected our differences and united us in working for our fellow Nebraskans. Here's a quote from a Spanish writer and business consultant. He said: Diversity is the mix. Inclusion is making the mix work. You know, we represent urban, rural, Democrat, Republicans, Independents, large municipalities to small towns and villages, tall people and short people and everyone in between. And we know talking about democratic ideals is one thing, and actually living up to that ideal requires vigilance and a lot of work. It is worth noting that this session started off badly, with a complete disregard of seniority in committee assignments-- another long-held tradition that recognizes the wisdom, leadership, and expertise of those and the years that one had served in the Legislature. I heard disingenuous comments that, we had no choice, or, another group forced this. We all have choices to make. We hear all the time your voice, your vote is your power. And it is. It is your choice to wake up every day and do the right thing for the right reasons, which brings us to the discussion on present, not voting. I appreciated this option for those who have been out sick and returned and are attempting to get caught up on all the issues. I appreciate this option that helps foster continued cooperation with my colleagues so that we can work cooperatively together. I appreciate and welcome the opportunity to justify and explain each and every vote, yes, no, or present, not voting to my constituents and my fellow senators. I think we all recognize we must work together even if we have huge gaps in how we approach problem-solving. Leaving present, not voting is one of those small yet necessary traditions that allows a senator to use their vote, their voice for whatever reason in order to maintain that civility, that principle, and selection that has served our state well for generations. So I ask you all here today to give really thoughtful consideration to maintain the current status and the use of this option and vote no on this amendment. My last comment is, you know, please give me a reason to believe-- and I promise I won't sing Rod Stewart's song again-- please give me a reason to believe that you care as much about the rich history and tradition of our great Legislature as I do. Thank you.

**ARCH:** Senator Dorn, you're recognized to speak.

**DORN:** Thank you, Mr. Speaker. Thank you for-- everybody, for the conversation on this and the-- this rule proposal or whatever. I did visit with Senator Kauth this morning. And I'm looking for her-- maybe-- if she's on the floor or otherwise. I see-- Senator DeBoer is on the floor also. So if Senator DeBoer would yield to a question. Part

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of what I-- I understand this rule proposal is just on, I call it, Final Reading. And it would just change it from present, not voting to a "no" vote. And there's some-- I understand there's some things that maybe are going to change that. But my question-- and I had Senator DeBoer and Senator Kauth here this morning-- was, sometimes on a final vote-- or any vote-- sometimes a senator needs to be present, not voting so that they now can introduce what I call another motion or a certain type of motion. So I asked Senator DeBoer that this morning, Senator Kauth. And they went and talked to Brandon, I guess. I'd just like to have you explain a little bit the clarification of that, because I don't want to lock somebody out that-- present, not voting has changed to a "no" vote and now they can't do something that our current rules allow. So if you could.

**ARCH:** Senator DeBoer, will you yield?

**DeBOER:** Yes, I will. So to answer your question, Senator Dorn, the motion that you're thinking of that you might want to be present, not voting for is a motion to reconsider, and that motion is not in order after the final passage of a bill. It's also not in order on a cloture vote. So this proposed rule change affects the final passage of a bill and it affects the Final Reading cloture vote. So there's not an opportunity to file that motion to reconsider in those two cases. So this won't affect that.

**DORN:** Thank you. Thank you very much for clarifying that. I'm-- talked to a bun-- some-- several people about it and we, we needed Brandon to, I call it, make sure we clarify that. So what, what-- this happens sometimes as we go through different levels-- General, Select-- sometimes you will hear a senator-- or, you will see senators up on the board. They don't vote on that-- whatever is up on the board so that they now can come back and right away file a reconsider motion. Otherwise, if you vote one way or another, you don't get to, I call it, be part of the opportunity to file a reconsider motion. So some of these things that we have in our rules and-- we need to make sure that we, I call it, are mindful of some of those things as they go on or what-- that we have here so that we don't-- passing something like this we don't also now create another issue. And I don't know if somebody else gets up and talks about it. I'd be glad to listen. But thank you for the conversation on this. And I will yield the rest of my time.

**ARCH:** Senator Hunt, you are recognized to speak.

**HUNT:** Thank you, Mr. President. I had a chance to look at the new version of this bill-- or, or, this rule change-- excuse me-- that

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Senator Kauth has bullied onto the floor. Senator Kauth, who, if you recall, was present, not voting on veterans courts, on voter ID, on child care subsidies. And what this-- what it says in the, in the beginning of this rule change here is, a vote of present, not voting on final passage-- da-da-da-da-da-- except in the case where a member has properly filed a conflict of interest statement indicating that the member will abstain from voting on the proposed legislation. That member may vote present and not voting, and both the voting board and the Journal shall indicate as such. So this is the work-around, colleagues, to make sure that if you would like to be present, not voting on Final Reading that the Journal will have an accurate, legal reflection of your vote and that the record will have an accurate, legal reflection of your vote, which future courts and legislatures will use forever to determine what the Legislature actually did on that vote. And what you do is-- we have this financial contrick-- conflict of interest statement. It's not a financial [INAUDIBLE]. It's a potential conflict of interest statement. It's an NADC form. So this is not even a form that lives in the Legislature, colleagues. This isn't even something that the Clerk's Office handles or that we handle amongst ourselves. This is now a political problem because we have to file with the Nebraska Accountability and Disclosure Commission. So what you need to do is fill this out, give a copy to the Speaker, the Clerk, and the NADC, and then that is considered properly filed. So according to the rule change from Senator Kathleen Kauth, if it's properly filed, you may then vote present, not voting. So I filled this out. I filled out my name and my address, my title. And in item 3, where you describe the conflict of interest, I wrote, compelled to vote aye or nay on Final Reading vote. I will not be compelled to vote and will retain the option to be present, not voting on Final Reading vote. So I will just file this with the NADC and the Speaker and the Clerk, and then I will continue to operate however I want, as I have. And this, colleagues, speaks to a problem with the inexperience and the unseriousness of this Legislature, whether it's the rule to say that we can only have 20 bills. OK, how do we get around that? Eliot Bos-- Senator Bostar's going to have 21 bills. Do you guys want to know how he did that? I did not introduce 20 bills because I don't need a, a rule from Senator Ben Hansen to tell me how many bills I can introduce. I didn't use my, my limit. So I introduced the bill for Senator Bostar. I'll drop my name as a cosponsor. He'll cosponsor the bill. So then he will become the official sponsor of the bill. Boom, now he has 21 bills. So you can bring all of these rule changes that are designed to-- I mean, ostensibly what, what Senator Hansen has said and what Senator Kauth has said is they want accountability to constituents. Well, you can vote aye or nay on Final Reading if you want to. Senator

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Kauth hasn't done that. She was present, not voting on veterans courts, on voter ID, on child care subsidies, many other things. This is just what I was able to find yesterday morning. But if your constituents have a problem with present, not voting and they've made that known to you, by all means vote aye or nay. Don't vote present, not voting. Or you can do what I do and talk to your constituents and make it an opportunity for education and say, I know what you mean. I see how that can look wishy-washy; it can look like I'm not taking a stand. Let me explain the intricacies and nuances of this work. Let me explain what a present, not voting vote can mean politically. Let me explain to you why that can be a strong stance, why that can be a bold stance sometimes on different bills, because that's politics and that's the work that we do in here. And that's something that constituents by nature are not necessarily going to understand. But that doesn't mean that we don't take the opportunity then to explain that to them. We don't change the rules. But I don't believe that this was brought in good faith. It was bullied onto the floor at the last minute. It was not voted out of committee. And for that reason alone, I think many of us should reject this rule change, in addition to the other reasons I explained. Thank you, Mr. President.

**ARCH:** Colleagues, we have six senators presently in the queue: Senator John Cavanaugh, DeBoer, Fredrickson, Quick, Hallstrom, and Raybould. Senator John Cavanaugh, you are recognized to speak.

**J. CAVANAUGH:** Thank you, Mr. President. I think it's my first time actually talking this year, so. Welcome to the 109th Legislature, colleagues. So I rise in opposition to this rule as, as is currently proposed. And I've spent a lot of time thinking about this. I didn't talk yesterday. I was kind of listening to folks. And yesterday, I voted for Senator Ibach's rule and against Senator Hansen's rule. And-- I was not really opposed to Senator Hansen's rule. I just thought it wasn't exactly where I wanted it to be, and so I didn't vote for that rule. And so it's-- I think there i-- there was some, some merit in that in terms of how we take up these committee appointments. But-- so then I was thinking about all the different rules we've taken up in my now four years and a bit here, and the rules that we've passed and taken up-- I have voted for some and I have not voted for others. Rules about timing of motions, when they can be filed, number of motions that can be filed. And as a matter of fact, in a number of those rules-- Speaker Arch can certainly tell you and I think Senator DeBoer can tell you-- that I worked in good faith with the folks who were advocating for those rules to make them serve their objective but also not harm the process here. And so I, I think a, a few of those changes that I wasn't really originally in support of I ultimately drafted because I

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was working in good faith to get us to a place that was a functional rule for this body. But those rules had to do with how floor debate went, when motions could be filed, when they-- when you can withdraw a motion, and other aspects that actually affect the disposition of things on the floor. So the rules here serve as a, a tool to structure debate, to structure committees, to structure how bills work through this place. It's to make sure that everybody is on the same page and we all understand that we're all going to be treated respectfully and have an opportunity to be heard and play by the same rules so we have the opportunity to make our case and fight against things that we don't like. So that's what most of the rules do. And those rules I've opposed have constrained debate and expression in ways that I disagreed with, but they did still pertain to how debate was structured or how a bill moved. The problem with this rule is it doesn't serve any goal or objective of structuring the debate in the Legislature, of how bills move. It doesn't make it more or less likely for you to express your opinion. In fact, it actually silences the specific opinion of present, not voting, which several people have articulated. I agreed-- I-- those of you who are new here will probably find that Senator Dungan and I say a lot of the same things. And so I agreed with and was thinking about a lot of the things that he was talking about, that present, not voting is a specific articulation of a position. And I have myself done it a number of times in committee. When you, when you exec on your bills-- you all had hearings yesterday-- when you start execing, a present, not voting out of committee is a specific articulation that you are not opposed to a bill coming out of committee but you're not yet supportive of that bill. And it's a communication to the sponsor of that bill that you are gettable-- you're a gettable vote as that bill moves forward. And I have done that a number of times, where I've been present, not voting and then an introducer has asked me why and I explained to them what my issue is. And oftentimes after doing that, you can get to yes. They'll make the change that accommodates your concern at that point. Present, not voting on the floor is the same. We've had-- we will have floor debate on first, second, and third round. And you will hear a number of times after a, a robust debate: I will work with you between General and Select to fix those concerns. And some people will vote yes to advance a bill under that circumstances. I often will vote present, not voting because if I am actually opposed to its current structure but it could get there, I'm going to vote present, not voting. It is an articulation of my position. The same goes for-- on Final Reading. A bill that gets to a point where I'm not so opposed to it that I'm going to vote no but I'm not willing to go on record as in favor of the bill. And so it is an articulation to my constituents who are the ones responsible to hold me

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accountable for my votes. And I have to explain to them why I voted that way, and it-- I'm doing it on purpose. So this rule has nothing to do with how we structure debate. It doesn't serve the broader goals that the rules serve here. So I'm going to be a no on this. I would be a present, not voting for the iron-- irony of it, but I'm going to vote no because I actually do oppose this. So I would encourage your "no" vote or present, not voting if you're just not there yet. Thank you, Mr. President.

**ARCH:** Senator DeBoer, you are recognized to speak.

**DeBOER:** Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. So this is going to be a rather meandering speech, I'm sorry to say. I've had a lot of thoughts about this particular proposed rule change. And I will say this: there's a lot of things being said that I am not quite on the same page with from various folks here. One, just for the record, this procedure of bringing a motion to change or amend the permanent rules from the floor rather than going through the committee is authorized within our rules. There's nothing illicit in what Senator Kauth is doing. It is not, I will say, Senator Kauth, best practices. Best practices is you go through the committee and you have the committee sort of change and modify it and, and so forth. But it is not impermissible. And I have seen it. This is not the first time I've ever seen it. This has happened several times. So that's on the procedure. I will agree with what Senator John Cavanaugh said and Senator Dungan, I think, as well, when they said that there is a distinction and a distinct position between present, not voting, no, and yes, that those are three distinct positions. For me, in my head, I think about in German how there's two different expressions for no. One is nein, which is, like, no. And one is doch, which means heck no. So in that sort of taxonomy, the no is doch and the present, not voting is nein. So I do think that there is a distinction between them. I think some of that is alleviated by the way that Senator Kauth has said that this is only going to be on Final Reading and Final Reading cloture because I myself use nein, or present, not voting, quite often to indicate to a senator that I'm not there yet. But if they work with me, maybe we can get there. Or to indicate to my constituents that I am trying to figure out what the proper thing to do is. I'm going to run out of time here, but I will say this: if this rule change is about transparency for our constituents, then here is my transparency for all of you and for our constituents about how I come to the decision about how I'm going to vote on this rule, and that is that Senator Kauth and others have indicated to me that this rule change is important for their constituents. They've indicated to me that this is important for their constituents, that on Final Reading, their constituents would

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like to know how we voted, yes or no, that they would like a, a dichotomy from us, recognizing that that is taking away a third option from us, recognizing that the idea of pushing us one direction or another is making us change. But Senator Kauth has said, and others, have said, that this is important to their constituents. And when someone tells me that something is important to their constituents, I listen to them. And I believe them. If Senator McKinney says something's important to his constituents, I listen to him and I believe him because he's the expert on his constituents and I'm not. So I'm inclined to vote for this proposal because while Senator Kauth has said this is important to her constituents, the very valid concerns that I've heard from Senator Conrad and others yesterday about conflict of interest I think we have resolved. I, of course, will listen to see if there is indication that it is not resolved. And I understand that we're going from three possible solutions to two, but I don't see the harm that that does to the institu-- my concerns are harm to my constituents, Nebraskans, and the institution. And I don't see harms to-- and I-- people are making good arguments why they are. I'm just not yet persuaded that this is a harm to my constituents, Nebraskans, or the institution. I will continue to listen, but I'm inclined at this point to vote for the rule change because Senator Kauth and others have suggested that this is important to their constituents. And if it doesn't harm those three things and it's important to my colleagues' constituents-- now, I may be wrong--

**ARCH:** Time, Senator.

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

**ARCH:** Senator Fredrickson, you are recognized to speak.

**FREDRICKSON:** Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. I, I, I too am appreciating this discussion. I know that this has actually been kind of a nice re-up in a new biennium about voting process and-- hopefully for the new members it's also been educational as well in terms of how, how we vote and how our votes matter and how people pay attention to how we vote and the different uses of, of those votes. I was thinking a lot about the rule changes and, and this proposed rule change, and I, I started kind of digging into and trying to better understand a little bit more about the history of, of the Rules Committee. And from, from what I understand, the Rules Committee historically has, has been made up primarily of, of some of the most senior members of the body-- so legislators who have had years and years of experience with the rules, who have had years and years of experience in debates, in process, and truly have kind of

had a strong grasp on why the rules exist, why different functions exist, why, why we operate the way we, we do. And the committee has in some ways been a little bit of a sounding board, right? So it's, it's a place where if you're a new member who's newly elected, you can go in and say, hey, I don't quite understand why we do things this way; or, why is cloture this amount of votes; or, why do we allow for this type of a filibuster? And these more senior members could come back and say-- either provide some education or context as to why that exists. Or they might say, hey, you know what? You, you have a pretty good point. Maybe we should workshop this. Maybe we should kind of experiment with this and see if we can operate a bit more functionally this way, or this might be a new way to have good government. And I think-- you know, in the, in the age of term limits, we've lost some of that seasoned wisdom that has historically been a part of this institution with the Rules Committee, members who have practiced for 10, 15, 20, 30 years and, and really fully grasp and understand the process. And-- I want to be clear. I mean, it's-- we're all members of this body. It's within all of our rights to request that we operate internally in a certain way. So we can all propose rule changes and rule ideas. And I think there's a lot of really good ideas that different people bring to the table. And it's also within our rights as members that we'll all be bound by said rules that we're proposing to say, hey, I'm not sure I'm ready to change a permanent rule on this. This has already been said by a number of colleagues, but, you know-- I think especially for new members-- PNV is-- it's-- it is a message, right? Some people have mentioned this earlier. It's, it's a soft no. Right? So that might be something like, I'm not quite there-- I don't want to be too redundant what other people have said, but PNV is essentially a no. You are not voting in the affirmative, but you're not necessarily a hard no at that point. And I understand that some members might not like when people PNV or might not like how people vote. I certainly have been in those shoes as well. I've seen votes on the board that I've felt excited about, hopeful about. I've also seen votes on the board that I've been disappointed with. But I also really acutely understand that I am not the boss of other members. Their constituents are their boss. And so while I might not like that another member might PNV or another member might vote in a certain way, ultimately it is not my right to decide how another member exercises their seat or their office. And Senator Kauth might be exactly right. There might be a number of constituents who do want to see an affirmative yes or a no on a vote. And they might be disappointed if their senator does PNV. That is a-- that is 100% true. But that's also why our constituents get to vote. They get to elect us and they get to decide whether or not we as senators are accurately representing their

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views and accurately representing them here in this body. So for that reason, I'm not at a place where I can support this permanent rule change. I certainly understand the function and the-- and, and, and what Senator Kauth is proposing, but I also don't believe that it is up to us individual members to determine how other colleagues of ours represent their districts and their constituents. Thank you, Mr. President.

**ARCH:** Senator Quick, you are recognized to speak.

**QUICK:** Thank you, Mr. President. And thank you, colleagues. I also want to thank the Rules Committee for their work on, on the rules that we, we have already approved. And I am opposed to this rule change. And-- for some of the reasons-- one of the reasons is because-- and I know Senator DeBoer explained this, that this rule can be brought out to, to be voted on, but I like things to be done in a committee, and I think it's important, that committee process, for that to, to be debated within the committee and then brought out. One of the other reasons I think about is-- I think about our committee structure. You know, when we have people who come in and, and testify in hearings, we have those who are opposed to the bill, we have those who support the bill, and we have those who testify in neutral position. So I think-- even within our hearing process, we have those who testify in, in the neutral position. And I see that present, not voting is more or less a, a neutral vote. I will tell you, over my time in the Legislature when I served before-- and I think you'll face this at some point in, in your time here-- that there's going to be a certain bill that may come up that you don't feel like you can either support nor, nor oppose that bill. For me, it was the death penalty bill. So a previous Legislature had voted to do away with the death penalty. Then there was a ballot initiative-- put it on the ballot. Constituents voted to bring the death penalty back. And my first year here, Senator Chambers brought that, that bill back to the floor. And for me, on a personal level, I, I couldn't vote for the-- vote to bring the death penalty back, but I told constituents that I wouldn't stand in the way of their vote and I thought that their vote was important. And I know this might be a stretch, but I also think about when I ran for election and you had people who voted for-- there was two candidates on the ballot, and I did see that there were, like, so many votes that weren't for either one of us. So people even exercise that right in the, in the voting-- in-- on the ballot. They can choose to vote for someone other than who's on the ballot. They can do a write-in. So I think this is important for us to be able to have that opportunity to, to choose which way we, we vote, whether that's yes, no, or present, not voting. I think, with your constituents, you're going to have to explain to

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them whether-- how you vote on yes, no, and present, not voting, because you're going to have constituents that don't like the way you voted. Maybe they supported a bill you voted against or maybe you voted for a bill that-- or, voted against a bill that they supported. So I think that present, not voting is still important. You just have to be honest with your constituents and upfront. And a lot of times you can do that before you-- that even-- that vote even comes up. So with that, I am going to oppose this rule change. And thank you, Mr. President.

**ARCH:** Senator Bosn would like to recognize some guests today: Raul Torrez, the New Mexico Attorney General; and Nasha Torrez, the Dean of Students at the University of New Mexico. They are located under the south balcony. Please rise and be welcomed by your Legislature. Senator Hallstrom, you are recognized to speak.

**HALLSTROM:** Thank you, Mr. President. I too would like to add my voice to the chorus of those who are thanking the Rules Committee for limiting the number of contentious issues that we have to consider before the body. I agree with Senator Cavanaugh that rules are important-- however, debating them ad nauseam not so much. I personally am looking forward to looking back on what I hope is a relatively limited time debating these rules changes. Very shortly, we're going to have committees advancing substantive bills to the floor of the Legislature, and I believe we should be ready to do the business of the people and hopefully will not continue to debate these rules too much longer. Some of the comments that have been made on the floor this morning I, I just want to clarify for the record. We aren't talking about present, not voting on a substantive issue or the underlying issue that's before the body. The rule change proposed by Senator Kauth only has to do with present, not voting as a "no" vote on the issue of invoking the motion for cloture. So in fact, a present, not voting is essentially and is in fact a "no" vote for purposes of invoking the motion for cloture, and I think that's a significant difference that we have to look at here. So I would encourage the body to continue debating this for a relatively short period of time. Hopefully we can get a vote to this yet this morning. And thank you for your time.

**ARCH:** Senator Raybould, you're recognized to speak.

**RAYBOULD:** Thank you, Mr. President. You know, I'm-- now have the time to review the recent change, and it, it seems like the only time you can have a present, not voting vote on cloture is if you file that conflict of interest report. So, you know, for full disclosure, I have filed a conflict of interest on, on certain bills, but that doesn't mean I intend to vote present, not voting. I intend to support some of

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the bills that I have a conflict of interest as-- you know, we're comprised of a lot of bankers here, and the bankers have always been outspoken on bills and have never shied away from voting in support of or against bills. So I believe this is very, very confusing. I know Senator Kauth spoke so eloquently this morning of individuals who were out sick because of cancer diagnosis. And then oftentimes, as from personal experience, I would walk into the Chamber not really fully engaged on the debate or the dialogue. I knew that it was important, but it took a while to get caught up to speed. So that present, not voting would preclude me from, you know, making a right call on a, a very important decision, on very important bills as they get to cloture. So, you know, I hope maybe when Senator Kauth gets on the mic she could, you know, clarify. It sounds like it's only for conflict of interest. And you have to go through that rigamarole of filing a report. You know, it's no problem to file with NADC. You can do it online. It's very easy to do that. But, you know, that added step of doing it with the Legislature-- you know, there's so many issues that we have as a business owner and a businessperson that I could conceivably have conflicts on. But that should not prevent me from voting yes, no, or present, not voting depending upon how my conscience dictates and what I know my constituents want and the business community at large that I feel I have a strong voice for. So to sum it up, I think this, this language change in our rules is completely unnecessary. I think it's eliminating one tool that we as legislators have used over generations to, to work on our collegiality and support. And I, I know Senator Fredrickson spoke of-- it's a soft no. It's a soft no for a lot of reasons, whatever reasons that senator has-- they might be best friends with another senator and they didn't want to disappoint them. I know last year Senator Brewer and I were on polar opposites on gun safety issues, but we worked together incredibly well on so many other issues despite our major differences. And it's that collegiality that I hope to protect. And I don't think a senator needs to get caught up in my business in how I represent my constituents and my state of Nebraska. I am always happy, as I've said before, to justify every single vote that I make to my constituents and to my fellow senators and to fellow Nebraskans. So thank you, Mr. President.

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

**CONRAD:** Thank you, Mr. President. I'd like to ask Senator Kauth a question if she's available.

**ARCH:** Senator Kauth, will you yield to a question?

**KAUTH:** Certainly.

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**CONRAD:** Thank you, Senator. In putting together your research on this topic, were you able to discern when the option of present, not voting was established in the Legislat-- in the Nebraska Legislature?

**KAUTH:** No.

**CONRAD:** OK. What did your research show just generally in terms of how long this has been utilized in our institution?

**KAUTH:** This was based on constituent feedback and saying that they don't like-- and I don't like-- not knowing how my senator's voting.

**CONRAD:** Mm-hmm. And as you set to change that based on constituent feedback, you didn't bother to look at the history of the institution to understand why this was established? Is that correct assessment of--

**KAUTH:** Correct.

**CONRAD:** --your work on this? Thank you, Senator. Thank you, Mr. President. And thank you again, colleagues. I think, overall, the measure that's before us today has been essentially weakened to the point of nothingness. And I do appreciate the fact that, through the course of debate yesterday, myself and other senators brought forth policy, legal, and practical considerations that posed problems for what Senator Kauth did file. That deliberation helped to identify and illuminate those issues. And I appreciate Senator Kauth addressing that-- at least when it comes to a legal conflict of interest and a potential ethical issue, which is the very least we can do. As the United States Supreme Court has ruled, state ethics laws trump a senator's ability to vote in many instances, and so that's important that we at least recognize that. I also think we need to broaden the lens here a little bit. And I really appreciate Senator Kauth's candidness in bringing this forward. It shows a complete contempt and disinterest in protecting the institution that we voluntarily serve in, which includes the fact that it's a nonpartisan institution. Present, not voting was established perhaps-- and checking with the Legislative Clerk's Office-- perhaps even back to the 1930s, as their records and archives and research seems to indicate, but definitely has been around since at least the 50-- 1950s or '60s. Primarily, this option was developed historically and has been in play presently because of conflict issues, which not are-- which, which are governed not only by our Nebraska Accountability and Disclosure Act but actually enstrin-- enshrined in our state constitution, as are the requirements that we keep an accurate Journal of the proceedings of this body, including what happened and what didn't happen, for legal, policy, and historical

purposes. So there's no reason to change this rule that has served our state well for decades except for the fact that there's some sour grapes that Senator Kauth and others couldn't bring forward a measure to garner enough support to break a filibuster and move through the Legislature. So I had a chance to listen to the rules hearing after there was an attempt to stymie citizen transparency when it came to the rules hearing itself. And I appreciate my friend, Senator Lippincott, for reconsidering that ill-advised and misguided discussion. But I heard Senator Kauth talk about these measures that she brought forward, and she didn't really talk about transparency-- transparency. Her focus was on, quote unquote, pain; on, quote unquote, punishment. That's a rather odd policy underpinning to bring forward in regards to a rules debate. Perhaps it has relevance in regards to criminal justice issues that may emanate through this body, but I think we need to just be really, really clear about what the motives are here and the overall contempt not only for the institution and her colleagues but for Nebraska voters, who are completely capable of discerning what their senators are doing in terms of their representation of their interests. Thank you, Mr. President.

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

**J. CAVANAUGH:** Thank you, Mr. President. Got shocked there when I touched this. So I've been listening to what folks have been saying and I just had a few more thoughts. And I, I-- I think I was-- Senator DeBoer said this is important to Senator Kauth's constituents. And I would just for the record point out I've heard from my constituents that it's important to them that we not adopt this. So we all represent-- there's 49 of us. We represent 49 different constituencies, and they are going to ask for different things from us. And-- so if it matters to anybody what, what matters to my constituents, they do not want to adopt this rule. And so I'm reflecting the wishes of my constituents and voting no on this. I think Senator Conrad hit on a little bit of what I was going to talk about. You know, I mean, it-- there is-- in the constitution, one of our obligations is to maintain the Journal, and our obligation is to maintain an accurate Journal. This rule specifically calls for us to maintain an inaccurate Journal, which is certainly bad, irresponsible, and it serves no actual objective of the Legislature. And if anything, it'll-- it, it will serve to create a historical record that is not reflective of actual history and-- which would be contrary to that constitutional mandate that we maintain the Journal. So that in and of itself is problematic. And I know a few folks have talked about-- there's some disagreement about whether this is the appropriate way to bring up a rule. And I would again say in my now four years here-- and this is my, I don't

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know, third rules debate-- we had one the first year, we had one my third year, we had one my fourth year. And there have been rules proposed on the floor that did not come out of committee. And it-- my recollection is-- and someone can correct me-- I don't think any of the ones that were proposed straight from the floor were ever adopted. I think we've only adopted ones that have come out of the committee. And I do-- I appreciate the work of the Rules Committee. I was on the Rules Committee my first two years. I've watched the Rules Committee hearings. The other times, they are long, they can be tedious. And of course, it's right in that first week we're trying to get bills done. So it is-- it's a big lift. And I appreciate the Rules Committee being judicious in the rules that they have kicked out in both my first year, second year-- well, first year, third year, fourth year-- and that, that-- their respect for the body and the process. So it is not, you know, a violation of the process to bring a rule on the floor. But to consider the Rules Committee and the makeup of it and the work that they've done, they chose not to kick out a rule on this subject after having the hearing and discussion about what was needed and what served this Legislature. And so I certainly think that speaks to the lack of necessity for this rule change. And that-- I'm not saying, of course-- I mean, I've, I've done amendments from the floor and have done all-- you know, I brought things. So I'm not saying you can't consider something that has not been kicked out of committee and is an amendment on the floor, but it does speak to-- we have a process both for bills, for resolutions, constitutional resolutions, and for rules that go through a committee process. And that process exists for a reason. And-- of course, the floor is the final place to make these decisions. And we all have our independent obligation to make our determination based off of what we hear and not just to rely on the committees themselves, but that is something to consider. But again, this rule doesn't serve a purpose of the Legislature or, or the broader goal of the rules. And so I think it's detrimental to the historical record. I think it is unnecessary and serves no actual purpose to the Legislature. And folks have pointed out that there is perhaps a political end in getting people on record of voting no as opposed to present, not voting. And I'll leave it to you to make that determination yourself if you think that, but. I don't know what other-- it-- other purpose this could serve other than that. So I, again, will be a, a no on this. And I would certainly encourage your "no" vote on this rule change as well. Thank you, Mr. President.

**ARCH:** Senator DeBoer, you're recognized to speak.

**DeBOER:** Thank you, Mr. President. I didn't get to finish what I was saying last time, which is to say that I could very well be wrong in my

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support of this bill. This is-- or, this proposed rule change. This is one of those things where I see both sides of this argument. I absolutely see both sides. And here we are. I will say I think it's kind of a stupid change. I mean, I don't know why we're spending all this time talking about it, because effectively it is the same thing in terms of whether a bill passes or not, whether you not vote or whether you vote no in terms of the actual pragmatism of what it does. But if that's important to people. I appreciate Senator John Cavanaugh mentioning that his constituents don't want this rule. I would like to address a few other things that have been said on the floor. I think Senator Kauth and others have said-- or at least in the hearing they said it is our job to vote. It is not our job to vote. Our job is not to vote. And I want to clear this up. Our job is to legislate. Legislation does-- a very tiny portion of legislation involves voting. A lot of what legislation involves is having an idea, running that idea by all the various constituent groups, talking to lawyers to make sure that it fits within our other legal framework, making negotiations to make it do just what you want and not some other unintended consequence, talking to your colleagues about it, educating the public and your colleagues about it. Voting is the tiniest portion of what we do. You don't just have an idea and go from idea to vote on the idea. If we did that, it would be irresponsible. And to the extent that this process has been rushed-- because it has been over a short period of time-- we may run up in, you know, in peril of that. Legislating is not voting alone. It's-- it-- the voting part is the tiniest bit at the end. The-- figuring out how to come up with the best law for Nebraskans, putting all the factors together-- it's not a binary question. Nothing about what we do in here is ever binary. Everything is always more nuanced. Additionally, this is not a small rules change. To those who have said this was such a big thing and now it's made small-- this is not small. This is a more elegant way of doing what the introducer said she wanted to do when she introduced the rules change. It's not small in any way. It does exactly what she says she wanted to do, which is to eliminate present, not voting on Final Reading. It's not small at all. This does that. It does it in a better way than the way she introduced it, which would require all of us to have calculators on our desk all the time. It's not a small change. So I want to dispel those myths. If I had my druthers and I could just rule the world myself, I would say this should go back to committee and we should work on it in committee. But I don't think I'm gonna be given that option. And so I say, does this harm any of the things that I am going to watch out for: my constituents, the people of Nebraska, this institution? There have been a lot of good arguments. And I'm starting to wonder, because I'm not hearing any counterarguments about whether

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or not this is going to not be harmful. Right? I only hear why this is going to be harmful to Nebraska, my constituents, or this institution. And I haven't heard counterarguments. Now, I'm not saying we should spend a whole lot of time arguing about this, but I would like to hear some counterarguments to these very good arguments we're hearing so that as I'm making my decision I can feel confident in it. Because right now, I'm not hearing any counterarguments. So I hope that we do that and we have a robust debate about this from all interested parties. Thank you, Mr. President.

**ARCH:** Senator Wordekemper, you're recognized to speak.

**WORDEKEMPER:** Thank you, Mr. President. Colleagues, I initially had concerns about Senator Kauth's amendment. And as a freshman senator, I want to prioritize protecting this establishment and, and what we're here to do. And I questioned what we were doing with regards of have an amendment come to the floor and, and not go through the committee process, because I believe that's important. And in talking with other senators, I understand that's a process that can be utilized and it's an important process to, to have. And, and so it's beneficial to whether it's our Rules Committee or our Committee on Committees or whatever. And, and it's no different than-- you know, we have a committee process. If a bill doesn't come out of committee, you can have the votes and have it pulled to the floor if, if the committee doesn't move it forward. So I understand the process. I don't have a concern on how we got here. I, I understand the committee was, you know, trying to come to a palatable thing to bring to the floor and, and-- but however that happened, he-- here we are. I believe Senator Kauth-- and, and to our constituents, the change-- we want to emphasize accountability to who we're here to represent. I agree with that. I don't have a problem with that. I think our goal here should be focused on-- you know, for me, it's, it's improving what we have here, do no harm, leave the place better than what-- how, how, you know, our fellow senators left it. So transparency in voting is crucial for our constituents. However, I have a specific concern-- and I, and I have talked with Senator Kauth on this and our Clerk-- my, my concern is that-- currently, we have a system that, if I vote yes, it's recorded; if I vote no, it's recorded; if I-- present, not voting, it's a soft no, and it's recorded as present, not voting. My concern with this rule change is-- and, and, and we have the understanding that present, not voting is a soft no. My concern is that if we move forward with this and we want to document that a present, not voting is a no, whether the red light comes on, we're looking at the Journals-- if you look back at that Journal that-- there's an asterisk, there's a mark that will delineate between me physically pushing a no button or my vote was

recounted-- counted as a no by default, for lack of better words. So I think that's important in the transparency issue to our constituents. If somebody wants to come up to me and say, well, why'd you, why'd you oppose that? And I say, well, that was 500 bills ago, four years ago, or whatever it is, that I-- they said, well, it's right here in the record. Well, I didn't physically oppose that. I might have been in between. I liked some of it; I didn't like part of the bill. But-- so I was present, not voting, which I'm not encouraging, discouraging, whatever. That, that is our vote and our conscience to do that. But I think, for the record, it should state how that's being recorded. I think that's important to our constituents, and it might save us a little meat on part of our body when, when somebody sees that and, you know, comes to us and said, you know, you voted no on that. So I guess with that-- the-- that's my concern, that, as we move forward, if this moves forward, that it's somehow recorded that my, my present, not voting, if I choose, would fall under the "no" vote but somehow it's differentiated from me physically pushing that "no" vote. Thank you, Mr. President.

**ARCH:** Senator Dungan, you are recognized to speak.

**DUNGAN:** Thank you, Mr. President. And good morning, colleagues, again. I rise still opposed to the proposed rule change on the board. I just wanted to make one or two additional points that I didn't have time to make the first time that I was speaking, and I, I probably won't speak more on this rule change. I think we've made a lot of the points that I-- are, are worth arguing about. One that stands out to me, though, is a concern that I have-- and this is a concern that I've had over the last few years-- that we're seeing rule changes or proposed rule changes not to better how the system works and not to, I guess, create a better logistical process but for politics. And I get very concerned when we start to do rule changes or proposed rule changes that are inspired by sort of a hyperpoliticization of our process in an effort to use what we're doing in here to put it on a postcard, to put it on a mailer, to put it in a commercial. And I just-- I-- whether or not it's intentionally obtuse, I, I-- I'm not sure. But if-- there's no issue with transparency or accountability. I think Senator Cavanaugh passed out what it currently looks like when you pull up a bill to see how somebody voted, and it shows you, yes; no; present, not voting; absent, not voting; excused, not voting. That is the most transparent it can get. And if your concern is that your senator is not doing their job, this is about as transparent as it can be when you can pull up online and see that they were there and they didn't vote. And that's their right to do that. But what I fear is that we're trying to change this rule to force those present, not votings to show up as a no so that it

can be used in campaigns. Right? The reality of what we're talking about here with a lot of the proposed rule changes we've seen over the years is we're seeing a creep of partisanship and of politicization into the process with which we conduct ourselves. One of the objections that I and others have had to, for example, getting rid of the secret ballots for electing chairships is a concern that it's going to fall more on party lines, because we want to keep that partisanship out of the body. And whether you're talking to Democrats or Republicans or Independents who have been in this body historically, they would say that part of the importance of the secret ballot is to keep partisanship out. Now, I'm glad that we're not addressing that today, but I do think that what we're looking at with these two proposed rule changes on the board is an increased creep of partisanship and politics into our process. The-- there is no ill that we're trying to fix with this other than we want to make it look like people are voting against cloture on Final Reading when they're not. And what other purpose does that serve but to use it against them in the future? What other purpose does that serve than to be able to say Senator So-and-So voted no on this in order to rile people up and get them mad when in reality they may have just not voted? And I think Senator Wordekemper and Senator Raybould pointed out some really good examples of times that you may be present, not voting on an issue when it does not reflect a "no" vote. But if this rule pass-- if this rule change-- rule change passes, you will see people who did not vote no as no, and that's going to be used against them. It's going to be used in campaign ads. And it's going to be used to rile up people using what is essentially inaccurate information. They didn't vote no. They were present, not voting. Those are two different things. But if you put that on a mailer, if you put that in an ad, it's going to get people upset. So we need to be very, very careful, colleagues, when we're changing the rules of our Legislature to ensure that we are doing our best to make sure it's logistically working. There was a couple of the rule changes yesterday that I think made a lot of sense. I understand the process behind those. I even understand a lot of the rule changes that were proposed that didn't make it to the floor, because, again, those are logistics. But what we're talking about here does not solve a problem that I think is really an issue. We often hear about solutions in search of a problem, and that's kind of what this feels like to me. But if citizens are concerned about what their senator's doing, if they're concerned about their senators not doing their job, they can go online, they can call the Clerk's Office, they can see how their senators voted. And if you're mad that your senator is here and not voting, you can make that known to your senator. You can make that known to your representatives. You can make that known at the ballot box. So you have the ability to

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act and you have information on which to act. And I don't think we have to change anything to achieve that goal. Thank you, Mr. President.

**ARCH:** Senators in the queue include Senator Machaela Cavanaugh, Andersen, Conrad, Kauth, and Brandt. Senator Machaela Cavanaugh, you're recognized to speak.

**M. CAVANAUGH:** Thank you, Mr. President. Good morning, colleagues. Well, Senator Dungan, you stole my thunder. Just kidding. I did pass out an example of what a Final Reading recorded vote looks like because I think that there might be a little bit of a misunderstanding that when you're present, not voting it's not recorded as such. It is. It is, it is part of the permanent record. And you can see also, if you are excused, not voting, that also means-- it is also recorded. So-- couple of reasons that I'm not in favor of this change is, one, I don't think it is appropriate for us as a body to decide how one another votes. That's not our job. Our job is to vote the way that we deem fit for representation of our districts and representation of Nebraska. It is not for me to say how somebody else-- vote is recorded. And when somebody votes a certain way, I think it is dishonest to the public to record it any way other than how they voted. This creates less transparency. You cannot come over to my desk and take my finger and force me to push a button. But this rule change essentially does that, and that is problematic. I also can't come over to your desk and force you to push a button. But if I were to vote for this rules change, I would essentially be saying that I should be able to do that. I look at this recorded vote-- and this is a bill that I passed last year. And it was actually three bills into one. And you can see that there are six individuals present, not voting. Now, I don't know what the reasons were that they were present, not voting, but what you will find on Final Reading, it's not like when you're present, not voting on Select File and you were just out in the hallway. When you are on Final Reading, we are all in our seats and you can't get up or the Red Coats will tackle you. Just kidding. Maybe. They might tackle you. I don't, I don't know all the new Red Coats well enough to know if they'll tackle me or not, but. But they will tell you to stay in your seat. So, so they are actually physically present and not voting. Now, I look at this and I look at who was present, not voting on my bill. And I think about a couple of scenarios as to why they would be present, not voting. One, they don't really like the bill, but they don't hate it. That's one reason. Another, they're mad at me. That happens a lot. But that's probably more likely to be a "no" vote than a present, not voting vote. Another reason is that they're mad at me but their district likes this bill. So they don't want to be on the record as voting no because that will harm them in their district but they also

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don't want to give me a vote. And I'm cool with that. Is it nice? Not really. Is it good public policy? No. But you do you. So I don't know why they were present, not voting on this bill, but those are some of the potential scenarios. Only two members on here are still in the body, and they both have informed me that they will be voting for this rule change. So if this bill were to happen again, then they would be recorded as voting against it. And whatever the implications are for that, they would have to live with that. I'm OK with them being recorded as present, not voting for whatever their reasons are. I don't really understand why we are even entertaining this rules change as-- just like every other change in rules, at some point you are going to need this or want this rule. It is going to help you to be better at your job at serving your constituents. In the last couple of years, there's been several rules changes that have taken place that were pretty much, I think we can universally agree, directed at me. And the fact of the matter is, the reality is every single time a rules change happened for one singular person, one singular event, it backfired. Every single time. Now, this particular rules change I don't believe is directed at me. It could be. I could be lumped into the people that need to be feeling the pain and the harm and the punishment that was said at the committee hearing--

**ARCH:** Time, Senator.

**M. CAVANAUGH:** Thank you, Mr. President. I'll get back in the queue.

**ARCH:** Senator Andersen, you are recognized to speak.

**ANDERSEN:** Thank you, Mr. Speaker. Just during my campaigning for 17 months, I ran into the same commentary as Senator Kauth. I had many constituents ask me, what is present, not voting? And I didn't really have a good answer for them. And they asked me, what is the purpose? Why-- if they sent us there to either vote for or against something to represent them-- and in my case, 30-- approximately 39,000 people-- if my vote-- one vote represents 39,000 people-- what am I really saying when I do present, not voting? I told them I didn't know because I don't understand. And I still don't understand really the purpose of it in its truest form. What they did tell me is that, when they elected me, they elected me to vote thumbs up, thumbs down. Either vote pro or against, but don't sit there and, and not vote. I'm cognizant that every time I vote-- again, 39,000 people-- rule change efforts-- I've heard some people say in this body that we're protecting the institution, we're protecting tradition and-- well, I'll tell you what, whenever people tell me that's the way we've always done it, that's called tradition, OK? The continual evolution of this body is a good

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thing. So when we review the rules, when we modify the rules-- just like we do with laws in public place, right? It, it shows the continual evolution of a society when you make changes to the current norms, and I think that's exactly what this is. I believe that present, not voting shows a lack of accountability and a lack of transparency. And I think for that reason, our constituents deserve better. And I'll yield back my time. Thank you.

**ARCH:** Senator Kauth, you are recognized to speak.

**KAUTH:** Thank you, Mr. Chairman. So as I listen to this-- first of all, thank you, everybody, for, for participating in the debate and the discussion. I wanted to address something to Senator Wordekemper. And he and I had talked about this, his concern about whether or not he would remember if, if a no had originally been a present, not voting. And the decision was to say it's "no" with an asterisk. So that would give the senators the ability to say, oh, yeah, now I remember. I was present, not voting. So if a, if a constituent does ask you about it, then you understand what that is. And I thought that was, that was a great thing to bring up. So I really, really appreciate that. So-- but what I've heard from some people on this floor is-- Senator Dungan said it's not that significant. It is to our constituents. It is to the people I serve. And Senator Andersen just talked about how-- as-- and he campaigned hard. He was out every day, hours and hours and hours a day talking to people. And when you hear that come up this much and when it-- when people are actually paying attention to the Legislature enough to say, hey, what does that mean? And why don't you guys actually care enough to take a stand and make a vote? It is hard to explain. We've heard from Senator Hunt that, no matter what happens, I'll continue to do whatever I want to do. So to me-- and I've heard a lot of people say this is a disregard for the rules and shame on, on Kathleen for wanting to change things. But that attitude, that, no matter what, I'll do what I want to do, no matter what the rules are, that's a troubling trend in this Legislature. And Senator Cavanaugh has also said she'll figure out a way to get around whatever it is. Again, this is not about the senators. This is about our constituents. How does someone who is working one, two jobs, has lots of kids, is trying to pay attention, is trying to keep involved, how do they take the time to investigate what that means? They're looking at snippets. And if we can give them a clearer snippet of where we are-- because a present, not voting is still a no. The-- Senator Cavanaugh said when someone votes a certain way-- the point is present, not voting. It literally says that in the name. You are not voting. This is making that actually happen and turning that-- because it is a no. And-- even if you call it a soft no-- I'm not sure what a soft no is-- a no is still a no even if

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it makes you feel a little bit better about it. This bill is about transparency and accountability and it's about giving our constituents the, the assurance that we are here doing our jobs. And, yes, this is our job. And I disagree with Senator Hunt about that. We're here to create legislation. Absolutely. But we actually have to take the vote to create that legislation. We're here to serve our constituents, and that's probably one of the best things about this job, is being able to help our constituents. So when I have people say to me, I hate that. I, I can't stand that you guys don't take a stand. This is us helping them understand how this works. Thank you, Mr. President.

**ARCH:** Senator Brandt, you're recognized to speak.

**BRANDT:** Thank you, Mr. President. I stand opposed to this rule change, and I'll tell you why I'm opposed to this rule change. First of all, we have a Rules Committee. The Rules Committee is in place so that the public of the state of Nebraska can come in here and voice their opinion on a rule. Now, we also have it so that an individual member can bring a rule to the floor, and that's what we're seeing happen right now. And each one of us has an opinion on that, for or against. And in this particular instance, I'm opposed to it. And if, if, if we've got this system-- I mean, the rule that should be brought is all rules go through the Rules Committee-- let's eliminate the Rules Committee and everybody just-- free-for-all. Let's just bring it to the floor and, and whoever gets the most votes wins. So there needs to be order in this Chamber. I think the Rules Committee under Senator Lippincott brings that. PNVs are recorded on virtually every vote. And I realize that the 16 new senators in here have voted twice, maybe three times. We did on Committee on Committees. We did two Rules yesterday. So what happened yesterday to the people that did not vote, the Clerk recorded you as a PNV. Every vote we take in here where you don't vote or you didn't get back here in time or you were in your office, you didn't check out-- anybody not checked out and doesn't vote, it's a PNV. So there are very few people left in this body that have never PNVed. It's going to be a few of you freshmen that have managed to vote on everything so far. So keep it up for the next eight years and, and don't miss a vote. So PNV is prevalent through our system. When I PNV-- and, you know, I'm one of these people that doesn't want to draw attention to myself, but somehow it seems to find me-- I own that. I PNVed for a reason. When my constituents ask me, whether it's-- I get beat up just as much for yes, for no, and for PNV. And I think a constituent, the public out there, it's your duty to get back to your senator and say, I don't like the way you voted because. And everybody's right. We need to justify why we do that. And I don't take a PNV lightly. When I do a PNV, there's a reason that I do a PNV.

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So anyway, I stand opposed to this rule. And I would encourage others to vote no on this also. Thank you.

**ARCH:** Senator Conrad, you are recognized to speak.

**CONRAD:** Thank you, Mr. President. Good morning, colleagues. I wasn't planning to speak on this again. I think the debate has been really helpful and thoughtful and has brought forward important and diverse perspectives, but I did just want to put a, a finer point on something that may not be readily apparent to either those watching or to the freshman members of this body who haven't had an opportunity to engage in deliberation. It, it almost seems as if there's some sort of wild rash of senators not voting. That, that's actually not the case at all. The utilization of present, not voting is typically used very, very sparingly by different senators for different reasons at different times. We are enthusiastic to be here and to engage in debate and to participate in committees and to cast our votes, as we did on the first day and moving forward. So to act like, you know, senators aren't down here being accountable on the record, doing their work, voting up or down, that, that's just not the case. That's actually not the case. And it shows again a misunderstanding of the historical and present practices that are in the Nebraska Legislature. So I, I just want to be clear about that, that we've, we've kind of lost sight of the fact that, that, that we're, we're looking at something that rarely, rarely happens. And when it does happen, it's been a part of our institution at least for decades and decades, if not back to perhaps even the '30s, according to the Clerk's Office. And through all that history, Nebraska senators and Nebraska constituents and voters-- who are very bright and very capable-- have been able to discern whether or not their individual representative utilized that option appropriately or not. Period. They have. The world hasn't fallen apart. For either accountability or transparency or for collegiality or for any sort of interruption or disruption to these processes. So let's just be really clear before we make sweeping statements that senators are coming down here and evading transparency or responsibility or not participating, because that's actually not the case. It's not the case at all. And it would perhaps be helpful if members took the time to understand the history and the present in terms of traditions, custom, and usage, not just because it's the right thing to do to steward this precious institution that the Nebraska voters gave to us; because it's also demanded in our Rule Book, including our temporary rules, which you all took a vote in favor of. So when there's not a specific rule on point, tradition, custom, and usage indeed governs. That sets precedent. And the fact is our precedent doesn't have a wild rash of senators present, not voting. Different senators utilize it at different times for

different reasons-- they have for decades-- and it has not caused any sort of accountability or transparency problems. To implement an actual fiction as to what happened is just wrong. And it also, I think, raises serious questions under constitutional obligations-- which, again, you all swore an oath to uphold-- that has specific parameters for conflicts, that requires an accurate Journal of legislative proceedings. The list goes on and on and on. But Senator Kauth didn't look at those in bringing forward this measure. She didn't look at the history of present, not voting-- and I appreciate her candor in sharing that on the mic. But then she asks us to change this because she was unable to move controversial legislation through the body. That's why we're here. And it's a disservice, I think, to our constituents and to this institution. I don't plan to speak again. I typically don't present, not vote, but I'm inclined to as a protest in regards to this measure. I do think it's important that we get to Senator McKinney's measure, which is very substantive, again, to our agency and autonomy as senators and in the legislative branch. Thank you, Mr. President.

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

**M. CAVANAUGH:** Thank you, Mr. President. Before I get back to my remarks on this motion, I am going to-- instead of taking a point of personal privilege, I'm going to use my time as a point of personal privilege. On Monday, January 20, our former colleague, Ju-- Senator Julie Slama, and her husband, former Senator Andrew La Grone, welcomed-- and, and, and their son, Win-- welcomed a beautiful baby girl, Marie Alexandra [PHONETIC]. Win is loving his new playmate and entertaining his new baby sister. Congratulations to Julie and Andrew and Win on the beautiful girl. Also, I miss you even though Senator Hallstrom's lovely. So-- I can't recall now where I was because I wanted to make sure I got everything right about Senator Slama's baby and the excitement because we all have seen the journey of Senator Slama where she was appointed, and at that time she was the youngest senator ever to serve. And then she was elected. And then she got married. Then she had a baby. Now she's had a second baby. And so it has been-- we have-- I think it was Senator Geist who announced her engagement to Senator La Grone on the floor talking about the-- how much we got to see and be a part of Senator Slama's life. And so we do miss you. And I hope that you all are doing well and enjoying that baby girl. As to this rules change, I, I, I-- you know, I echo what Senator Conrad said. It's-- not much more to say about this. If people, if people want to dictate how our ru-- our votes are recorded, I guess you do you. I would like to clarify what Senator Kauth quoted me saying. Yes, I did say that it doesn't matter what the rules are, but I said more than just that. It doesn't matter what the rules are. I will work within whatever the

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rules are. I very much respect the rules and will follow the rules. My point is that changing the rules to punish anyone is not the best way to be stewards in this body. And when-- last year and the year before, the rules were changed to punish me, it-- again, it didn't work. I will use the rules as they are, whatever they are. And I will do whatever I can within my power to serve my constituents and the vulnerable populations of Nebraska. So for me, present, not voting, voting-- any of it doesn't really matter. It's more the idea of forcing my colleagues to vote when I can't go over to your desk and force you to vote. But I can apparently change a rule to force you to vote. And that to me is inappropriate. And it is an overreach of our authority within each other. So I will be voting no, though I would like to be a little bit cheeky and do present and not voting. But I oppose this. It's not a soft no. It is, I oppose this rules change. And I appreciate the thoughtful debate around this, but I too would like to get to Senator McKinney's rules change, so. One final note is I did have an amendment to this on the filing of the conflict of interest, but I decided not to move forward with it because, you know, why belabor the point at this, at this time? So congratulations to Julie and Andrew and Win on the baby girl. And I will yield the remainder of my time.

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

**DeBOER:** Thank you, Mr. President. Well, I have been one of those people who came to the floor without their mind totally made up, very strongly leaning in favor of voting for this. The debate has made a lot of good points why I shouldn't vote for it. There has been less debate on why I should. This is putting me in a precarious position. One might say this would be the time when you'd use a present, not voting. I listened to the arguments in favor of this. When people say at the door, I elect you to vote yes or no, well, that's between you and your constituents. They elected you to do that. They didn't elect me. They had nothing to do with me. So that argument I don't find overly persuasive because if your constituents don't like you not voting, PNVing, then your constituents can tell you that, be mad at you for that, not vote for you again for that. So on that count, I don't-- if your constituents don't like it, then don't do it. Senator Cavanaugh says his constituents like having him to have that option. I mean-- the asterisk thing, I didn't understand what that was. If it's a ye-- if it's a no with an asterisk, why not just leave it as present, not voting? I, I don't really understand that. Maybe you could speak more to that point in your closing, Senator Kauth. I guess I missed that part. I've been trying to listen to everything. Present, not voting is not a crazy thing to have. You know, we've had abstentions. You know,

traditionally, this would be abstain. If it makes people more comfortable, perhaps we could think about changing it to abstain instead of present, not voting. The reason we don't do that is because if you're out in the hallway and they call a vote on General File on an amendment that you're not able to be in here to do because you don't get back in time, then you didn't abstain. You were present, but you didn't vote. That could be because you weren't able to vote, you weren't able to get back in time to do it, or because you chose not to. So I think that's why we don't call it abstain. I'm trying to vote for this thing here and I need some reason to do it is basically what I'm saying, so. You know, I've heard that this is a political move. I think it is probably somewhat influenced by politics and wanting to have a, a more political-- I mean, I know-- the folks that I've most often heard support this have told me it's political-- not necessarily in this body, but outside of this body, that they want it for political reasons. I, I'm concerned about the fact that it is not how someone wants to vote and people see shades of interest in this. The conflict of interest methodology, I don't know if that's clunky or not. I guess we'll have to see. On the other hand, I don't think it's a huge deal that we do this. I know others do. So I really don't know what the proper answer is here. So-- I'm going to keep listening. And I suppose I will vote with the best information that I have in that moment and-- thank you, Mr. President.

**ARCH:** Senator Fredrickson, you're recognized to speak.

**FREDRICKSON:** Thank you, Mr. President. I'll keep this super quick. I, I appreciate what Senator DeBoer was just saying, and that kind of inspired me to get into the queue, for better or worse, and-- just to give some final wrapping-up thoughts here. I, I, I'm actually remembering my first biennium in here and being a freshman senator and having to make a decision to make a vote on permanent rules. And I, I just want to acknowledge that, that, that's kind of a big ask for new members who have not actually gone through a legislative session, have not actually seen how, how rules work, and how, and how they themselves use the rules. And so-- I think Senator Conrad made a really important point earlier. I think for folks in here, if you look back on legislative record, PNV on final read is very rarely used. It is not something that we have a abuse of, in, in my opinion. And I would maybe encourage new members to go through your first year in here and experience what this looks like, experience what it looks like to use a PNV, whether that be on General, Select, final round. And I was given the advice my freshman year: never, never, never PNV on final read, because that's the vote that ultimately counts. And I don't know that I-- maybe, maybe I've PNVed once on final read. I'll-- but I, I'm not

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100% sure. I know that that's something I, I make a big point of. So what I will say is, for new members, maybe try to go through a year, see how this is used, see how often it's used, and that might help inform where you're at in terms of how you're going to stand and how you're going to vote on, on this proposed rule change. I'll also say that I've heard a lot of talk about our voters and they've sent us here to say yes or no. Our, our voters have sent us here to best represent their interests. And sometimes that's a very clear yes on an issue. Sometimes that's a very clear no on an issue. But again, our voters send us. We respond to our voters. We don't respond to each other. We don't micromanage each other. It's ultimately our voters. And if our voters are not satisfied with how we're voting, they should be vocal about that. They should be upset with that. They should reach out to us. That's good accountability. So I agree with that sentiment. But ultimately, I think that when we-- you actually go through the process and see how often PNV is used on final re-- read, that can be illuminating as well. Thank you, Mr. President.

**ARCH:** Seeing no one left in the queue. Senator Kauth, you're recognized to close.

**KAUTH:** Thank you, Mr. President. So-- thank you, everybody, for all of the debate. This has been very good. I think we've made this as tight as we can. And Senator DeBoer, your reason to vote for this: you were a huge part in how we shaped this bill from what I originally wanted and tailoring it down to something that still gives the transparency and accountability but is not as, as drastic as I wanted. So I do appreciate that, but I think that should be your reason for voting. I do think it's interesting that some of our colleagues see transparency and accountability as punitive. It shouldn't be. This is about our constituents. Again, this is not about us. This is about our constituents. So I would ask that everyone would vote yes on this and we can move on to Senator McKinney's rule change that he is amending from the floor. And we'll see how that goes. And I'd like to do a call of the house.

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

**CLERK:** 31 [SIC-- 34] ayes, 1 nay to place the house under call.

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

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leave the floor. The house is under call. All members are now present. Question before the body is the motion to adopt the proposed rule change Senator Kauth has proposed, which would change Rule 7, Section 10, Rule 6, Section 9. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

**CLERK:** 31 ayes, 17 nays, Mr. President, on the proposed rule change.

**ARCH:** The proposed rule change is adopted. Next item, Mr. Clerk. I raise the call.

**CLERK:** The-- Mr. President, if I could quickly, some items. Amendments to be printed from Senator Sorrentino to LB509; Senator Moser to LB323; Senator DeKay, LB184. The-- notice of hearing from the Natural Resources Committee, the Government Committee, the Reve-- and the Revenue Committee. Mr. President, next rule change: Senator McKinney would move to amend with what was originally introduced as Proposed Rule Change 1, changing Rule 5, Section 4-- introducers signing bills.

**ARCH:** Senator McKinney, you are recognized to speak.

**McKINNEY:** Thank you, Mr. President. And thank you, colleagues. I brought this rule change forward for several, several important reasons, the first and most critical being the needs of our constituents, the people of Nebraska. This limitation effectively stifles the voice of the people, making it challenging for senators to adequately respond to constituent concerns, especially at the start of session. Many Nebraskans may not follow the Legislature closely enough to know that they need to reach out before the beginning of sessions. As a result, senators who have reached their bill limit may have to tell a constituent they cannot prioritize or prioritize another issue, which undermines our responsibility to serve our constituents. And this is important to my constituents because at the start of this session I had constituents call me and I had to move around bills because of constituent concerns. That's one. Second, this bill limit dispor-- disproportionately benefits lobbyists and advocacy groups. These groups by nature are well-versed in the legislative process and can act swiftly to push their agendas. This creates a disparity, exacerbated by term limits between those in the know and those who are not. This imbalance will most-- this, this, this imbalance will almost certainly be reflected in the legislation introduced or was introduced this section-- this session, further marginalizing those without those with inside knowledge. Third, this inconsistency in our approach is troubling. We have imposed a bill limit on ourselves but not the governor. This allows the governor to request an unlimited number of

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bills while senators are capped. This inconsistency raises questions about the balance of power and the principle of separations of power. Why should one branch of government have fewer restrictions than another when representing the same constituents? Senators, for example, could introduce their 20-bill limit, but if the governor came to them and asked them to request-- and asked them to introduce 10 bills, they could actually introduce 30 bills. Think about that. You reached your bill limit, but the governor came to you and asked you to introduce ten more bills. You could introduce 30 bills. That is the loophole nobody's talking about. Finally, the unspoken-- another unspoken truth is that introducing legislation is often only way to hold state agencies accountable. And freshmen, I want y'all to know this, the-- y'all will get frustrated with state agencies. They will fail to implement a law that you've introduced or tried to change, and the only way to get them to a table is to introduce a bill. And if you have a bill limit and you've reached your 20, it's going to be very difficult going further because of this. So I want y'all to think about this. And this is why I am telling y'all we need to make this change, because of that. In conclusion, while I understand that some were concerned about the volume of bills introduced in the past, I believe the consequences of this limitation was not fully vetted. This restriction was tried before, and ultimately it was reversed in the past in the '70s because it was unworkable and it didn't work for the body and it didn't work for our constituents. We must prioritize the needs of Nebraskans, carefully consider who are we empowering, and, and, and avoid unintentionally ceding control of our legislative process. We need to think about the loopholes. We need to think about giving the governor unlimited-- unlimited, you know, power to just introduce how many bills he want. You could also-- for example, you reach your 20-bill limit. I could go to Senator Lippincott and say, hey, introduce this bill for me. I'll cosponsor it. Senator Lippincott could take his name off that bill and it will be my bill, and I will have 21 bills. No-- this rule doesn't make any sense. And then the concern about Christmas tree bills. I really want somebody to do some research on how many bills were introduced this session that has five or more bills in them. I guarantee it's a lot and I guarantee it's more than the, the, the average in the past. And it's because of this bill limit. And that's why I think this should change. So thank you.

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

**HANSEN:** Thank you, Mr. Speaker. So-- colleagues, this is, this is pertaining to the rule change that we just did last year pertaining to at least putting some kind of guardrails in place about how many bills

a senator can introduce. This is a rule change that I, that I, that I introduced last year. And to get up here this year after one year seems a little premature to me without even seeing how this has worked, what the results have been, which-- so far, the arguments that I made last year and a lot of us also as well did is not so much putting guardrails about how many bills can be introduced, because in 2023 we had 820 bills. That is an extraordinary amount of bills. And I believe that was a record for a year. And we've been seeing the trend line go up and up and up every, every year. And so that's why this conversation came up last year. This year, the-- so far, the bill total-- I, I think it is the final bill total of 7-- 7-- 715. So 100 bills less. We still got a lot of bills in. 715 is still quite a bit. But one of the arguments that we made was, try to get some of these-- what people would call cleanup bills, noncontroversial bills-- through the committee process. Each committee has ten bills they can introduce, which we hardly ever use. I think in the six years I've been here, I don't know any committee who's used ten committee bills. They usually just do their two priority bills. So these noncontroversial bills go through the committee process. Trust the committee. You get a majority of the committee to sign or all of them, they go through the committee, they make it part of their committee bill, which I believe this year-- I don't have-- I'm pretty sure there's multiple committees who used their ten committee bills, which is good. So we still get the-- a large amount of bills through. We just make the more noncontroversial, smaller bills, cleanup bills through the committee process so then senators can work on the more substantive bills themselves. And this is especially important for some of the-- my newer colleagues on the floor, is a bill takes a lot of work. If it's substantive, if you do your due diligence, if you do research, if you're talking to constituents, if you're talking to lobbyists, if you're talking to your colleagues, if you're ty-- taking the time and the effort on a subs-- good, substantive bill, it takes time. And it should take time. I think we owe that not just to the process of the bills that go through, through, through here but also to our constituents. And so the days of introducing 40, 50, 60 bills, we, we kind of at least put some kind of regulation on that, which I think is very appropriate. And we have-- we haven't even given it one year yet to see what the results have been. And so far, even after one year, though, the results look like they're very good. I also think it's-- the onus, onus should be on us as senators to make sure we don't try to rush out and put a whole bunch of bills out there without maybe making sure the, the ones we really want are the ones we're going to put out-- we're going to introduce and to get three-parted and, and, and get a number on it. So we can take our time. We don't have to, you know, put a whole bunch of bills forward

right away. So there might be a cons-- constituent who comes to us, you know, in the-- you know, within the last few days with a, with a bill that we want to put through. We can always kind of save a spot for that if we need to. We can make sure that we tell lobbyists no if we want to. So the idea that lobbyists are going to have some kind of advantage here, I don't buy that. The onus is on, on, on us as senators to say, let me think about it. I can drop that the last day if I want to. So you can sit here and, and be reflective about how many bills you have, what kind of bills you're going to introduce, which I think is very important for us to recognize. In 2023, just for another stat, we had five committee bills. Like I said, each committee has ten, if I'm not mistaken. We introduced five committee bills. This year, we did 33. That's good. So I think so far, even after one year, it looks like this is working. This is good. This is a good rules change. And if anything, at least give it some time here to see what the results are. The importance of this rule change is in the long-- is in the lo-- longev-- longevity of it. And if we cut it short too soon, we don't know how good a-- how good or how important this rule change really was. So I'm encouraging my colleagues: vote no on this. Give it some time. And even some of the newer senators here, after two, four years, you find out it's not doing--

**ARCH:** Time, Senator.

**HANSEN:** --what it needs to do, change it. Thank you, Mr. Speaker.

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

**DUNGAN:** Thank you, Mr. President. Colleagues, I do rise today in support of Senator McKinney's bill-- sorry-- not bill-- rule change for a couple of different reasons. First of all, I think the idea that we need to limit the amount of bills that we bring shows a, a certain, I think, misunderstanding from time to time of just how this process works. It reminds me of ex-presidential candidate-- I think Herman Cain-- when he vowed to not sign any pieces of legislation if he were elected president that were longer than three pages, which we all know is not how the law works. But it sounds really good. Right? It sounds like I'm not going to pass complicated legislation because less laws is better, or something to that effect. But what it actually shows is, I think, a misunderstanding that sometimes things are complicated and sometimes things are long. And sometimes it's our job to step up and introduce legislation to address necessary issues or, as Senator McKinney pointed out, constituent problems. Individual senators have the ability to say no as much as they want. If you want to bring two bills, you can bring two bills. If you want to bring 15 bills, you can

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bring 15 bills. If you want to bring 30 bills because you feel like you have the capacity to do that and because you have 30 ideas that you think are worth addressing in the Legislature, it should be your right as a senator to do so. And it should be-- if, if you don't want to do that, you don't have to. No one's making you bring bills. And I think that there was maybe two or three individuals over the couple years that I've been here who have brought more than 30 bills. And a couple of those individuals have been term-limited out. And so I, I, I really don't think that a lot of the issues that we've seen in the past of people bringing 40, 50 bills is something that we need to commonly address. It's not something certainly we need to address with a rule change. What I also think is interesting is what we've done with this bill-- or-- sorry-- this rule change by, by limiting us to 20 bills is we've tried to make our job easier, I guess, as senators, but we've certainly not made the job of any of our staff or of the bill drafters any easier. When I was getting bills drafted up, I think the "reqs"-- which, for those at home, is a request, essentially. You send a bill up to the Bill Drafting Office or an idea up to the Bill Drafting Office and you get an req, which is the sort of draft version of the bill. I think they were up to 1,100 around the time that we were finishing up introducing bills. That means that people were still sending up a very high amount of bills to Bill Drafters. They've been scrambling and working their butts off for the last couple of months. And I, I want to give them credit because they've done a fantastic job. But their job wasn't any easier. Our staff who had to get all of those reqs together and up the Bill Drafters, their job wasn't any easier. The Clerk's Office who had to then process a lot of the questions and requests and everything, their job wasn't any easier. The only thing that we've sought to do by limiting our amount of bills we can introduce to 20 is try to make our job easier. I don't see that as a purpose that we're here. The first couple years that I talked on the mic, I think I talked a lot about how we are sent here to do the hard things and we are sent here to have the hard conversations. I'm more than happy to work five days a week. I'm more than happy to stay here for late nights. And committee hearings should go long if you're talking about important issues. I don't want to limit the amount of time that we listen to these issues and I don't want to limit the amount of time that constituents can have their voices heard. And sometimes a constituent calls you when an issue pops up and says, Senator, I know I'm-- I haven't called you before. I know that the, the last day of bill introduction is in a couple days. I'm so sorry, but here's my idea. And now if you've already introduced your 20 bills at that point because you've had 20 other good ideas come to you or come to you on your own, you have to tell them no. And I think that that's a big problem. I

think that our constituents should be able to have their voices heard. And if a senator has the capacity to handle 21, 22 bills, they should do it. In addition to that, I think Senator McKinney hits the nail on the head here when he's talking about the unlimited amount of bills that the governor can bring. Now, I misunderstood this when I heard his testimony during the rules hearing. It's not-- the, the concern is not that we're saying, oh, the governor can ask a bunch of people to bring bills. If you introduce a bill on behalf of the governor, it does not count towards one of your 20. So if the governor comes to you and says, hey, you know, you and I are friends. I really like you. Let's say the first ten of your bills are on behalf of the governor. That means you can do 30 bills if you want to. That creates a disproportionate benefit to individuals who maybe agree with the governor on certain issues and it certainly gives up part of our power as a Legislature to the executive branch, which I think is a concerning trend that we've seen over the last few years. So, colleagues, I think we need to continue to say we're here to do the hard work. We need to continue to say that we're willing to represent our constituents. And if you don't want to bring 20 bills, don't. Senator Hansen is absolutely correct. It is up to us to say no if we don't want to. But if you want to, you should not be limited by other people who just don't want to do as much work. Thank you, Mr. President.

**ARCH:** Senator John Cavanaugh, you're recognized.

**J. CAVANAUGH:** Thank you, Mr. President. Well, colleagues, I rise in support of Senator McKinney's rule change. And full disclosure, I opposed this rule change last time when we did make this change. I would point out that this does affect how-- the process of how things go through the Legislature. So this-- both this repeal and the implementation of this rule were ones that I think are legitimate changes to the rules because they affect-- set the framework for how we interact. But I oppose this rule-- or, I support this rule change and I opposed the original rule in part because I was sent here by my constituents to serve them in the way that I know best, not in the way that other people know best. And we all have an obligation to serve our constituents in the way that we think is best. I brought 20 bills this year, and I actually left bills on the table. I was just going through my pile of papers here. I have a bill that I did not introduce-- technically a prop, not allowed to do this, but I have it right here-- a bill that I didn't introduce. And on the last day, I had four bills left I could introduce and I had whittled my list down to five bills. And so I had-- I left one on the table that I didn't introduce for a constituent, people I talked to in the interim. And the longer you're here, the more bills you will pick up. And you will learn over time--

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you're going to introduce a number of bills, however many you introduced this year, you'll have a hearing, and you'll find out there are problems with that bill and it needs some work and you'll bring it back next time having learned from that experience and be able to better articulate that bill. And you'll bring it again. And so then you'll have other ideas and other constituents come. And so there's one ma-- among many reasons why you'll see more senior senators having more bills. I have five or six bills that are repeats, bills I brought before. I introduced one in Natural Resources yesterday that I introduced last year-- actually, and one in Judiciary that I introduced last year. So two bills I've already had were bills that I had last year. And so the-- there-- we're putting an artificial limit on this. And to quote or paraphrase-- Senator Hunt has said before that when a-- the system is-- you think the system's not working, it's working for someone. And all of us represent different constituencies. Some of our constituencies have-- the world is not working right for them. They have an issue that needs to be addressed. Some of our constituencies have more issues that they need to be seen, seen addressed, and we have a different obligation. My district, me representing my district, has a different obligation to represent and maybe more problems with the way the world currently is than, say, Senator Hansen's district, where his constituents maybe have fewer issues. The world's working just fine for them. And so the rules are constraining my constituents' ability to have their voice-- voices and their concerns heard. And so that's why I support this repeal. And I would encourage your green vote on Senator McKinney's rule change. Thank you, Mr. President.

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

**CONRAD:** Thank you, Mr. President. Good morning, colleagues. I really appreciate Senator McKinney bringing forward this measure and listened intently as he introduced it during the Rules Committee process. This indeed is perhaps a throwback of a bill limitation idea that was a part of our process, at least briefly, and then was disposed of by the senators years later because they found it unworkable for a variety of different reasons. Nevertheless, Senator-- my good friend, Senator Hansen, decided to bring forward this measure during our rules debate last year, and it garnered the support requisite to become a part of our rules again. So I want to just talk about a few additional points that maybe haven't been as acutely made in regards to this issue. So the first part is-- of course, it's important to remember that in Nebraska, in the nonpartisan Unicameral Legislature, we're the smallest legislature in the entire country. We have the smallest amount of representatives in the entire country. So to arbitrarily limit individual senators in their work on behalf of their constituents and

their state is particularly pernicious in this institution, where we've always enjoyed significant amount of individual agency and autonomy, as we should, as members of a independent and coequal branch of government. Without bill limitations, nothing was grinding to a halt. All hea-- all bills were still subject to public hearing and had an opportunity for our second house and all stakeholders to weigh in, and then even moved through the process if they could garner support and remained in committee if they could not. So it's an arbitrary limitation on legislative authority and power that is not necessary. Also, typically, many senators did not come close to introducing 20 bills in any given legislative session, but a few senators decided that was the best way for them to represent their constituents. And you see this especially from more seasoned senators, senators who are committee chairs, senators who have subject matter expertise on technical matters. And then, of course, we need to attend to that business and then also be responsive to constituent requests. And I will tell you one thing that's particularly frustrating about the limitation is I was preparing my legislative agenda this year to return to a seat on the Education and Government Affairs Committee as I had been assigned and expected to be reassigned in this biennium. Due to changes in our Committee on Committee process, my committee assignments changed. And so that's actually a, a huge disservice as well, as I'm then trying to be responsive to people who have measures before either Government or Natural Resources or Education as I had planned. And that last-minute change is really unfortunate in terms of managing that arbitrary limit and your personal legislative agenda. Additionally, I would encourage my friend, Senator Hansen, and others to look very carefully at the separation of powers provision in the Nebraska Constitution, Article II, Section 1. And the Attorney General had-- thank you, Mr. President. I see I have a minute. The Attorney General has been very clear that Nebraska's separation of powers provision is actually stronger than we even see on the national level. And I agree with him in that regard. And for that reason, we as the legislative branch are prohibited from delegating legislative authority to any other branch of government, i.e. executive or judicial, not only proscribed by that constitutional provision, but case law has been clear. The Legislature may not delegate its lawmaking function to the executive or judicial branches. By giving the governor an unlimited amount of ability to legislate and restraining our own power as a separate and coequal branch of government is wrong, and it's particularly wrong in a one-house Legislature. This is about control. It is not about efficiency--

**ARCH:** Time, Senator.

**CONRAD:** --and it should be rescinded. Thank you, Mr. President.

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

**HUNT:** Thank you, Mr. President. I will lift up what Senator Conrad just said. It is wrong to give the governor unlimited authority to introduce bills in this coequal branch of government that we do not have ourselves. I would like everybody in this body to reflect on how far we've gone to diminish and degrade our own power as a separate, coequal branch of government. Since my time in the Legislature, we've reduced legislative oversight. We've reduced our own authority to provide accountability to agencies. We have reduced the amount of vetting that we give to executive branch appointments. We just took away our own right to not vote on Final Reading. Tying our hands once again. And last year, we passed this rule change from, from Senator Hansen. And by the way, I'll note that Senator Hansen originally wanted the bill limit to be much smaller. But this bill pa-- or, this rules change passed. Similar to the rule we just adopted from Senator Kauth, because there was kind of this, as I recall it-- I could be corrected-- but there was this sort of, like, last-minute effort for compromise instead of just saying, no, it's a bad idea. So the rule lim-- bill limit got raised to 20 instead of whatever it was originally. And I think that as a body-- how-- a lot of y'all are new here. You just got here. How are you going to go knock, you know, 50,000 doors? How are you going to raise \$100,000, some of you had to do, which-- other people in other legislatures in the, in the country who might look at what we do and go, well, that's not too much money. But you go through all this work to get in here and you come in here and lay in the aisle and roll over like a dog. That's what you've done to me as far as I see it. You come in here to have power, to represent the people who have sent you here. Senator Andersen was speaking earlier about how many people he represents. He mentioned that number several times. And so how are you going to say out one side of your mouth that these people want to know how you vote. They want you to vote yes or no in this binary way with nothing in between, no present, not voting, because you don't think they have the capacity to understand what that could mean. But out the other side of your mouth, you're saying, I shouldn't be able to introduce the number of bills to tackle the issues that are important to my constituents. Both of these things are in complete opposition to each other. More hypocrisy. All of these things were done by the Legislature voluntarily. We have volunteered to diminish our power. We have volunteered to degrade and debase ourselves for the executive branch and the judicial branch. We have volunteered to give up our power as a coequal branch of government. I have always been against a bill limit. I didn't introduce the bill limit this year because I got everything drafted and done that I wanted to do before I hit the

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20-bill limit. And that freed me up to have some room to introduce bills for other people. I introduced a bill for Senator Bostar, for Senator Conrad, and, and those are-- they're-- those are bills that I may end up carrying. We'll see. But in past years, I think I had introduced up to 28 bills. And last year or the year before, I think I only introduced four or five. All of these things amou-- it doesn't matter. You know, these anecdotes I'm sharing about what I did and what it-- my exper-- it doesn't matter, actually, because at the end of the day, we are tying our own hands. We are diminishing and decreasing our ability to represent our constituents. And it's an insult to our intelligence and it's an insult to our power and the dignity of this office. If you had not allowed Senator Kauth to take advantage of you and your time over the last two days, we would have been done with this rules debate yesterday at, like, 11 a.m. But because she bullied her rules change onto the floor, we are here today continuing to discuss rule changes. And, colleagues, there may be more rules changes to come because what we've learned from this is the precedent that the way we change the rules is by introducing them on the floor after the committee has done their work. Thank you, Mr. President.

**ARCH:** Senators in the queue are DeBoer, McKinney, Jacobson, and Conrad. Senator DeBoer, you are recognized to speak.

**DeBOER:** Thank you, Mr. President. So last rule ch-- first of all, I'm a little disappointed because we are talking about rules changes and-- I am the worst one in the room for sitting in my chair all the time and listening. But I am a little disappointed that we don't have more people in here participating in the discussion. And it doesn't matter if I'm disappointed or not, but it is sad, because I would like to have an argument with you guys. I would like to have a discussion with you guys. I would like to go through this and try and figure this-- these things out. My first year, I brought-- I think it was 11 bills. And over time, I've brought, brought more and more. One year or a couple years ago, I brought 24. I passed 12 of those. Now, one was vetoed, but I passed 12 bills of the 24. And that's pretty good batting average. People bring bills because the legislation is needed. Some of the bills that I have brought in the past has been to eliminate confusion in our code, streamlining it, get rid of excess regulation, get rid of outdated-- I, I revamped the adoption statute and got rid of references to putative father which we had in place before there was DNA testing. So sometimes these rule changes actually simplify-- these-- sorry-- these bills, these laws actually simplif-- simplify our legal code, clean it up. Last year, I had one to take our juvenile code and get rid of all the stuff that is no longer valid and put it all in one place with an index. Is that something that needs to be done? No. That's a

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want. And sometimes we should get our wants too, because the people of the state of Nebraska should not just be given their bare needs with respect to our work here but should also be given some of their wants. They'd like to have a code that is cleaned up, accessible, and, from time to time, has an index in complex areas of law. As time has passed, I've done more bills in part-- I've heard others say-- that are more senior because they bring ones back that, for whatever reason, they couldn't prioritize, they couldn't get in a package. Good bills. Nobody has a problem with them. They just can't get them passed. Try again. See if they can. But another reason I have more bills now is because I've developed an expertise in the area of Transportation and Telecommunications. Not my first choice when I was coming into the body of what was going to be my committee. I wanted Education. I didn't get it. So I tried to bloom where I was planted, and now I have some expertise in the area. And there's a bill that I brought this year that if someone else brought-- if someone else had been the introducer of that bill-- it's a simple bill. If someone else had been the introducer of that bill, there would have been a lot of people freaking out. But they didn't because they know and trust me because they've worked with me for a long time on that committee. So they came and asked me, what does this mean? Are they trying to do this? Are they trying to do that? And I said no. The bill is what the bill is. It's not more than what the bill is. But that's because I've developed a rapport with stakeholders over the years in this particular area. There is a reason that people bring multiple bills. It happens over time. I don't think anyone should bring 30 bills their freshman year, but what am I to say? Last year, I thought this was a dumb rule change, but I'll give it a shot. I gave it a shot. I now think it's dumber than I did last year, and so now I think we should not do it. I mean, it's pretty much that simple. I think there are valid reasons for preening-- for people bringing more than one bill. And I listen to Senator McKinney when he says that his constituents are hurt by the fact that they can't get all their bills brought. And I think we should trust Senator McKinney and others who are saying that when they're talking about their constituents. Thank you, Mr. President.

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

**McKINNEY:** Thank you, Mr. President. And I do want to say that, since I've been here, I've never introduced a bill that I didn't think was important or I didn't think was needed to be introduced to address a issue, because my district for-- since however long has dealt with a multitude of issues that I could go all day about. So I have to introduce bills to address those issues. And limiting me just tells me that, you know, I'm limited in how many issues I can address this year.

And I just don't like it. I disagree with it wholeheartedly. I just don't understand how one argument is, oh, we already changed this and it's only been effect in one year. But I could point to a few things that it's only been in effect-- and I could look at the bills that's been introduced this year that are trying to change things that have only been in effect one or two years. And that's just hypocrisy. This, this just doesn't work for the people. We talk about the people. We talk about our constituents, but this doesn't serve our constituents. Most people I know since I've been here, no matter where they end up on the political spectrum, most people I know since I've been here, when they introduce bills, they're introducing the bills because they believe in them. They, they mean to introduce them. They're not just throwing a bill out there to just throw it out there even it, it-- even if it is to get an agency to come to the table and talk about a important topic, like kids getting lost in the child welfare system, the prisons being overcrowded. Those issues are going to come up. And if we limit ourselves, we limit what we could do as legislators to address those issues and respond to those issues. That's why we should take this away. We're giving too much power to agencies. The governor has an, an unlimited amount of bills he can request. Literally. He could request 1,000 bills and we could do nothing to stop it. Nothing. Not one thing. Because in the current rule, he is-- there, there's no limit. And why, why isn't there a limit? If there is a limit on senators, why isn't there a limit on the governor? I probably should have put that in the rule too, like, put a limit on the governor. If, if we only could introduce-- but I just think we need to take away this limitation. It just makes no sense. We have to be able to respond and do our jobs. This takes that away. And then when you talk about the amount of bills that get it-- that, that get introduced-- I think Senator Dungan said it earlier-- I think 1,100 or more bills were drafted. I look at the count, I think 715 bills were introduced, and that's not counting the CAs. So we're pretty much on track, sort of, as far as-- since I've been here. Like, we might be slightly down maybe, but we're on track. So this bill didn't change any-- this limitation didn't change anything. And that is my point. Where there's a will, there's a way. Where there's a loophole, people will find a way. You got committee chairs who could introduce ten. You got people who could swap and swap. You could get the governor to actually-- introduce ten and you could introduce 20, introduce another 10-- that's 30. You're a committee chair, you could-- you, you could introduce ten. That's 40 bills from a senator. Where is the limit? There is no limit, so take it away. There's too many loopholes and it's not working for our people. And that's why we should take it away. And I, I'm, I'm asking you all to support this. So thank you.

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**ARCH:** Senator Jacobson, you're recognized to speak.

**JACOBSON:** Thank you, Mr. Speaker. Well, I haven't weighed in on any of these rule changes. And I would probably just say, as it relates to this particular rule change-- proposed rule change, I look at 20 bills, and that's a lot of bills to handle. And I think the thing that's maybe gone unnoticed is if you have 30, 40 bills-- let's remember that you're assigned to a standing committee and you're expected to be in your committee hearings listening to testimony from people who have driven all across the state to have you hear their testimony on a bill in front of the standing committee you were assigned to. I don't want to mention any names, but there have been senators in past-- they're not here in the body today-- that served on a committee and were rarely in that committee because they were off presenting their bill at another committee. So I think we need to balance between your responsibility to be sitting in the committee that you're-- the, the standing committee you're assigned to, listening to constituents or listening to testifiers who have come from all across the state-- in some cases driving eight hours to get here-- and there's three or four people on the committee sitting there listening to testimony because the others are off introducing their bill at another committee. I don't think that's fair to the testifiers. So then you start thinking, what is the right number of bills? And then you start thinking about how many bills actually get passed. It's a fraction of the number of bills that were introduced. So, you know, we could-- and, and then we already look at where Bill Drafters have been in terms of getting bills drafted. How many more bill drafters do we want to hire to be able to process these bills? So I think we ought to move down the road and let this bi-- let this current rule stand for a while, see if there are real problems. But I would just caution everyone to think about your responsibility as a com-- standing committee member to be at that committee listening to the testifiers that are coming before that committee. Thank you, Mr. Speaker.

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

**CONRAD:** Thank you, Mr. President. Good day, colleagues. I almost said good afternoon, but we're still above the noon hour. So the other points that I wanted to make that I didn't have an opportunity at my first time on the mic was there is, I think, a, a basic misunderstanding of what an arbitrary bill limit does or does not. So I think any senator in this body, whether new or returning, would appreciate and understand that the measure of our work is not about quantity. It's about quality and meaning. And it's a rather odd calculation, particularly from a conservative perspective, to focus on

number of bills passed or number of bills introduced. It's, it's just arbitrary at its very, very nature. So you could bring a handful of bills that have wide-ranging impact. You could bring 25 to 30 bills that are more technical in nature or that address a very, very discrete problem. So the, the 20-bill limitation doesn't really provide any sort of context or framework for the impact, results, or quality of our lawmaking, which should be the North Star, which should be the North Star. Additionally, I think one thing that's important to note, as I've heard my good friend, Senator Hansen, and others bring forward this perspective-- and I love that my friend, Senator Hansen, has a strong libertarian bent to his lawmaking. That's something that, that I very, very much can relate to as a civil libertarian and, and find a lot of affinity from that perspective-- is that I've heard Senator Hansen and others say that we need to do this to restrain government. But again, I, I think that fails to kind of open up a broader lens on this. Measures that individual legislators bring forward have almost infinite possibility-- constrained only by the constitution, of course. But bills that we bring forward can restrain government, can rein in government, can limina-- limit government, can shrink government. So every bill that's brought forward is not an expansion of government, and shouldn't be in, in, in many regards. So it's also-- again, it shows kind of the miscalculation on settling on a-- an arbitrary number that somehow or another we're going to restrain government by restraining senators. Actually, by restraining senators, you give more opportunity for the other branches of government and to fill those gaps and voids in power and in prowess. And so I think it's really important, particularly as we honor our one-house Legislature, the fact that we're in a term-limits era, the fact that we are a coequal, independent branch of government, we need maximum ability to not only represent our constituents but to protect the people's house, the people's branch from government overreach when it raises its-- when it raises activities that we should be rightly skeptical of, from a radical, overbroad, overreaching, radical executive branch or Supreme Court. And we're seeing that particularly on display now, where we have an Attorney General who's in an outright war with the people's precious right of initiative. We've seen him weaponize his Attorney General opinions against individual rights and liberties like voting rights and attacking this very Legislature on basic things like legislative oversight. So now more than ever, we need a strong, independent Legislature to push back against those examples and others that are clear and present dangers in our democratic system that infringe upon our, our system of governance. Our founders were right to be skeptical of an overbearing executive, but they always put the power in the

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people's branch in the Legislature, with-- this arbitrary rule undermines. Thank you, Mr. President.

**ARCH:** Senator Moser, you're recognized to speak.

**MOSER:** Thank you, Mist-- thank you, Mr. President. And good morning, colleagues. And good morning, Nebraskans that are watching us work. The rule that Senator Hansen brought has reduced the number of bills. It has been effective. You can still get around it. You can combine bills. You can amend things into other bills. You can have somebody introduce a bill and then take their name off of it, and then it can be your bill again. But the 20-bill limit is, to me, kind of a goal. It's not necessarily a, a fatally-- it, it's not a rigid limit that really stops everybody from entering bills. But in the last be-- biennium, we had about 1,400 bills entered and only 244 of them passed. So if you divide that out, it's about 17%. So then if you let every senator add ten more bills-- that would be another 500 bills-- you're still only going to be able to pass about 244 of them because you don't have time on the floor to de-- to debate them all. Each senator gets one priority. The Speaker, because he's special, gets 25 bills that he can, he can bring to the floor. And, and the governor can suggest bills, but he still needs a senator to introduce his bills and to work his bills for him. It's-- this isn't necessarily a limit on the population. This is a limit to-- based on what we can actually do a good job of considering. I just don't see that we need to enter more bills. To think back over all the years of all the smart people that have served in this body and to think that we all of a sudden have a eureka moment where we have a bill that nobody's ever thought of before is really kind of silly. How many times I've been in a hearing and the senator that introduces the bill sits down at the table, and he said, well, I had a constituent that ki-- came to me and the-- they had this problem. So they're entering a bill to solve a problem for one constituent who may be unique to the rest of the other 40,000 people in your district. You know, you really need to think about the bills you enter and the time that you're taking. You know, every bill has to have a hearing. Every bill has to be transcribed. It creates a lot of work. And it's-- and that information is stored forever. So I support the, the rule as it is. I don't, I don't think we should lift that limit. If it limits the number of bills a little bit, I think that's a great deal. Thank you.

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

**HANSEN:** Thank you, Mr. Speaker. Colleagues, hoping this is-- be the last time I have to speak. We can kind of hopefully here move on pretty quickly, take a vote on this. Again, I'm encouraging my colleagues to

vote no on this. Again, way too premature to see all the benefits from this even though after one year we have seen some benefit. And just to kind of throw out a couple more numbers here. If you include all the senators' 20 bills and, and then committee bills, you're going to have a total about 980 bills we can introduce. This year, if you don't count CAs, we introduced 676 bills. So we're roughly about 68% of the cap we have used. So when we say we're kind of constraining our ability to kind of introduce bills, colleagues can always find another colleague to introdu-- introduce a bill on their behalf if they want to. Say, hey, look, I got this great bill this constituent brought for me, or X, Y and Z, you know. And I think our colleagues want that. They want us to collaborate. They want us to talk. They want us to, you know, work together to try to move things forward. I wouldn't say that forces us, but it now requires us sometimes to do that if we want to. Again, putting the onus on us as senators to be responsible for the bills that we introduce, not being afraid to say no to a lobbyist who brings us a bill, or holding on to it and introducing it later, and I think that's totally appropriate, and I think that that's what this rule change instills in us as a body. And it has. So we're doing good here. We-- like I said, we've only rea-- this year, 68% of the total amount of bills we can introduce as a body. So it's still a lot of bills if we want to. We just have to do a-- more work-- whether that's moving, moving it through the-- moving it through the committee. Again, if it's a do-nothing bill or one that's a technical cleanup that some colleagues here have mentioned takes up some of our 20 bills, move it through the committee. Convince-- convince the committee members-- it should be pretty easy-- which we did this year. And that's good. Trust our committees to do this work. And when the committee puts a committee bill forward and it gets on the floor, we all have a tendency to trust that bill a lot more and it moves forward a lot quicker. So. Again, colleagues, I, I encourage you to vote no on this rule change and give it some time to see how it goes here. So far, so good. Stick with it. I appreciate it. Thank you, Mr. Speaker.

**ARCH:** Senator DeBoer, you're recognized to speak.

**DeBOER:** Thank you, Mr. President. I do want to address a couple of things that my colleagues have said. The number of bills that you bring is not equal to the amount of work, right? You can bring 1 bill that's a lot of work or you can bring 20 bills that are less work because they're less controversial. The number of bills is not, Senator Jacobson, equal to the amount of time you're out of committee either. You can have 50 small bills that would take you out of committee for a half an hour each or you can have 10 bills that'll take you out of your committee for the whole day because you can have a whole line of people

outside of the door waiting to testify on your bill or you can have two people waiting to testify on your bill because it's a technical change. I'm just saying the number of bills is not dispositive of either the amount of time you'll be out of the committee, nor is it dispositive of the amount of work. Some bills take more work than others. This is, I think, the point that Senator Conrad was making when she said that, you know, bills are not all the same. I would re-echo her point, which I also made, which is to say, sometimes we are making bills to limit things that-- in the past, get rid of regulation, clean up statutes. I think that's worthy work to be done. It's not always, you know, headline grabbing, but it's worthy work to be done. The 244 bills passed-- well, yes and no. It's actually more than that because when we put our committee packages together, we group like bills that are on the same topic or similar for other reasons, and we put them together. So-- in fact, there are more in each biennium passed than the number of bills that have their number passed because there are bills within bills. And I'm not a huge fan of, like, the giant Christmas trees we did in '23. In fact, I don't like that at all. But I do think there is a place for some Christmas trees and some combining of bills. We're going to hear in Judiciary today two bills that were introduced that are exactly the-- well, they are so very close to exactly the same that we're having a joint hearing on them. On the other hand, we heard yesterday a bill that probably should have been two bills. It was combined into being one bill-- which, by the way, made the committee hearing a little bit confusing, both for the testifiers and for the people on the committee. It does not yield as good as a public hearing if you have two bills smashed together into one bill. But in order to deal with these sort of arbitrary numbers of bills we can introduce, people put the bills together because they are very similar, they're on the same topic. They would end up in a Christmas tree together. But having individual hearings on them, even if the individual hearings take the same amount of time as having one hearing, it is a more straightforward way to do it so that the public can speak to the issue that is at issue in that particular discrete part of the bill, as opposed to having people come up as they did yesterday and say, we have no comment on this part of the bill. We only want to comment about this part of the bill, so. I just don't think this makes less work for us, for bill drafters, for anyone else. I do think it makes it more confusing. I-- if, if the onus is on us-- it should be on us. We are the senators. It should be on us to say, how many bills can I reasonably bring? How many-- how much time can I reasonably be gone from my standing committee and still do service to that standing committee? How much should I be bringing to, you know, straighten our code out or to do new and additional things? That discretion is why we

were elected. My constituents didn't elect me because they agreed with every single thing I said. There's not a single person in this room that agrees with everything I said. My mother doesn't agree with everything I say. They elected us because they believed and trusted in our discretion to make the right choice, including about how many bills we int-- we introduce. Thank you, Mr. President.

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

**M. CAVANAUGH:** Thank you, Mr. President. I rise in support of this rule change. This year was the first time I've ever introduced 20 bills, and I previously kind of just introduced whatever number of bills I put together and thought I should introduce. This year, I thought, well, challenge accepted. I'm going to introduce 20 bills. So I did. But I did want to talk about some of the bills that could be introduced that are sort of the low-hanging fruit, not complex bills that may not get introduced or may get introduced in a Christmas tree manner, and that is our sunset bills. We have a great tendency to add sunsets to pretty much everything that we pass. And when it comes up for the sunset to lapse, somebody typically enters a bill to change the, the sunset date, the termination date. And so if we are limiting the number of bills we have, we may end up not having those bills for programs that we want to continue but we don't have space in our agenda. And you can argue, yeah, well, you can ask somebody else. That's not how we should have to be governing ourselves. I should not have to find somebody else to bring a bill for something that is important to me and is important to my constituents. I was elected to do that myself. That's why I was elected. I was elected to bring legislation that improves the lives of the people in my district and the people of Nebraska. I wasn't elected to find other people to do that on my behalf. I don't know why everybody else here thinks that they were elected, but I would say probably similar reasons. So I would encourage you to vote yes for this amendment and-- then we can just move forward. Thank you.

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

**CONRAD:** Thank you, Mr. President. Good morning, colleagues. I want to tease out a little bit more some of the potential gamesmanship that I think Senator DeBoer-- my good friend, Senator DeBoer, perhaps alluded to. So in trying to think through the application of this rule, it had occurred to me during the rules debate last year-- and then I had a chance to deliberate and think about it a little bit more during the interim period, that what is permissible under the 20-bill limit is some sort of activity like this. So say that I as an individual senator wanted to bring forward more bills than was allowed under the 20-bill

limit. Of course you could always move to suspend the rules. You could always work to find other colleagues, et cetera, et cetera. But here's what you could also do: you could also introduce a shell bill, a bill related to Education, a bill related to Natural Resources, a bill related to Judiciary. You could get a shell bill in front of every single jurisdictional committee-- which is what, 14? So you'd be well under your limit-- and then you walk in on the hearing day with a white copy amendment that has five or six bills in it. That's not prohibited by the rule, the arbitrary limitation. And what that does-- the arbitrary limitation decreases transparency and encourages gamesmanship, and those are anathema to our process in the Nebraska Legislature, which prides itself on clarity, participation, transparency, and engagement. But is an easily identifiable opportunity to navigate within the confines of the rules as they stand, but should not be encouraged. Additionally, I have heard many senators, new and returning-- and the governor himself-- proclaim their dissatisfaction with omnibus bills or Christmas tree bills or package bills. But this in fact encourages that rather than allowing for discrete consideration, deliberation, and accountability and a clear vote on individual measures. This encourages the omnibus Christmas tree and package bills that you claim you dislike and that you want to limit. So you need to apply the rhetoric to the action. Additionally, there was perhaps at some point some thinking that the Legislature, which is restrained by our constitution, by the people themselves, and-- which is a restrictive grant of power, not an expansive one, according to well-established Supreme Court precedent-- one of the constraints and the restraints on the people's branch, on this body was to ensure that essentially we had to bring forward single-subject legislation for transparency, for clarity, to prevent dealmaking, to protect-- prevent backroom deals, to prevent logrolling. And due to the increased usage of package, omnibus, Christmas tree bills for a host of different reasons, which-- of course there's always been committee packages. Of course there's always been those that move through the body. But look no further than the recent history in the combination of controversial measures-- LB574, LB626-- bending the rules in a host of different ways to put forward an omnibus bill on two discrete provisions. And the Supreme Court has ruled very recently that that's permissible. So in essence, the Legislature can combine whatever measures whenever they want to and they're not actually constrained by what the constitution says it should be constrained by. So these are the parameters and the facts that we're operating within-- that shouldn't be normalized, but have-- for both the judicial branch and the legislative branch. This mea-- this arbitrary limitation restrains the people's branch, which cannot delegate legislative authority to the executive or judicial--

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and has through this rule by an unlimited in-- limit-- unlimited introduction for the governor. It undermines transparency. It encourages omnibus, Christmas tree, and package bills. And it eliminates individual autonomy in a term-limited institution that is the smallest in the hist-- in, in--

**ARCH:** Time, Senator.

**CONRAD:** --the entire United States and--

**ARCH:** Mr. Clerk for items.

**CLERK:** Thank you, Mr. President. Amendments to be printed from Senator Hunt to LB33 and LB432. New LR from Senator Clouse. That'll be laid over. Senat-- notice that Senator Wordekemper has been chosen as the vice chair of the Building and Maintenance Committee. Senator Wordekemper, Building and Maintenance vice chair.

**ARCH:** Mr. Clerk.

**CLERK:** Mr. President, I have a proposed rule change amendment to the McKinney rule change sent from Senator Hughes. Senator Hughes, it's my understanding that there will be some changes to this language.

**ARCH:** Senator Hughes, you're welcome to open.

**HUGHES:** Thank you, Mr. Chair. We had a little bit of a-- my intent wasn't quite right when we wrote this up, so we're going to have a, a re-- get it drafted correctly for tomorrow. But my intent would be to amend the rule so that the governor would also be held to a 20-bill limitation. Just from hearing this, different colleagues speaking, I don't think that the requests by the governor should have-- he should be-- that position should have more, more bills than an individual senator. So we're going to revise this. It'll come out tomorrow. But it would keep the 20-bill limit for senators and also hold that same requirement for the governor. Of course, appropriation bills and those bills would be outside of that limit. Thank you.

**ARCH:** Mr. Clerk.

**CLERK:** Mr. President, a committee report. The Revenue Committee, chaired by Senator von Gillern, reports LB194 to General File. Additionally, name adds: Senator Andersen, name added to LB3; Rountree, LB12; Fredrickson, LB27; Prokop, LB383; Murman, LB5-- and Dorn, McKeon, and Holdcroft, LB550. Rountree, name withdrawn from LB669; Ibach, name withdrawn from LB689. Notice that the Referencing Committee will meet

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in Room 2102 upon adjournment. Finally, Mr. President, a priority motion: Senator Storer would move to adjourn the body until Friday, January 24, 2025 at 9:00 a.m.

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