

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2023

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the third day of the One Hundred Eighth, First Session. Our chaplain today is Senator Aguilar. Please rise.

AGUILAR: Please join me in an attitude of prayer. Dear Father, thank you for the gift of human government. We pray for our President, Governor and legislators. Grant us all with humility and wisdom through righteousness, integrity, patience and love as we lead and protect the people of the great state and the nation. Teach us to honor them in ways that honor you. Teach us to live as free people and never use our freedom as an excuse to do evil. Teach us to honor our rulers with respect, even when they are unjust. And thank you, Lord, for this time that we have together as a leg-- as a legislative body. In Jesus's name, Amen.

KELLY: I recognize Senator Arch, Speaker Arch, for the Pledge of Allegiance.

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

KELLY: Thank you. I call to order the third day of the One Hundred Eighth Legislature, First Session. Mr. Clerk, please record. Mr. Clerk, please record. Mr. Clerk, please record.

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

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

CLERK: I have no corrections this morning.

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

CLERK: There are, Mr. President: a letter from Senator Brewer addressed to the Speaker designating LB77 as his personal priority for this session. Additionally, agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website. That's all I have at this time, Mr. President.

KELLY: Senator Briese for an announcement.

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Floor Debate January 6, 2023

BRIESE: Thank you, Mr. President. I have what I would consider a very important announcement here. The Legislature's workplace harassment policy requires that all senators and staff attend a workplace harassment training session at least once each biennium. This mandatory training for senators will be next Friday, January 13, from 8:30 to 10:00 a.m. in Room 1524. The Legislature will not convene until 10:00 that day. Staff will have two opportunities to attend training on the afternoon of January 13. The first session will be from 1:00 to 2:30. The second will be from 3:00 to 4:30. They, as well, will be in Room 1524. Staff only need to attend one session, but because space is limited, we ask that you please plan accordingly to be able to attend either session if the room is full for the first session. Again, senators will be in the morning, Friday, January 13, from 8:30 to 10:00 a.m. Secondly, as a reminder, new staff orientation will take place on Monday, January 9, in Room 1524, starting at 10:15 a.m. The agenda will be sent out this morning and I would strongly encourage all senators to have their staff attend this training, particularly if your staff is new. And that's all I have. Any questions you have on any of the above, feel free to contact my office. Thank [RECORDER MALFUNCTION]

KELLY: Thank you, Senator Briese. Speaker Arch for an announcement.

ARCH: Thank you, Mr. President. Colleagues, I have another memo that's going to be distributed here in a little bit, but I want to talk through it for a second about some of the floor procedures. First of all, I want to talk about staff, because I know the last few years we've been going through COVID and there's been a lot of different rules, and so we're just kind of resetting here for what the rules are this year regarding-- regarding staff, and I would put it this way: use discretion and judgment. We-- you know, you'll see in the memo that this Chamber is described as a place for work, and so staff are more than welcome to come and to participate and support you in your work. And so if you're working on a bill or if you're speaking, getting ready to introduce, you know, whatever, whatever that may be that you need support for work, terrific. Loitering, socializing, I would just ask you to direct your staff to when that is-- when that-- when that is accomplished, whatever that work is, that they-- that they leave. We know that we don't have a lot of space, even for senators, to step off the floor under the balcony to have discussions on bills, and so we want to open that up and-- and have that opportunity. So as I say, just, you know, use-- use your discretion, use your judgment, but the overall-- the overall structure is that of it's-- it's a place for work, so please, please respect that. East balcony, the choir loft, east balcony is going to be open for ill

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Floor Debate January 6, 2023

senators, and again, we're back to discretion. Please don't drag yourself in here if you're really sick. But if you got a cold and you want to be respectful and you don't want other people to catch your cold, that type of thing, it is going to be available. We'll-- you can participate. You can vote. There will be a microphone up there. You'll be able to be there and-- and kind of isolate yourself, pull away from the others and not share everything you have. So we'll-- we'll use that this year. Be thoughtful of others with that. The roped-off sections in the back will be open once again for visitors. The-- the-- the rule is pretty clear. It's by invitation of senators that you would invite a visitor. It's a-- it's a special time. It's not a routine time, but a special time. But if you have a family member or something that you want to be in there and experience the floor, that's-- that's fine. It's by-- it's-- it is by invitation, with-- with permission, I might say. But again, discretion, and it's very specific in the rule, never somebody that has an active interest in what's being debated, so, you know, you're-- we're obviously not inviting people that are-- that-- that are actively lobbying for a particular bill or that type of thing. That's not the purpose of this. It's ceremonial. It's by-- it's a-- it's a special privilege to be on the floor, and-- and again, use discretion for that. Access to the Chamber, so there are going to be two entrances, the back entrance, the glass, and then this entrance off here to my left. So those are the two entrances to get into the Chamber and those will be open. Good news: while we don't have the Senator Lounge, the men's restroom will be open and available in that Senator Lounge area, but the-- the Lounge won't be open until after the session. Another-- one other announcement-- or one other-- one other topic here has to do with announcements and personal privileges. I'm pretty much going to follow where Speaker Hilgers was on this issue and that is that good-news announcements, terrific, I mean, we're going to be celebrating them and, you know, I mean, we have lives and we want to share that. And so we talk about anniversaries and we talk about birthdays and that type of thing, and that's all good. We have-- we have-- we have good-news announcements. I would just simply ask that you notify my office the day before and-- and let Laurie know that-- that it is something that you want to announce on the floor. So if I have ten of those one day, I may-- I may want to delay some for the next day. But regardless, announcements, good-news announcements are available. Personal privilege, there is actually a rule, right? Rule 2, Section 11, and so we're going to restrict personal privilege, that specific request, to rights, dignity, integrity of the Legislature collectively, and rights, reputation, and conduct of an individual member. So-- so those, you need to come to me and say, hey, tomorrow I want to do a--

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Floor Debate January 6, 2023

I want to-- I'm going to be asking for personal privilege, and-- and talk to me about how it applies to those particular categories. And so we-- we're not going to-- we're not going to use it for other purposes. We have plenty of time for debate on bills and-- and putting forth our opinions on-- on-- on policy. So we'll use that on-- when we're debating bills, and so this is-- this is specific to the rules there. The last-- the last item on the agenda is going to be-- is the topic of legislative resolutions, and I know resolutions have already started to circulate. There are-- a lot of times there are ceremonial resolutions. We want to congratulate somebody, we want to recognize somebody in our community and we-- and we want other senators to sign on to that, and those are-- those are terrific. Ceremonial resolutions? No problem. As you know, on the agenda, those go through smoothly and-- and that's-- that's not an issue. Constitutional amendments are also LRs and those get referred to committees, so that's-- that has its own solution to that. And then there-- there have been times, though, that-- that there are policies in resolutions, and this is what we want to be really careful about. So policy in resolution, strictly, a resolution with policy is going to-- is going to go to-- is going to go to a committee, and then they will-- they will debate that and we can reference that. It's those-- it's those-- it's those times when you-- you want to make a statement but we know that they're-- they are going to be divisive statements. And-- and so those pol-- if-- if it's policy and it's a divisive issue, I'm going to consider those very, very seriously and-- and-- and we may just hold those. So I-- I encourage you, don't try to use legislative resolutions for that purpose, to make that kind of a statement. And we've had some times in the past where it's kind of gone back and forth and-- and we just don't-- we don't want to do that. We don't need that here on-- on the floor. So we don't want to use floor time for position statements that are divisive and that don't carry the weight of law at the-- at the end of the day. So with that, they'll-- they'll pass around the-- the announcement and the-- the memo. And if-- and if you have any questions, obviously, certainly come and see me and then-- and then-- or-- or talk to Laurie as well. So thank you very much, Mr. President.

KELLY: Thank you, Speaker Arch. Mr. Clerk, for new bills.

CLERK: Thank you, Mr. President. LB92, introduced by Senator Slama, is a bill for an act relating to insurance; amends Sections 44-1993; eliminates the requirement that an annual review of the title insurance agent's practices by title insurer be on site; repeals the original section. LB93, introduced by Senator Slama, is a bill for an act relating to insurance; amends several sections within Chapter 44;

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Floor Debate January 6, 2023

changes provisions relating to security deposits required to be deposited by insurers with the Department of Insurance; harmonize provisions; repeals the original section. LB94, introduced by Senator Slama, is a bill for an act relating to Uniform Commercial Code; amends several sections; adopts provisions on controllable electronic records, controls of intangible property, controllable accounts, controllable payment, intangibles, hybrid transactions, negotiable instruments, transactions involving digital assets, and security interest in digital assets and electronic money; defines, redefines, and eliminates terms; provides transition rules; harmonize provisions; repeals the original section; provides an operative date; and outright repeals Sections 1210A [SIC], 12-10-- 01A [SIC]; 12-108, and 12-09 [SIC]. LB95, introduced by Senator Slama, is a bill for an act relating to asbestos; adopts the Asbestos Claim-- Trust Claims Transparency Act and-- and the Asbestos Claims Priorities and Claims Legiti-- Legitimacy Act; harmonize provisions relating to a statute of limitations; and repeals the original section. LB96, introduced by Senator Slama, is a bill for an act relating to revenue and taxation; amends Section 77-2704.36; provides a sales and use tax exemption for twine as prescribed; provides an operative date; and repeals the original section. LB97, introduced by Senator Clements, is a bill for an act relating to revenue and taxation; amends Section 77-2015; change provisions relating to required reports for inheritance tax; repeals the original section; declares an emergency. LB98, introduced by Senator Jacobson, is a bill for an act relating to the Community Development Law; amends Sections 18-2109 and 18-2155; changes provisions relating to substandard and blighted declarations and redevelopment plans receiving expedited review; and repeals the original section. LB99, intro-- introduced by Senator Machaela Cavanaugh, is a bill for an act relating to schools; amends Section 79-10,137; adopts the Hunger-Free Schools Act; restates legislative findings and states legislative intent; eliminates obsolete provisions relating to reimbursement for school breakfast programs; repeals the original section; outright repeals Sections 79-10,138, 79-10,139. LB100, introduced by Senator Erdman, is a bill for an act relating to the ImagiNE Nebraska Act; amends Section 77-6818; changes provisions relating to qualified locations; repeals the original section; declares an emergency. LB101, introduced by Senator Erdman, is a bill for an act relating to the Nebraska Workers' Compensation Act; amends Sections 48-106; provides for an exemption from the act of certain agricultural operations; provides for liability; repeals the original section; declares an emergency. LB102, introduced by Senator Erdman, is a bill for an act relating to land survey; amends several sections; changes provisions relating to the Nebraska Plane Coordinate System

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Floor Debate January 6, 2023

Act and the Land Surveyors Regulation Act; defines and redefines terms; authorizes certain land-surveying activities; provides for requirements, liability, licensure duties, organizational practices, and disciplinary action as prescribed; change requirements for the content and filing of land surveys; changes and provides penalties; changes and provides fees; harmonize provisions; provides an operative date; and repeals the original section. LB103, introduced by Senator McDonnell, is a bill for an act relating to retirement; amends Section 79-920 and 84-1301; redefines terms under the School Employees Retirement Act and the State Employees Retirement Act; change provisions relating to participation in the School Employees Retirement System in the state of Nebraska; harmonize provisions; and repeals original section. LB104, introduced by Senator McDonnell, is a bill relating to retirement; amends several sections; redefines terms under the County Employees Retirement Act, the Judges Retirement Act, School Employee Retirement Act, the Nebraska State Patrol Retirement Act, and the State Employees Retirement Act; repeals the original section; declares an emergency. LB105, introduced by Senator McDonnell, is a bill for an act relating to retirement; amends Sections 23-2323.01 and Sections 24-701 and several other sections; changes provisions relating to applicability of military service; eliminates a term; harmonize provisions; repeals the original-- original section; and declares an emergency. That's all I have at this time, Mr. President.

KELLY: Next item on the agenda, Mr. Clerk.

CLERK: Mr. President, Senator Albrecht would move to approve the following: Final Committee on Committees Report.

KELLY: Senator Albrecht, you're recognized to open.

ALBRECHT: Thank you, Mr. President. Our re-- report from Committee on Committee, the first thing I'd like to do is to thank all the members of the caucus that represented their caucuses, which would be the 1st Caucus, or Senators Bostar, Bostelman, Moser, and Sanders. The 2nd Caucus was Senator Hunt, Linehan, Vargas, and von Gillern. Caucus 3 was Senators Erdman, Jacobson, Lowe and Murman. I'd like to-- to talk about the procedure so that not only we as a body understand it, but also the public. It's important that we follow the rules. That was my task. My task was certainly not to place people in different spots. Mine was to-- to conduct the meeting. So if you'll turn, if you would like, to page 13 in the Rules of the Nebraska Unicameral Legislature, Section-- Rule 3 is committees; Section 2, the appointments of the committees. I'm going to go down to section (b): Immediately following

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Floor Debate January 6, 2023

chairmanships, a Committee on Committee membership election, the committee shall-- shall meet and, by majority vote of all of its members, submit to the Legislature a preliminary report of the appointments to the remaining standing and select committees, each with the number of members as hereinafter set forth, unless otherwise provided by rule or by statute. On the following day, the committee meets and they shall-- again, they say "shall," not "may" but "shall"-- meet and, by a majority vote of all of its members, submit to the Legislature a final report for its approval, appointments to standing committees and select committees, each with a number of members and there-- and-- and set forth, unless otherwise provided by rule or state statute. So once the final report is presented to the Legislature, no amendments shall be considered. If the Legislature, by a majority of the elected members, fails to adopt the final report of the Committee on Committees, such report shall be returned to the committee for further action. OK, so I wanted to go through what we did these-- these last two days. The preliminary report that you were given on that first day represented filling each and every slot on each committee. The reason that we go in numerical order, once we recognize who the Chairs were, that basis-- that's the basis where-- where everyone's going to sit. It may change the makeup of a committee if-- if a Chair isn't the same as what it was the year before. It's important that every part of the state is represented on each of these committees. The process is very much caucus-driven. Everybody was trying to come to me and say, hey, I want to go here, I want to go there. I just directed them back to their caucus. Their caucus leaders were the ones that were helping put these lists together. So as Chair, again, of the committee, I'm tasked to bring the three caucuses together with their four members; their task, to bring to the table who will serve on each committee for their con-- for their constituents. With that said, we-- we did have a situation on a few placements both days, both the first day and the second. So the caucus, when that starts to happen, they ask for a break and maybe it's Caucus 2 who meets with Caucus 3 or Caucus 1 meets with Caucus 2, and they work it out and then we reconvene. Anytime there was a situation like that, the break was taken. When we reconvened, we were able to have a preliminary slate completed and it was approved unanimously by the committee. The Clerk's Office was-- will-- would-- or would have or did, post it on the website, email it to every senator-- senator for review. On the floor the next day, we had an Executive meeting to vote Vice Chair Senator Lowe in. He was selected and elected by 12 yes votes and one abstention. I announced on the floor that morning, yesterday, that senators had until noon to visit and express their desires to change committees with their four caucus

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2023

representatives. We then met after the adjournment yesterday to finalize the slate. In the opening meeting, there were concerns about the process not being followed. After some discussion, a break was taken for phone calls to be made and caucuses to discuss changes. When we reconvened, we voted to consider the preliminary report. Senator Hunt moved that there-- and there was not a second, to adopt the preliminary report. Senator Jacobson made a motion to amend the preliminary report and make three changes, which were moving Senator Slama to Natural Resource, Senator Holdcroft to Judiciary, and Senator Aguilar to Government, Military and Veterans Affairs. It was seconded by Senator Lowe. Roll call was taken and it was voted by 12 yeases and 1 no. Again, I'd like to thank all senators for their participation and the committee caucus Chairs for their work on the committee. And that's my report. Thank you, sir.

KELLY: Thank you, Senator Albrecht. Senator Wayne, to-- I recognize Senator Wayne to begin the debate.

WAYNE: Thank you, Mr. President. Colleagues, there is going to probably be some noise and some things talked about today, but I'm going to tell you my request, and with that request I will tell you my commitment. My request is-- is, as Judiciary Chair, we are facing not just probably building one prison, but most likely having to budget for two. I've said publicly that I've been-- I've been against the prison, but if you'll recall two years ago, during the budget debate, there's no option. We're going to have to build one. But what we did in that budget debate, we set aside \$15 million for programming. My position has been we-- we have to do something, but we have to make sure we have programming and prison reform a part of the process. That's still my commitment. Part of that prison reform and criminal justice reform that, if you read Governor Pillen's conversations about this, is a definite need for mental health and transitional living and transitional-- just transfer-- transitioning back to society. I made a request that Senator Fredrickson come over to Judiciary and that request, for whatever reason, got lost in the weeds in this conversation. I'm asking you to either do a motion to-- and I may do a motion to recommit or to vote this down, because the background that is needed around mental health and social work is critical. I need to have that conversation every week with somebody in that space. I need to have that conversation damn near daily with somebody in that space. And if Speaker Arch was not the Speaker, I would be requesting that he comes over because he's in that space. It's critical to what we're doing for Judiciary. You all elected me by acclamation to do these things on prison reform. And I'm telling you, I like the committee I got, but I know where I'm missing a link, and I'm missing a link in

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2023

the mental health and the social work space. I need that, else it makes my job that much harder. So that's my only request of voting this down; or if I file a motion to recommit, it's for that, and I was clear about that yesterday to multiple people. I'm not going to get into how it got lost and why it got lost because that doesn't matter. I'm moving forward, but I need that. And for those who might be concerned about a runaway committee, I will tell you to ask your colleagues Riepe, Brewer, Linehan, Briese, Lowe, some of your most conservative colleagues, where I walked up to them and said, I don't need your vote, you don't need that, you need to worry about reelection, I need you for bigger things, I don't need your vote, I'm good, because that's who I am. I understand the politics of this body. I understand how things work. I'm not going to tell-- I'm going to tell you when I need you, and sometimes you still may say no. But I also understand that I needed those individuals here for the next term so we can continue the work that we were doing on the committees and the things that we were doing. And at one point it was a-- a veto override. I actually stood up and was yelling at somebody not to vote because I needed them for four more years. I'm transparent with you all. I've made a commitment that I'm not putting out anything crazy that me and Senator Geist don't agree on-- and I said that grammatically incorrect-- Senator Geist and I don't agree on, because I know if it comes out with this body on a 5-4 or a 5-3 vote, I gotta spend eight hours on a debate. I don't have time for that this year. My big project of north and south Omaha, of dollars, that's back before this body and we're asking for more. We're going to change north and south Omaha through economic development.

KELLY: One minute, Senator.

WAYNE: But you guys have tasked me with prison reform and criminal justice reform, and I'm telling you the weak link that I am missing right now on my committee is that space, and I need to have those conversations every day. We are actually about to make an announcement that we are going to have Judiciary meet underneath the balcony at about 11:00, 11:00, so we can start today talking about how we're going to do this. So that's my ask to this body: vote no on the rec-- vote no on the committee report or vote yes on the recommit and give me the tools that I need to make this successful. Thank you, Mr. President.

KELLY: Thank you, Senator Wayne. Recognize Senator Conrad.

CONRAD: Thank you, Mr. President. Good morning, colleagues. I rise in opposition to the motion to approve the Committee on Committees

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Floor Debate January 6, 2023

report, and I'm hopeful that there will be a formal motion to recommit to committee, as well, and perhaps some other potential motions to be filed-- filed this morning to provide for additional debate and deliberation. Let me say at the outset that, as a former member of the Committee on Committees, I appreciate and understand that, under the best of circumstances, it is a very challenging job to try and balance geographic diversity, personal preferences, seniority, incumbency, and all of the different factors and considerations that going in-- that go into setting a-- a thoughtful process and a-- that have a thoughtful result. And so I-- I definitely appreciate the committee members who are working hard in that regard to try and balance all of those different factors. But I also want to just take a step back and broaden the conversation for a moment here, help to connect the dots and let people know, you know, why this is important and why it isn't just an inside baseball kind of piece. But the reason why committee assignments matter is because it ensures that we can have better debate and better policy results. So that's why we take into account considerations like your personal or professional background, you know, the needs of your individual district and caucuses, your incumbency or seniority, having served on those committees of jurisdictions, which, in fact, while, you know, definitely seems to have less importance in today's day and age, it actually should have more in the term limits dynamic. I-- I-- I think that it's really important that we reaffirm those considerations because it helps us to have better policy. It helps us to ensure stronger committees. It helps to ensure that the committees do the hard work to get the legislation ready for prime time when it hits the floor. If we weaken the committees, if we have committees that are out of balance and stacked or cracked or packed, that point to a preconceived result, because we're throwing away tradition, because we're throwing away precedent, that's just going to make things harder on the floor for all of us. And I don't think that that's the result that we want, and it definitely doesn't align with the spirit of working together that Governor Pillen outlined in his inaugural address yesterday. So typically, we haven't had to delineate all of these different factors in specific rules because they have been honored through customs and norm. Apparently, those customs norms have been put by the wayside to push, I think, a radical partisan agenda. Let's just be candid and clear about it. So in my instance, let me give you an example of that. We've had a handful of senators that have returned to the body after what I call being forced into constitutional retirement, or term-limited, incredible, prestigious leaders like Senator Chambers, Senator Flood, Senator Pahls, Senator Aguilar, Senator Lathrop, and now myself. In each of those instance, it's my understanding, those

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2023

individual senators' seniority was recognized in this process and they were afforded their first choice in committee assignments. And so here I stand today, as the first woman to return to the body in the-- the post-term limits era, and my first choice of serving on the Appropriations Committee, which I diligently served on for eight years, was denied by my caucus with no explanation. And not did I just sit back and, you know, say I should be afforded this because of our customs and traditions. I worked in good faith. I called each member of my Committee on Committees caucuses. I talked about my experience. I talked about my--

KELLY: One minute.

CONRAD: --perspective-- thank you, Mr. President-- and I asked them for due consideration. To their credit, Senator Bostar, Senator Bostelman, and Senator Moser at least had the courtesy to call me back, which I definitely appreciate and will have more to say about that, but I think that we need to really put some sunlight on this process. Sunlight is typically always the best disinfectant. And when we feel like there is something awry, it's good to bring that out into public dialogue and debate. So I'm going to be proposing rule changes to improve this process, but I definitely think that it is beneficial to this body and all members to set the tone and get more information about what this committee report really means for how we move forward in doing our work together. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Recognize Senator Hunt.

HUNT: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. I'm excited to begin this new Unicameral session with so many new faces in the body. I am excited to work with Senator Conrad, who I have admired in the advocacy work that we've done together for so many years. And it's-- it's-- it's a great honor to me to be able to serve with her. And listening to her speak about her experience here in the body, serving on the Committee on Committees, serving on the Appropriations Committee for eight years, you know, she made a lot of really great points and a lot of really well-worded, well-spoken things that she said, and I feel like that's just some energy today that I cannot match. This place is so weird. This place is so partisan, honestly, it's a joke. And all of you who participate in this make this Legislature a joke to the entire state. They laugh at us when our Speaker stands up and says, if you'd like to take a point of personal privilege, the rules of which are outlined in our rulebook, you need to give me a day notice and it has to be on a positive topic, has to be on something that makes everybody feel nice.

Is this the party of free speech? Is this the anti-cancel culture people that you've all been talking about for the last several years? I was watching this interview with former-Governor Pete Ricketts that Martha Stoddard did from the Omaha World-Herald, and it went a little bit viral, so some-- may-- maybe some of you saw it too. But she asked him a question in this interview about, you know, what would you say to some of your critics who say that you've used your personal wealth in an inappropriate and un-- unethical way to influence the results of legislative elections? And he replied immediately and confidently and defiantly, can you have too much free speech? A pause, and Martha goes, can you? [LAUGH] And this was in the back of my mind as I was listening to Speaker Arch talk about how he's going to be handling points of personal privilege. Points of personal privilege take precedence over every other motion. They are not politicized. They are-- you know, sometimes someone says something political, but it doesn't happen so often that we need to crack down on it in this authoritarian way to the extent that the Speaker is choosing to do. It's a terrible precedent. It is not free speech. It is treating all of you with complete disrespect, treating all of you like children who need to be managed, and that was my exact experience in the Committee on Committees. All of this belies the entire problem with this Legislature right now and what's going on in this body, that people come into a place of power, people come into a place of leadership, they're given trust and responsibility from their colleagues who elected them, and then those leaders use their position to oppress, hold down, exert control on others. I can name many, many examples, and I will over the course of the morning. There was a lot of debate in the committee about, if people wanted to make a trade, did they need to talk to all four members of the Committee on Committees in the few hours of time that we had, or do we end up-- do we in the committee end up making the final decision about where everybody goes and we ignore all of these decisions to trade? And then we had different standards for if a registered Democrat and a registered Republican--

KELLY: One minute.

HUNT: --wanted to trade-- thank you, Mr. President-- or if three Republicans wanted to trade, that was okay, but if a Democrat got in the mix, then we had to be really-- we had to really scrutinize that rule. And I just keep seeing this pattern of reading the rules in the most draconian possible way instead of working in good faith with our colleagues, treating them like adults who are duly elected by 38,000, 40,000, 42,000 people in Nebraska, who pounded the pavement, who went through the wringer, who raised all their little money from Pete

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2023

Ricketts to get elected and get into the position where they are, where they deserve the respect to make a trade if they want to, where they deserve the respect to make a point of personal privilege if they want to. Senator Arch-- Speaker Arch, if you think that the points of personal privilege have gone off the rails, you should introduce a rule to change that. You shouldn't come down from on high and say, here's the way I interpret this rule, in the most extreme possible way, just as Chairwoman Albrecht--

KELLY: Time, Senator.

HUNT: --in the Committee on Committees interpreted the rule in the most extreme possible way. Thank you.

KELLY: Thank you, Senator Hunt. Recognize Senator Machaela Cavanaugh.

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. I am not going to support the Committee on Committees report, and I have several things to say about that this morning. But since Senator Hunt brought up the points of personal privilege, I wanted to speak to that. I requested a point of personal privilege yesterday, and I was denied. I went through the process that Speaker Arch outlined in his remarks this morning, and I was denied. I actually wasn't even asked what I was going to speak about. Yesterday was George Norris Day. I was denied to speak about the institution by the Speaker presiding in the Chair on George Norris Day. I was told to come up to the Chair. When you call the Chair, that is the equivalent. If you want to talk to me, you can come to me. You had an opportunity to have that conversation with me. I did the courtesy and was denied without even being asked what I was speaking about. I didn't want to make a deal about this yesterday because of the inaugurations. I didn't want to overcast that day. But it is unacceptable. And to Senator Hunt's point, if you want to change the rules, then change the rules. I had every right to take a point of personal privilege yesterday. I had every right to speak about the integrity of this institution, especially on George Norris Day. And it sets a tone and it's a tone that I do not appreciate. I was very disappointed in how the elections went for chairmanships on our first day, so many unopposed chairmanships, everything preordained, but I tried to believe and have faith in this institution that we can proceed as a nonpartisan Unicameral. And then at the end of the day, Committee on Committees' first report came out, and I was crestfallen because I knew several people's first requests, including my own-- as a senator with seniority who has served in this body for four years, and I am about to serve four additional years, I have waited until a spot in my

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2023

caucus opened up on Appropriations. Senator Robert Hilkemann was term-limited off and he was leaving a spot open on Appropriations, a position I have wanted since my freshman year. I put it as my number-one priority and it was given to a freshman over me. I don't begrudge the freshman for getting that seat. They will probably do a wonderful job. I begrudge the process. I read in the paper that people didn't submit their requests early enough. There was no timeline except for before the committee met, and I spoke with my committee members, except for one, because I didn't have their phone number, because, again, we put a freshman on Committee on Committees, which, not begrudging that freshman, but this is a really big job and that doesn't seem like the best decision making that we as a caucus had. Of course, I haven't been in there. He maybe is the most qualified in the room. I don't actually know. So please forgive me, Senator. It's not about you. But the process has not been honored. How much time do I have left?

KELLY: 1:30.

M. CAVANAUGH: Thank you. I would ask if Senator Holdcroft would yield to a question.

KELLY: Senator Holdcroft, will you yield to a question?

HOLDCROFT: Yes.

M. CAVANAUGH: Thank you, Senator Holdcroft. What was your first choice on committees?

HOLDCROFT: Government.

M. CAVANAUGH: Government was your first choice.

HOLDCROFT: Yes.

M. CAVANAUGH: And you were moved off of Government last night?

HOLDCROFT: Yes.

M. CAVANAUGH: Was that your choice?

HOLDCROFT: There was an agreement between myself and Senator Slama and Senator Aguilar.

KELLY: One minute.

M. CAVANAUGH: OK. Thank you so much. So Senator Holdcroft made an agreement, and I don't see him right now, so I will get back in the queue and I'm going to ask Senator DeKay some questions on my next go-around. Thank you. I'll yield the remainder of my time for now to the Chair.

KELLY: Thank you, Senator Cavanaugh. Senator Day, you're recognized.

DAY: Thank you, Mr. President, and good morning, colleagues. Excuse me. I am one of the senators who was removed from a committee that I had incumbency on in order to give someone who did not have incumbency a seat on that committee. I was aware that this was going to happen. I was, thankfully, warned ahead of time a couple of weeks before this happened that this was going to be the process. And I think-- I hope that everybody in here is listening to this conversation, particularly those of you who are freshmen, because I think one of the things that's lost with term limits is, number one, institutional knowledge of just general subject-matter concepts, but also an understanding that this place, this body existed long before you were born, and this place will hopefully exist long after all of us are gone, long after our kids are gone, long after our grandkids are gone. And we don't just have the duty of getting bills passed and doing work of Nebraska people. We have the duty of upholding the norms of the institution itself to ensure that future legislators function properly, and we're not currently doing that. And that's the problem I think that most of us have with what has happened with Committee on Committees and committee leadership. The process was completely thrown out the window in favor of putting specific people, with no competition, in places of leadership on committees in order to change the makeup of that committee. Sometimes the public doesn't understand how the whole process works. The makeup of the committee is based on who is the Chair of that committee. So we have three caucuses in the body, roughly based on congressional district, and then each caucus gets a certain set number of seats on that committee based on who is the Chairperson for that committee. Some committees have seven people, some have eight, so it just depends on how the seats fill out, depending-- depending on who is the Chair of that committee. In a previous session-- in the previous past two sessions, excuse me, the Education Committee had three seats available for the Second Caucus, from which I am from. I was placed on that committee as a freshman three years ago-- two years ago, excuse me, and I have served on that committee for two years. It was my number-one request to be placed back on the Education Committee this session, and our caucus had two seats available. The other senator that had incumbency from our caucus was given one seat, and my seat was given to another member of my

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2023

caucus that did not have incumbency. Again, I was aware of the situation that was happening. I was not happy about it, to be totally honest. I have a job to do and it doesn't matter to me what committees you put me on. It doesn't stop me from doing my job. If I end up on the two alternative committees that I end up on, I have two areas of content that I get to spend two years understanding so I can contribute more on the floor, which means you're going to hear my voice-- my voice more often, so hopefully that was your goal; and I get to sit with senators that I haven't sat in committee hearings with before and get to know and forge better relationships with them. So that's an opportunity for me and I understand that. You don't get to stop me from doing my job because you kicked me off of a committee that I asked to be on. The problem is, when we--

KELLY: One minute.

DAY: --thank you, Mr. President-- when we subvert the process, we are not seeing beyond five minutes into the future. We are placing personal and political partisan squabbles above the institution of the Nebraska Legislature, and that's the problem that we all have. When people talk about this being done in a fair way, it absolutely was not. The idea that sheets were not turned in until it was too late? We're not in third grade. It doesn't matter in what order the sheets were turned in. In fact, I got kicked off my committee and I turned my sheet in that very night that we elected Committee on Committee members, so I know that that's not what happened with my seat. The only thing that we're asking for is for the norms of this body--

KELLY: Time.

DAY: Thank you, Mr. President.

KELLY: Thank you, Senator Day. Recognize Senator John Cavanaugh.

J. CAVANAUGH: Thank you, Mr. Lieutenant Governor, a pleasure to see you up there. It's the first time talking this year, and it's much earlier than I spoke in my first session, So welcome to all the new members. This is unique, in my experience at least, the conversation we're having. And I-- I do want to say I appreciate the work the Committee on Committees did. I understand it's a very difficult job. I understand that there's a lot of moving parts and a lot of interests and that everybody has what they say they want and everybody has what they really want, and then there are external interests, as well, that exert pressure on people, and some people acquiesce in the broader conversation for their-- their, I guess, constituency. And so I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2023

understand there's a lot of that complexity, and that's fine, and this is a really hard thing to do. But the question is whether you want the guiding principle to be fairness and objectivity or whether you want it to be something about what you can do. And there's certainly-- the makeup of this body is such that people can do what they want. There are groups of people, coalitions that can affect the outcomes in whatever way they so choose if they choose to exert that force. What we're looking at right now in the way this committee and the processes that have historically been used have been subverted, demonstrates that that is what the nature of this session is going to be, and that will be problematic. I've said in the past, and others have said, that this is a tremendous gift we are given here in the Nebraska Legislature, being a nonpartisan Unicameral, and it has functioned for nearly 100 years as such, and we have done great service for the people of the state of Nebraska. And each one of us represents our constituents and our district, but the whole, we are all senators for the state of Nebraska. We are not members of a party when we are here and we are not acting in that capacity. And so that is creeping into the way we run this place and has con-- continued to further creep. The problem we face right now is, if this is how we're going to behave in every aspect, if we're going to start acting like a partisan body, then things are going to not function in the positive, constructive way they have in the past. I know we've had-- we have fights, we have arguments, we have disagreements, we all have conflict, and that is supposed to happen. We're supposed to disagree. We're supposed to-- to have that argument and then work toward a compromise; or ultimately, if no compromise can be found, to pursue whichever side prevails, but have those arguments in good faith in the interest of the state of Nebraska. And I think what's happening here and the reason people are upset is not so much that they didn't get their first choice or their second choice or their third choice or their fourth choice, but people are upset because the process was one that was a divergence from historic norms, a divergence from respect for each other and for our constituents. And if that's a sign of things to come, if we're going to continue to divert from the norms and from the respect that we have always shown to each other and that make us the productive place that we want to be for the-- the constituents, for our constituents, for the members of the state of Nebraska, that is going to be a very bad--

KELLY: One minute.

J. CAVANAUGH: --precedent for this session going forward. And so ultimately I rise in support of Senator Wayne's motion to recommit. There-- there is this opportunity to fix this one request. I think he made a very fine point. And so I rise in support of what Senator Wayne

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2023

is asking for, and I would ask you all to consider doing that. I know we can't fix what-- everything that's happened. We can't make everybody happy, but we do have an opportunity to fix at least one thing and to make a positive stride and then build on that stride towards a positive session. And so that's-- I would ask you to-- to support Senator Wayne's motion to recommit if he does file one, or to vote no on the committee report so we have the opportunity to make that correction. Thank you, Mr. Lieutenant Governor.

KELLY: Thank you, Senator Cavanaugh. Senator Conrad, you're recognized.

CONRAD: Thank you, Mr. President. Again, good morning, colleagues. Definitely helpful to hear some of the different perspectives that have been brought forward thus far. And I want to continue on some of the comments that I was talking about before and the need for reform of this process in the term limits era, apparently. And to be clear, this is not a personal venting session in regards to my committee assignments. I am hap-- happy to be an active and energetic committee member wherever I am assigned. But I do just want to recognize, just by using my experience as an example, an eight-year, diligent member of the Appropriations Committee who put that as their first choice was denied that in terms of committee assignment, so that's just one example. But Sen-- my good friend, Senator Aguilar, the other senior member who anchors this Chamber and who I've-- I've always appreciated serving with together, came over to let me know, to correct the record, that he was denied his first committee choice when he returned to the body, as well, so it's good to always be in good company with Senator Aguilar. But I do want to note that-- how-- how disturbing it is to hear the rumblings about this process and how shocking it has been to see this disarray upon return to this proud institution. So I've heard excuses that Committee on Committee members were not turning in preference sheets. I've also heard that members who were elected to serve on the Committee on Committees were not able to access or see their own members' preference sheets prior to deliberations. I think it's very disturbing that I'm hearing reports in our caucus and otherwise that Committee on Committee members were meeting without all committee members present. I think that it is very disturbing and sad to hear words like "bullying" in regards to committee preferences. I think it is very sad and disappointing to hear that there were continual threats made that we will take it up by the committee as a whole if we do not get things according to plan, because that's not appropriate and that's not the process and that should not be the type of way that we conduct ourselves to ensure that we have fair committee assignments that help us to achieve better

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2023

policy, again. It's important that we have laws, rules, customs, norms and traditions to organize chaos, to set clear expectations, to ensure fairness. So with that, I don't know if Senator Bostar is on the floor, but he's a member-- oh, there he is. Senator Bostar, would you yield to a question, please?

KELLY: Senator Bostar, will you yield?

BOSTAR: Yes, I would.

CONRAD: Thank-- thank you, Senator Bostar. You had mentioned during the course of this process that, as one of our four designees in the 1st Con-- Congressional District Caucus, that there had been meetings with the other three members that you had not been a part of. Is that accurate?

BOSTAR: It's accurate to say that--

CONRAD: Thank--

BOSTAR: --it's my understanding that there were conversations that took place without all the members present--

CONRAD: OK, thank you.

BOSTAR: --and that we didn't meet as a group of elected members from the 1st Caucus until session started.

CONRAD: Okay. Thank you so much, Senator Bostar. And if Senator Bostelman would please yield to a question?

KELLY: Senator Bostelman, will you yield to a question?

BOSTELMAN: Yes.

CONRAD: Senator Bostelman, I know that you've had a chance to serve on the Committee on Committees before and then are continuing in that role. But tell me, in regards to this year's process, when did you start to put together committee preference matrices?

KELLY: One minute.

CONRAD: When did you share those-- thank you, Mr. President-- with other representatives from our caucus? And who else did you consult with in this process in establishing a plan for the 1st Caucus?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2023

BOSTELMAN: So what I did was took and put a matrix together myself, and everybody received the committee preference sheets, with the exception of Senator Bostar, who didn't-- who did not provide one to us, so that was given ahead of time. As soon as I received those, those went out to all the-- all of the-- the Committee on Committee CD1 Caucus members, so Senator Bostar, Senator Sanders, Senator Moser and myself all received those on the same day when I got all those. When they're all in, I sent those to them, so they all had it. So then I took and I put, myself, a spreadsheet together of where people are and where their choices are and where I felt that they could fit in. And we shared that and we did not meet as a caucus--

KELLY: Time.

BOSTELMAN: Thank you.

CONRAD: Thank you.

KELLY: Thank you.

CONRAD: Thank you, Senator Bostelman. Thank you, Mr. President.

KELLY: Thank you. Senator Bostelman and Senator Conrad. Recognize Senator McKinney.

McKINNEY: Thank you, Mr. President. I rise in support of Senator Wayne's motion to recommit. And I rise because, like last year, I came back to this body optimistic that we could get some things done around criminal justice. And I remain optimistic that-- that we could get some things done because, over the interim, I spoke with some colleagues and I was motivated, like, OK, we might could get something done. But after the reports yesterday, I'm-- my optimism is going down the drain currently. I know a lot of people would like to build a prison, and I'm strongly against it and I'll always be against it. And one of those reasons is because we really-- we really need to make some changes within the criminal justice system in our state, and we cannot build ourselves out of the problem that we have. I don't care how many prisons we build. It's not going to fix the issues that we have horrible laws concerning criminal justice. We're incarcerating way too many people, and too many people are staying inside. The department wants to build this prison because they deferred the maintenance on this prison for forever, all while-- all while Director Frakes was the director. It's a problem they created to justify building a prison that doesn't make sense. And we talk about being conservative and investing in the state and doing all these things. If

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2023

the Department of Corrections was a Fortune 500 business, it would be bankrupt because it's returning nothing on its investment to the state of Nebraska. All the Department of Corrections keeps doing is keep coming back, asking for more and more money to not do anything but just house individuals and not try to help them become successful individuals after they are released, because, contrary to popular-- popular belief, 90-plus percent of the individuals that are currently incarcerated will be released in our state, and we can either choose to help them while we have them inside or we can not help them and continue to have a problem and having to expend millions and millions of dollars housing them instead of investing millions and millions of dollars in them so they could assist with property taxes, assist with all the things many people stand up and argue about today. And-- and one of the reasons we need to look at Senator Fredrickson is mental health. A lot of individuals inside, men and women, deal with mental health issues, especially when you're incarcerated for so long and not being treated properly by the Department of "Punitive Services." We need to have somebody that could look at the-- look at legislation from a mental health perspective that would be very helpful for our body and our state, and we have to keep that in mind. This is not against anybody else, nothing like that. We just need to make sure we have a committee that can look at criminal justice issues from all angles so we can make the proper decisions pertaining to criminal justice reform in this state, because if you guys are just going to come up and try to push money to build a prison, I'm going to camp out with a tent and fight y'all tooth and nail because it doesn't make sense. We can't build something and not pass reforms. Nothing in any study that has ever been shown says that building prisons are the solution. We're probably one of only two states in a country that are trying to build prisons. Everybody else is going the opposite direction. Why are we still thinking that locking-- just locking people up is going to solve the problem? We've been practicing this philosophy my whole lifetime and all I see is a bunch of my friends and family inside of prisons and my community still impoverished. Thankfully, we got some money last year--

KELLY: One minute.

McKINNEY: --to start working on those changes to improve the economic conditions, but we still need to change policy and we cannot change policy if we don't have people on the committee in charge of looking at policy that doesn't have someone that could look at it from a mental health perspective that is very much needed, because a lot of the men and women that we are incarcerating are dealing with mental

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2023

health issues and we need somebody that could look at it to give us the proper guidance as far as addressing those needs. Thank you.

KELLY: Thank you, Senator McKinney. Mr. Clerk for new bills.

CLERK: Thank you, Mr. President. LB106, introduced by Senator McDonnell, is a bill for an act relating to offenses; amends Sections 28-341 and Section 28-101; prohibits the use-- using of an electronic device or social media to engage in certain conduct with vulnerable adults; defines a term; harmonize provisions; repeals the original section. LB107, introduced by Senator McDonnell, is a bill for an act relating to offenses; amends several sections; prohibits using electronic communication device or social media to engage in certain conduct with minors; defines terms; requires registration under the Sex Offender Registration Act; harmonize provisions; repeals original section. LB108, introduced by Senator McDonnell, is a bill for an act relating to appropriations; provides for the allocation of certain appropriations to the Department of Health and Human Services and provides for a grant program. LB109, introduced by Senator McDonnell, is a bill for an act relating to counties; amends Section 23-2802; changes provisions relating to county boards of corrections in certain counties; harmonize provisions; and repeals original section. LB110, introduced by Senator McDonnell, is a bill for an act relating to criminal procedure; amends Section 29-901; change provisions relating to bail; provides for a pilot project relating to pretrial risk assessment services; provides duties for the State Court Administrator; states intent regarding appropriations; repeals original section. LB111, introduced by Senator McDonnell, is a bill for an act relating to state government; adopts the Nebraska Volunteer Service Commission Act; provides an operative date; and declares an emergency. LB112, introduced by Senator McDonnell, is a bill for an act relating to appropriations; states intent regarding appropriations to the Department of Health Human Services; declares an emergency. LB113, introduced by Senator McDonnell, is a bill for an act relating to appropriations; states intent regarding appropriations to Department of Economic Development and declares an emergency. LB114, introduced by Senator Vargas and others, is a bill for an act relating to appropriations; states legislative intent to appropriate money to the Department of Health and Human Services for evidence-based early intervention home visitation programs. LB115, introduced by Senator Raybould and others, is a bill for an act relating to family home visits; adopts the Family Home Visitation Act. LB116, introduced by Senator Brandt and others, is a bill for an act relating to the Beginning Farmer Credit Act; amends several sections within Chapter 77; redefines a term; changes the selection of criterion for the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2023

Beginning Farmer Board-- Beginning Farmer Board; changes provisions relating to beginning farmer or livestock producer qualifications, program par-- participation, and rental agreement review; harmonize provisions; repeals original section. LB117, introduced by Senator Brandt, is a bill for an act relating to Nebraska Meat and Poultry Inspection Law; amends Sections 54-1915.02; changes an applicant eligibility standard in the Independent Processor Assistance Program; repeals original section. LB118, introduced by Senator Brandt and others, is a bill for an act relating to the Nebraska Advantage Rural Development Act; amends several sections, Chapter 7-- 77; change provisions relating to the application fee and qualifying investment amount for a tax credit; and repeals original section. LB119, introduced by Senator Bostelman, is a bill for an act relating to Nebraska Broadband Bridge Act; amends Section 86-1302; redefines a term; repeals original section. LB120, introduced by Senator Bostelman, is a bill for an act relating to public power; eliminates obsolete provisions relating to Nebraska Power Review Board; study of state, regional and national electronic transfer infrastructure; and outright repeals several sections of Chapter 70. That's all I have at this time, Mr. President.

KELLY: Thank you, Mr. Clerk. Clerk, for a motion.

CLERK: Mr. President, Senator Wayne would move to recommit the committee report to the Committee on Committees.

KELLY: Senator Wayne, you're recognized to open.

WAYNE: Thank you. Well, it's open now. I just wanted to update. I wanted to hop the line just so-- when you file a motion, you can hop the queue, and part of it is, everyone, is just, in order to have a trade, there have to be two willing people to trade. For whatever reason, there aren't two willing people on Judiciary to-- to trade at this point. I'm gonna leave it at that. Doesn't matter how we got there. I'm not in the business of trying to figure out how we got there. That's-- I gotta move forward. And so at this point, the floor debate can continue on whatever it wants to continue on. But the idea of-- of Fredrickson coming to Judiciary, that's not happening. There isn't a trade. So I'm going to withdraw this motion, Mr. President, when I'm done speaking, because I just wanted to give an update that the trade is not there. There is-- two people are needed to trade. It's not there, so we are going to move forward. And so, Judiciary Committee, we will be meeting upon adjournment in the north-- underneath the north balcony because we got a lot of work to do. Thank you, Mr. President, and I would like to withdraw my-- my motion.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2023

KELLY: Senator-- thank you, Senator Wayne. Mr. Clerk, for another motion.

CLERK: Mr. President, Senator Machaela Cavanaugh would move to recommit the Committee on Committee report to the Committee on Committees.

KELLY: Senator Machaela Cavanaugh to open.

M. CAVANAUGH: Thank you. And I have ten minutes, Mr. President, correct?

KELLY: Yes, ten.

M. CAVANAUGH: Thank-- thank you. There is a trade, Senator Wayne, actually. I just spoke with my colleague and-- and row mate, Senator Fredrickson, about trading my seat on HHS for his seat on Natural Resources. He had prioritized HHS and, as a freshman senator, I think it is important to give him that opportunity to be on that committee and learn, because that committee requires a great deal of institutional knowledge. And right now we have a wonderful senior senator, not senior citizen, senior senator, who will be term-limited out in two years, and I think it's an excellent opportunity for Senator Fredrickson to learn from Senator Walz and Senator Day and Senator Hansen. And we have a returning Senator Riepe on that committee. And so I would like to offer that opportunity, and I'm happy to take a seat on Natural Resources instead. I would comment that I don't believe that the other Senator Cavanaugh is thrilled to sit with me on Natural Resources, but such is his lot in life. So this motion to recommit is in hopes that we can send the committee report back to the Committee on Committees so that we can make that trade. I believe that there are other trades that still people would desire to have made, and I hope that this gives everyone else that extra opportunity to discuss with your colleagues about how we can better situate our committees. I continue to be disappointed in how this all shook out, and I did read through the article that quoted some of the committee members yesterday. One of the quotes-- well, I guess it's not a direct quote-- is that most of the outrage on Thursday came from senators, all Democrats, who did not submit their preference to the committee in time. I wonder if Senator Albrecht would yield to a question.

KELLY: Senator Albrecht, will you yield to a question?

ALBRECHT: Yes, I will.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2023

M. CAVANAUGH: Thank you, Senator Albrecht. What does that mean?

ALBRECHT: What does what mean?

M. CAVANAUGH: That we-- that people didn't submit their preferences to the committee in time. Did no one submit their preferences before you met on--

ALBRECHT: I understand--

M. CAVANAUGH: --Wednesday?

ALBRECHT: --there were five members of Caucus 2 that did not submit their information so that the committee could convene and start their--

M. CAVANAUGH: Caucus 2 did not have a time deadline beyond before the Committee on Committees met.

ALBRECHT: I-- I did not know that.

M. CAVANAUGH: OK. Well, were you told otherwise?

ALBRECHT: They just didn't hand them in so they couldn't start working on it, so we-- we went through the preliminary--

M. CAVANAUGH: So you've made the comment that we didn't hand them in on time, but you don't know what on time was.

ALBRECHT: Well, why would somebody wait until the night that we were going to meet?

M. CAVANAUGH: I waited because I was trying to talk to my committee members, trying to get ahold of them over the holidays, played phone tag several times with Senator Linehan, which I appreciate her taking time out of her holiday, but I wanted to speak with her before I put anything into writing. So that's why mine came at the end.

ALBRECHT: I'm sure everyone--

M. CAVANAUGH: But there wasn't a deadline that I missed.

ALBRECHT: I'm sure everyone has their reasons, but it kind of delays the-- the whole process, not getting this--

M. CAVANAUGH: But there's not a timeline.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2023

ALBRECHT: Well, there is--

M. CAVANAUGH: We didn't miss the deadlines

ALBRECHT: There is for the caucus, there is.

M. CAVANAUGH: There is for the caucus, yes, and nobody missed that deadline, correct?

ALBRECHT: It was the day before.

M. CAVANAUGH: As far as I understand, you had all of the commitments before the-- the Committee on Committees met.

ALBRECHT: The day before. Most of them had them [INAUDIBLE]

M. CAVANAUGH: There's no written deadline. There's no rules of a deadline.

ALBRECHT: That's right.

M. CAVANAUGH: There was no informal deadline--

ALBRECHT: That's right.

M. CAVANAUGH: --for Caucus 2 and you're arguing that there was, even though you're not a part of Caucus 2 and there wasn't.

ALBRECHT: I'm not arguing anything. I'm simply saying that there was a delay in one of the caucuses' five members.

M. CAVANAUGH: Thank you. OK, so there was a delay in a caucus because some of us wanted to make sure that we had those conversations with our Committee on Committee members, Committee on Committee members for our caucus that weren't elected until December 19. And so between December 19, Christmas and New Year's, we didn't have a whole lot of time to meet or talk with our Committee on Committee members, who have their own families and holidays, and we have our own families and holidays, and we did-- I did get my sheet in before Committee on Committees met. I did also let everyone know what I was intending to put down, so if they were having informal conversations about what our Committee on Committees caucus was going to do, they had an inkling as to what I was going to indicate. This isn't a race to submit your form first. That's not how this works. There's no arbitrary deadline for our caucus. There wasn't one put in writing. There wasn't one voted on. This has not been handled well. And I think we've heard from

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2023

several members this morning about what this is indicating to not only this Legislature, but the state of Nebraska. This is hyper-partisan politics at its absolute worst. This is the bottom of the bottom. And these committees, the way that they are made up is really important because sometimes there's some legislation that somebody wants to get out really badly from a committee and it's just not ready. And when you have a balanced committee, you get to have robust conversations in Executive Session and talk about whether or not it's a good idea to put that to the floor as it is now or to hold it and work with the senator, see if they can bring a substantive amendment even, and especially in year one of a two-year biennium, bring a substantive amendment, have a second hearing on that amendment, which we have done lots of times, and then kick it out to the floor so that you have a good, strong public policy. The committees we have now are literally set up so that every red-meat bill just comes to the floor and it is a literal bloodbath. If that's the session you all want to have, congratulations, that's the session you're going to have. This is going to be the least constructive Legislature in recent history. If these committees are how they are, you're going to have every single bill that is whimsical and fanciful from the lobby, everything people have been trying to get out of a committee for decades but couldn't because the committees were set up sensibly, with all kinds of viewpoints on them, but now they're all going to come to the floor and we're going to get to live out what we normally live out in Executive Session on the floor every single day. In HHS, the four years that I've served on there, there has never been a majority of Democrats. It has always been a majority of Republicans, but it has been varied. It has been varied views, varied stances on all the issues, and we have sent out of that committee very few bills that didn't pass. In four years, I don't-- I can't even tell you a bill that didn't pass that came out of HHS because we have been purposeful and diligent in our conversations in Executive Session. I also sit on Transportation and Telecommunications, where there have in my four years been two Democrats on that committee, and we have had robust conversations in that committee and we have had varied viewpoints. We have had the urban-rural divide in Tel-- Transportation and Telecommunications. It's important. Now we have four people from my caucus on Judiciary, so that means we've swapped other districts that don't have representation on Judiciary. We've swapped-- District 3 only has one senator on HHS, so you're losing a voice. Not only are you putting together committees that are going to kick out all the red-meat bills, but you're also losing a voice. Your caucus is losing voices on these committees. We were told by Senator Linehan at our caucus meeting--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2023

KELLY: One minute.

M. CAVANAUGH: --that she was-- thank you-- that she was going to oppose these significant changes where there's an underrepresentation of caucuses on committees. I don't see that bearing out today in the fact that she voted for a fourth member of our caucus to be put on Judiciary yesterday. What you say to one another matters. You are only as good as your word. And I, of course, have learned who in this body is not good at their word and who is, and I operate in that space. And one thing everyone should know about me is that I am 100 percent transparent 100 percent of the time. If you want to talk to me about anything, I'm here. I'm happy to discuss what my plans are. If you burn a bridge with me, I probably will avoid you, but I'll still talk to you if you can find me.

KELLY: That's your time, Senator.

M. CAVANAUGH: Thank you.

KELLY: Thank you, Senator Cavanaugh. Recognize Senator Hunt.

HUNT: Thank you, Mr. President. Colleagues, especially new colleagues, you are debasing yourself if you allow somebody else in this body to tell you what committees to run for, how to vote for your caucus leadership. You're debasing the people who elected you and you're debasing the Legislature's integrity as an institution because the Legislature is everybody's joke and nobody takes it seriously because of the way we act so foolishly, the way we are now, that they can see on TV, that they can read about in the newspaper. Your rules should be what you follow. You-- you can change the rules, and then we all agree to follow those rules. And you know that what's happening right now, the way the caucuses were put together, the way the committees were made up, the way the Committee on Committees was run, none of that was done in the interest of the integrity of the Legislature or the dignity of the Legislature. This is undercutting it, undercutting it for the sake of a political party. So have some dignity, have some status and some pride that's recognized by the public that you're here in this office. When we walk around, everybody's going to call you "Senator." Everyone's going to say, oh, Senator, good to see you, I've got some bills to talk to you about. You're everybody's best friend until you're out of here. But look at how the public really talks about us. We've earned all of that by the way we behave. I'll-- in completely good faith, I'll give you guys some real talk. This is my packet for Committee on Committees. In the past, when I've served on Committees on Committees, I have run through many, many scenarios. I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2023

totally understand how the process works. I have spoken to members of several parties in the past who have been on Committee on Committees to have them mentor me and help me understand the best practices, the best procedures to follow: that we first go on incumbency on when we place people on their committees so we don't kick people off their committees; then we go on seniority, so if someone's been here longer, they get to have more of their first choice; and then we go on preference. And members of each caucus meet at some point that typically, traditionally, the senior members of that caucus select the date and time that they're going to meet. Frequently, CD3 meets at our Legislative Council, typically in November. This year they met, you know, right before we started session. Typically, CD1 and CD2 meet around the same time, sometime in-- in December, and that's been the tradition for-- for many, many years back. And at this caucus meeting, senior members of the caucus hand out a preference sheet to every member of the caucus, and the preference sheet has a list of everybody, of all the different committees that we have, and then we ask them to rate the committees in the order that they would prefer. I have, in the past four years, served on Government Committee, Government, Military and Veterans Affairs, Urban Affairs, and Business and Labor. Those are committees that weren't my first choice when I came in here as a freshman, but over the years I've really become very familiar with that subject matter and I have a lot of passion for some of those issues, especially as a business owner. And so, you know, this is a great place for me, so I prioritized those, one, two, three. I wanted to stay on my same committees. I have the seniority and the incumbency, and I put them as my preferences. Real talk, you guys: I have the preference sheets from our caucus here. They're all here in my packet. They were distributed us to-- they were distributed to us by Senator Vargas, one of the senior members of our caucus, on a Google drive. This is-- this is the thing I want you guys to understand in good faith. I think--

KELLY: One minute.

HUNT: --some members of our caucus had some trouble accessing the technology. I think we might have had a generational, whatever reason, technology barrier. I printed these preference sheets off of the Google drive. I used them to play out all of my different scenarios, and I came up with a scenario where nobody was kicked off their committee, where everybody got their first, second or third choice, and where we respected seniority. In the past, in a normal Legislature of colleagues that actually respect each other and have pride in the work that they're doing and are acting normal and not like they're in a little country club where they're all "me against you" all the time,

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2023

that is the type of plan that we would have adopted. But you have debased yourselves by allowing people in bad faith to tell you how things run around here, and they're not telling you the truth. Not everybody in this body is your friend. You're going to make some friends, and that's going to be very rare and important. But you need to understand that power takes everything it can get, and there are people here who are going to take you--

KELLY: That's time, Senator.

HUNT: --for a ride. Thank you, Mr. President.

KELLY: Thank you, Senator Hunt. Senator Moser, you're recognized.

MOSER: Thank you, Mr. President. Well, I served on the Committee on Committees and it's a difficult process and it's not purely technical. It's not purely based on seniority from both parties. Both parties jockey to try to get control of committees that they're interested in. It's why there's a Committee on Committees. Otherwise, we could just turn in our preferences and our experience to the Clerk's Office and they could build a matrix and assign everybody to committees mathematically. But there are some political considerations. I think-- you can look at the makeup of committees and see that. There have been committees that were dominated by Democrats, and they're 17-- they're 17 out of 49. They're about 33 percent of the senators here, and they had majorities on committees in the past. Or you look at Agriculture, which has almost all Republicans on it, and those things weren't accidental, I don't think. It's a difficult process. I support the work of the Committee on Committees. I think we should approve the report and move on. I-- we can talk about this however long they want, but I don't think it's going to change anything. It's-- it's never going to be-- if you reopen it, then there could be more people that want to switch committees. I never got my first choices when I first came here four years ago. I wound up on committees where there were openings. Sometimes there are no openings on the committees that you want to be, and we've, for the most part, not bounced people from committees. I know it has happened in the past. Four years ago, I-- I know it did-- or six years ago I know it did. But those exceptions are all to be considered by Committee on Committees. We give each caucus the permission or the authority to decide what committees their members of their caucus want to be on and we try to honor that. And, you know, when they turned in their sheets or they didn't turn in their sheet, that's all political jockeying. That's all baloney. You know, they-- they-- they don't like the results and they want to reopen it and-- and make everything reconsidered. I think it's a

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2023

mistake. I think we should honor the work of the Committee on Committees and approve the report and get busy with the business that we have to do here in the Legislature. I would re-- give the rest of my time to the Speaker for a few comments.

KELLY: Yielded 2:10, Mr. Speaker.

ARCH: Thank you, Senator Moser. I certainly rise in opposition to the recommit to committee motion. I do not support that. I appreciate some of the comments that have been made, recognition of complexity of this process. But my commitment from the beginning was that the process be followed. As I heard Senator Albrecht present this morning, and-- and as I was watching the process, that process is-- is-- was followed. The votes were taken. It is caucus-driven. Sometimes our issues are not-- are not with the Committee on Committees but, rather, the caucus in which we sit. I think Senator Moser said he did not receive-- he did not receive his choice. When I was a freshman senator, I did not receive my choice. I asked for HHS, which I received. I wanted Banking and Insurance as my second because-- because of the com-- because of the-- of the compatibility of health insurance issues with the HHS Committee, that's where I wanted to be. And the Committee on Committees--

KELLY: One minute.

ARCH: --went and met. And Senator Lathrop came to me at the time and said, I'm sorry, there wasn't-- there wasn't any way to get you on to that committee. "OK," that was my response, "OK." I went to Urban and I went to General. That's where I sat for my Monday and Tuesday for the last four years. OK. I mean, there is complexity. We don't always get the choice. Votes are taken in that-- in that process. That's how these choices are made. Votes are taken. And so my concern was that a process be followed, not necessarily the outcome, but-- but that a process be followed, and I believe it was. Now I will tell you that I have submitted a-- a-- a motion to adjourn for the day. We'll pick this back up on Monday. I hope we can find some resolution to this, meaning that the committee process was followed and we accept-- we accept the report. That's what I would like to see on Monday. We'll see. I know that there's disagreement with what that committee report is, but--

KELLY: That's your time.

ARCH: --that's what I would like to see on Monday. Thank you very much.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2023

KELLY: Thank you, Mr. Speaker. Clerk, for-- announcements? Items for the record.

CLERK: First of all, Mr. President, new bills: LB121, introduced by Senator Bostelman, is a bill for an act relating to Game and Parks; amends several sections, Chapter 37; change provisions relating to National Trail System Act, Cowboy Trail Fund; repeals the Trail Development Assistance Act; harmonize provisions; repeals the original section; outright repeals several sections, Chapter 37. LB122, introduced by Senator Bostelman, is bill for an act relating to One-Call Notification System Act; amends Sections 80-- Section 81-502.03 and several other sections; defines a term; creates the Underground Excavation Safety Committee; provides powers and duties for the committee and the State Fire Marshal; changes civil penalty procedures; provides for con-- the continuing education as prescribed; provides an appeal exception; eliminates an annual report requirement; harmonize provisions; provides an operative date; and repeals the original section; outright repeals Section 76-2325.02. LB123, introduced by Senator Fredrickson, is a bill for an act relating to the public health and welfare; amends Sections 31-101, 38-121, 38-129.02, -131, -167, and -186; adopts the Behavior Analyst Practice Act; harmonize provisions; repeals the original section. LB124, introduced by Senator Moser, is a bill for an act relating to the County Bridge Match Program; amends Sections 39-2805; change termination date; eliminates obsolete provisions; repeals the original section; declares an emergency. LB125, introduced by Senator Bostelman, is a bill for an act relating to irrigation districts; amends Sections 46-1,164; change provisions relating to Surface Water Irrigation Infrastructure Fund; repeals the original section. LB126, introduced by Senator Day, is a bill for an act relating to revenue and taxation; amends Section 77-3506; change provisions relating to homestead exemptions for certain disabled veterans and surviving spouses as prescribed; harmonize provisions; repeals the original section. LB127, introduced by Senator Day and others, is a bill for an act relating to crimes and offenses; amends several sections; changes provisions relating to sentences of certain offenses committed by persons under 18 years of age; harmonize provisions; repeals the original section. LB128, introduced by Senator Dorn, is a bill for an act relating to appropriations; states intent regarding appropriations for certain Medicaid services; and declares an emergency. LB129, introduced by Senator Dorn, is a bill for an act relating to appropriations; states intent regarding appropriations for Medicaid nursing facilities and reports by the Department of Health and Human Services regarding appropriations for Medicaid nursing facilities.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2023

LB130, introduced by Senator Dorn, is a bill for an act relating to the Department of Health and Human Services; creates the medicaid nursing facility services program. LB131, introduced by Senator Dorn, is a bill for an act relating to appropriations; states intent regarding appropriations for Medicaid assisted-living facilities to the Department of Health and Human Services. LB132, introduced by Senator John Cavanaugh, is a bill for an act relating to commerce; adopts the Automatic Renewal Limitation Act. LB133, introduced by Senator John Cavanaugh, is a bill for an act relating to the Open Meetings Act; amends Sections 84-1409; redefines a term; provides for the entities exercising the power of eminent domain are public bodies subject to the Open Meetings Act; and repeals the original section. LB134, introduced by Senator John Cavanaugh, is a bill for an act relating to the Small Wireless Facilities Development [SIC] Act; amends Section 86-1236; and provides a duty for the authority and requirements of wireless providers as prescribed; and repeals the original section. LB135, introduced by Senator John Cavanaugh, is a bill for an act relating to juveniles; prohibits the use of deception in questioning juveniles; prohibits admission of certain evidence; and defines a term. LB136, introduced by Senator Geist, is a bill for an act relating to motor vehicles; amends Section 61, several sections of Chapter 60; change provisions relating to Motor Vehicle Certificate of Title Act, Motor Vehicle Registration Act, and the Motor Vehicle Operator's License Act as prescribed; and repeals the original section. LB137, introduced by Senator Geist, is a bill for an act relating to the Uniform Controlled Substance Act; amends Section 28-416; provides a penalty enhancement for a controlled substance violation resulting in serious bodily injury or death; harmonize provisions; repeals the original section. LB137, introduced by Senator Geist, is a bill for an act relating to motor vehicles; amends several sections of Chapter 70-- 60 and 75; adopts-- updates the federal law and updates certain federal references; changes provisions to the motor vehicle operator's license as prescribed; changes certain civil penalties; and repeals the original section. LB139, introduced by Senator Brandt, is a bill for an act relating to the Small Claims Court; amends Section 25-2802; it changes the jurisdictional amount; provides an operative date; repeals the original section, declares an emergency. LB140, introduced by Senator Brandt, is a bill for an act relating to motor vehicle registration; amends several sections within Chapter 60; provides for Czech Heritage Plates; provides powers, duties; harmonize provisions; provides an operative date; and repeals the original section. LB141, introduced by Senator Briese, is a bill for an act relating to schools; provides for a moment of silence in public schools as prescribed; and provides a duty to the State

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate January 6, 2023

Department of Education. LB142, introduced by Senator Brandt-- Briese, is a bill for an act relating to insurance; limit the cost of prescription insulin drugs. LB143, introduced by Senator Briese and others, is a bill for an act relating to time; amends several sections in Chapter 49 and 81, Section 32-908, 81-1328; provides for a year-round daylight savings as prescribed; harmonize provisions; and repeals the original section. LB144, introduced by Senator Brandt, is a bill for an act relating to State Electrical Act; amends several sections of Chapter 81; changes and eliminates certain classes of license under the State Electrical Act; changes provisions relating to eligibility for licensure, continuing education and training; changes fees; eliminates obsolete provisions; harmonize provisions; repeals the original section; outright repeals Section 81-2110. LB145, introduced by Senator Bostar, is a bill for an act relating to insurance; amends Sections 44-785; changes provisions relating to coverage for screening of mammography and breast examinations; and repeals original section. Legislative-- LR8, introduced by Senator DeKay, congratulating the Hartington Cedar Catholic Trojans volleyball team; legislative LR9 from Senator DeKay; LR10 from Senator DeKay; LR11 from Senator DeKay; LR12 from Senator DeKay; and LR13 from Senator DeKay, supporting action to include the names of the Sage Brothers and the other 71 sailors on the USS Frank E. Collins [SIC] killed on January [SIC] 3, 1969. Those will all be laid over. LR14CA, introduced by Senator Briese, a constitutional amendment providing for the recall of the Governor, Lieutenant Governor, Secretary of State, State Treasurer, Attorney General, Auditor of Public Accounts and members of the Legislature. Finally, Mr. President, series of name adds: Senator Raybould, name added to LB15; Senator Day to LB39. Announcements: the Reference Committee-- Committee will meet in Room 1525 upon adjournment; Referencing, 1525 upon adjournment. Additionally, the Judiciary Committee will meet under the north balcony upon adjournment; Judiciary Committee, north balcony upon adjournment. Finally, Mr. President, a priority motion: Speaker Arch would move to adjourn the body until Monday, January 9, 2023, at 10:00 a.m.

KELLY: Thank you, Mr. Clerk. [RECORDER MALFUNCTION] heard the motion to adjourn. All those in favor say aye. Opposed, nay. [RECORDER MALFUNCTION] are adjourned.