

Transcript Prepared by Clerk of the Legislature Transcribers Office
Rules Committee January 16, 2025
Rough Draft

LIPPINCOTT: Welcome to the Rules Committee. My name is Loren Lippincott and I represent Legislative District number 34. I serve as the chair of this committee, and we'll start off by having the members do a self introduction starting at my far right.

ARCH: John Arch, District 14.

DeBOER: Good afternoon, everyone. My name is Wendy DeBoer. I represent District 10 in northwest Omaha.

IBACH: Teresa Ibach. I represent eight counties in southwest Nebraska, District 44.

HANSEN: Senator Ben Hansen, District 16, which is Washington, Burt, Cuming, and parts of Stanton County.

BOSTAR: Eliot Bostar, District 29.

LIPPINCOTT: Assisting the committee today is our committee clerk, Cori Bierbaum. And to my immediate right is my legislative aide, Tamara Hunt. And our pages today are seated over in the far right. And that's Ellie Locke and also Wesley Earhart. We appreciate their service. Thank you. This committee will hear 22 rule proposals today, and I've grouped the hearing order by the senator to expedite the process. And we will begin rules testimony with the introducing senator's opening statement, followed by proponents, opponents, those speaking in a neutral capacity, and lastly, closing remarks from the senator. We would ask for your assistance with the following procedures. Please silence your cellular telephones and electronic devices, and if you intend to testify, please fill out and complete a green testifier sheet located on the table in the back of the room, and hand it to the page before giving testimony. That would be greatly appreciated. Written testimony or material may be distributed to the committee members as exhibits only while testimony is being offered. Please hand them to the page for distribution when you come up to testify. Please be seated in the front of the room when the rule that you're here, is here for, is being heard. And when you begin to testify, please state and spell your name for the record. We'll be using a three minute light system, green, yellow, red. The light will turn yellow when one minute remains, red when it indicates for you to wrap up your final thought and to stop. If you will not be testifying today, but want to go on record as having a position on a rule being heard today, there

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are yellow sign-in sheet at the entrance to my left. These sign-in sheets will be exhibits in the permanent record after today's hearing. So with that, we will begin by hearing from Senator McKinney on his bill, his rule change, and we ask him to come up to testify at this time.

McKINNEY: Thank you, Chair Lippincott and members of the Rules Committee. My name is Senator McKinney, T-e-r-r-e-l-l M-c-K-i-n-n-e-y, and I proudly represent District 11 in the Legislature. I'm here today to introduce a rule change to rule 5-4(d), I believe, or something like that, which eliminates the current limit-- limitation that restricts senators to, to introducing only 20 bills per session. I brought this proposed 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 session begins. As a result, senators who have reached their bill limit may have to tell constituents they cannot help or prioritize another issue, which undermines our responsibility to serve the people we represent. Second, the bill limit disproportionately benefits lobbyists and agri-- advocacy groups. These groups, by nature, are well versed in legislative processes, and can act swiftly to push their agendas. This creates a disparity, and exacerbates by their bill limits between those in the know and those who are not. This imbalance will almost certainly be reflected in the legislation introduced this session, further marginalizing those without inside knowledge. Third, the inconsistency in our approach is troubling. We have imposed a bill limit on ourselves, but not on the governor. This allows the governor to request an unlimited amount of bills, while senators are capped. This inconsistency raises questions about the balance of power and the principle of the separation of powers. Why should one branch of government have fewer restrictions than another when representing-- when representing the same constituencies? Finally, the unspoken truth is that introducing legislation is often the only way to hold state agencies accountable. Agencies may fail to implement laws as intended, disregard legislative intent, or perform poorly, leading to significant harm, particularly to vulnerable populations such as our children. Limiting the number of bills we can introduce hampers our

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ability to address these critical issues. In conclusion, while I understand that some were concerned about the volume of bills that were introduced in the past, I believe the consequences of this limitation were not fully vetted. This restriction was tried before, and ultimately reversed because it was unworkable. We must prioritize the needs of Nebraskans, and carefully consider who we are, who we are empowering, and avoid unintentionally ceding control of our legislative process. Thank you for your time and I'll answer any questions.

LIPPINCOTT: Any questions from the panel?

McKINNEY: Thank you.

LIPPINCOTT: Thank you very much. We really appreciate it.

McKINNEY: No problem.

LIPPINCOTT: Thank you, sir. Anybody else would like to testify in favor of this rule change? Proposes-- proponents. Any opponents, people against this?

TIMOTHY MELCHER: Good afternoon, Rules Committee. My name is Timothy C. Melcher, Timothy, C as in Clifford, M as in Mike, e-l-c-h-e-r, and I'm here to support Senator McKinney's rule proposal change. So I did that thing where I didn't prepare a testimony and I was like, it's going to be fine. So this might be a little bit rocky. But I've been watching the Legislature since about 2017, and I know Senator Hansen proposed this rule change last biennium to limit some of the bills that were introduced because I think the bill drafters were seeing anywhere from 1,200 to 1,400 bills. I know it was over a thousand. And so this was a way to kind of weed it out right away. But I don't see this actually serving the purpose that it's intended for, mainly because of a mechanism with dividing the question, right? You can put one bill together with a thousand pages, or you could introduce a thousand bills with one point. By the time that one bill with a thousand pages gets to the floor, you could say divide the question and you're still debating a thousand points. So that was one thing that I saw that kind of intrigued me when I was considering, you know, this change last biennium, and I just wanted to bring to the attention of the Rules Committee.

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LIPPINCOTT: Thank you. Any questions? No? Thank you so much for your testimony. Any other proponents, people for this rule change? Any opponents, people against this rule change?

ALLIE BUSH: hi, guys. My name's Allie Bush, A-l-l-i-e B-u-s-h. I'm representing the grassroots group Nebraskans Against Government Overreach. So we too, we actually supported Senator Hansen when he introduced this last session. And in our opinion, it's actually been a pretty good change. I know we haven't seen how many bills are going to come out this year, but it, it's, it's good to be mindful of how many bills are being presented. If you're presenting over 20 bills, it's hard to believe that you're really giving each one of them the attention and focus that they deserve. If you can't come up with the most important issues within 20, then I think we're throwing out a lot of bills that are just filling up extra space. The other point I wanted to make is that if we-- with the fewer bills that we have, the less likely we are to end up with a bunch of Christmas tree bills. Fewer bills means fewer things to mash together. So I think that it's been good. I'd actually like to see us either reduce it further, or consider-- I would actually consider removing the limitation if we provided an incentive for senators to keep that lower. And that was talked about last session as well. But if we said, you know, if senators only introduce five bills or maybe even ten bills, we give them two priorities. But if they go over that, they get just their one. So thank you.

LIPPINCOTT: Thank you. Any questions? Nope. Thank you so much for your testimony. We appreciate it.

ALLIE BUSH: Thank you.

LIPPINCOTT: Any other opponents, people against the rule change? Anybody here to testify in neutral position on the rule change? If not, Senator McKinney, you're welcome to close.

McKINNEY: Thank you. In close, I just want to say, first we should think about the people of Nebraska, and the common people in our districts don't pay attention to the Legislature, and I've had constituents call me this week. Hey, Senator, can-- I have a need, can you introduce a bill? I don't think I can because of this bill limit. So we have to think about that. Second, we have to think about the power we're giving to the governor who has-- who can request an

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unlimited amount of bills. Theoretically, he could call all 50 senators and ask us to introduce a bill. We, we should think about that. We also should think about the power we're giving to the lobby and advocacy groups who are in the know and can reach out to senators prior to the session because they know of this limit. And I think I heard this morning over a thousand bills have already been requested and bill drafting is backed up, so I don't think we prevented it. And I will guarantee by the end of this session we will have more Christmas tree bills than ever before because of this bill limit. So in that, I'll close.

LIPPINCOTT: Thank you. Any questions? Thank you so much for your testimony. We really appreciate your coming today. That concludes proposed rule change number 1, Rule 5, Section 4. Our next will be with Senator Holdcroft on Rule 7, Section 7, and proposed change number 24.

HOLDCROFT: Good afternoon, Chairman Lippincott and members of the Rules Committee. For the record, my name is Senator Rick Holdcroft, spelled R-i-c-k H-o-l-d-c-r-o-f-t, and I represent Legislative District 36, which includes western and southern Sarpy County. My recommended rule change is addressed to Rule 7, Section 7, the reconsideration motion. And just to-- I'll read just the first part of it because I think that captures. It says, "When a question has been decided, it shall be in order for any member voting with the prevailing side, or not voting, to move for a reconsideration thereof." In other words, and we've seen this dozens, if not hundreds of times used as a dilatory motion to just extend debate in a filibuster. My change would be to add a section to the sentence that would require a four-fifths if-- well, let me read it first. "Except that a motion to reconsider shall not be in order for any motion or amendment that fails, where at least four-fifths or more members voted against such motion or amendment. And we've seen this actually a number of times, where we have 47, 48 senators voting against the proposal and one person voting present, you know, not voting, who then asked for the reconsideration. So what this would, in short, say if, if 40 members of the Unicameral think we've made a decision on this question, then a reconsideration is not in order. This, in my opinion, does not interfere with the voice of the minority because all it would take is another ten senators to vote either for, or, or present, not voting to, to essentially eliminate this, the 40 limit, and then you could ask for a reconsideration. So it's just to try and keep things

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moving, to try and cut down on the number of dilatory motions that are being made. And so I appreciate your consideration and I'm happy to answer any questions.

LIPPINCOTT: Any questions? Thank you, sir. You'll be here for closing?

HOLDCROFT: I will be.

LIPPINCOTT: Thank you, sir. Any other people for, proponents for Rule 7, Section 7, proposed rule change?

ALLIE BUSH: Hello again. Allie Bush, A-l-l-i-e B-u-s-h, representing Nebraskans against Government Overreach, the grass roots group. We, we thought this was a common sense approach. Obviously, if four-fifths are all in agreement, it makes sense that they should be able to move forward with business. I know in the past we saw lots and lots of reconsiderations that were really just there to take up time, which was acknowledged several times. And so I think this would probably be a smart move. Obviously, if there's legitimate reason for reconsideration, you know, that should be done. But I think when we've got at least 40 people in agreement, we can safely say that a reconsideration of that point is nothing more than to take up time. So thank you.

LIPPINCOTT: Very good. Thank you. Any questions? Thank you--

ALLIE BUSH: Hopefully she's not bugging anybody, if they are, just wave me me off and we'll go stand outside.

LIPPINCOTT: Nope. Not at all, it's refreshing. Thank you. Any other proponents, people for this rule change? Any opponents, people against this rule change?

TIMOTHY MELCHER: I don't have a sheet because they ran out of sheets.

LIPPINCOTT: Uh oh.

CORI BIERBAUM: Are we out of them? [INAUDIBLE].

TIMOTHY MELCHER: No, that's OK, because I was planning on testifying on all rule proposals, and I was like, that's 24 sheets. So anyway, proceeding, so I'm--

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LIPPINCOTT: We'll, we'll tend to that.

TIMOTHY MELCHER: All right.

LIPPINCOTT: Thank you, sir.

TIMOTHY MELCHER: Thank you.

DeBOER: You can fill it out after.

TIMOTHY MELCHER: OK. All right. Good afternoon, Rules Committee. My name is Timothy C. Melcher, T-i-m-o-t-h-y, C as in Clifford, M as in Mike, e-l-c-h-e-r, And I'm here to testify in opposition of this proposal. I just looked at the current rule book, and there are only two situations where four-fifths of the body is called upon to make a vote. And then three-- you know, two-thirds has nine situations, and three-fifths has 16 situations. So it's safe to say that this four-fifth amount is a pretty high bar. And I'm not sure if that's a bar that we want to raise for reconsidering the question. And so with that, that concludes my testimony.

LIPPINCOTT: Thank you. Any questions? Thank you for your testimony. We appreciate it. Any other opponents, people against this rule change? Anybody here to testify in neutral? Senator Holdcroft, would you like to close?

HOLDCROFT: Well, I think this is-- it's confusing. I mean, rule changes are confusing. But right now, there is no bar for reconsideration. I mean, essentially it's 25, 25 people vote against a motion such as an IPP or a bracket or a recommit. Then it's, it's defeated and, and then the reconsideration motion can be made. So what we're saying is we're-- I'm raising it to 40. I thought about raising it only to 33. I mean, two-thirds, is that enough? Maybe not. So the idea was to try and preserve the voice of the minority. OK? And so to get-- to keep it at two-thirds would, would probably not do that. If I raised it to four-fifths to require that of, of-- in other words, there'll be a large portion of the minority who's also voting against that particular motion. Therefore, that is sufficient to, to prevent a very small, small, small minority to continue these dilatory motions and get on with business. So that's, that's my thought, and I'm happy to answer any questions.

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LIPPINCOTT: Any questions? No questions, sir.

HOLDCROFT: Thank you.

LIPPINCOTT: We appreciate your testimony. Senator Lonowski is not here right now, so we will skip, skip over him and press on to rule number 19. That would be Senator Clements.

CLEMENTS: Thank you, Mr. Chairman and members of the Rules Committee. I'm Senator Rob Clements, R-o-b C-l-e-m-e-n-t-s. I represent Legislative District 2. I'm here to introduce proposed rule change 19. This proposed-- proposal would amend Rule 1, Section 12, overrule a ruling of the chair. This rule allows any member to challenge the ruling of the presiding officer when the officer has decided on a question or a point of order. Currently, all 49 members are allowed one time to speak to a challenge. That is four hours of potential debate on the challenge. This may sound fair as a rule, but in practice, a motion to overrule the chair has become a tool to extend debate or filibuster. This then discourages members from making a motion to enforce other rules because the presiding officers decision is challengeable and opens up time for even more debate. This makes the enforcement of other rules of little use. For example, an amendment can be filed to extend debate on a bill. Another senator can then question its germaneness. If ruled not germane, a challenge then creates up to four more hours of debate before the amendment could be removed or voted on. My proposed rule change discourages the misuse of challenging the chair to extend debate. It reduces the number of speakers and narrows it to leadership. First, it requires, after a challenge to the presiding officer, a show of five hands to proceed, such as-- like we have in calling the question. Next, it allows the challenger and two senators they designate the chance to speak. Then the Speaker, the Rules chair, a chair of any standing committee or their designee-- designee of these may speak to the challenge. If any of the leadership or their designee speaks, the challenger is allowed five minutes to close. The vote to overrule then requires a majority of the members present, as it currently does. The vote on overruling the chair would not be subject to a reconsider motion. Also, another challenge to the same question or order once voted on shall not be recognized. I believe this change will improve this rule by continuing to allow discussion on the challenged ruling, but discouraging its use as a delay tactic. In addition, it increases the usefulness of other rules, allowing them to be used as they were intended. Thank you for

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your consideration of my proposed rule change 19. One more comment I would have . This would still allow up to 20 people to speak at five minutes. That's 100 minutes, or an hour and 40 minutes still could be taken. So I don't believe I'm restricting it very much. I'll try to answer any questions at this time.

LIPPINCOTT: Senator DeBoer.

DeBOER: Thank you. So thanks, Senator Clements, for being here. I don't know if you've had an opportunity to look at the rules that I've proposed. I would--

CLEMENTS: No, I haven't.

DeBOER: So I have rule proposal 3 and rule proposal 5. Those deal with germaneness and calling the question. And I simply take the ability of the presiding officer to make the decision unilaterally away and say it's always thrown to the body. So that would therefore get rid of, I think, the challenges to overruling the chair, because the-- overruling the chair is done for germaneness and calling the question.

CLEMENTS: Yes, I had that example.

DeBOER: Yeah. So those are the two places where-- I mean, there may be a few other cases where there might in special circumstances being overruling the chair, but it seems to me more democratic to just have the chair not decide and, and put that to the, to the whole body. Would that be an acceptable alternative to this rule for you?

CLEMENTS: I'd be willing to let the committee decide that, yes.

DeBOER: Because as the way the rule that you have here is written, I would never be able to speak to any call, any overruling the chairs, and--

CLEMENTS: Well, yes, you could go to a committee chair and say, I'm not a chair, but would, would you designate me to speak?

DeBOER: Well--

CLEMENTS: But you wouldn't be guaranteed a spot if you're not a chair.

DeBOER: And additionally, one of the problems I see is that as we went through the standing committee chair elector-- elections last year,

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last week, two weeks, whenever that was, I've forgotten already. You know, the Speaker, the chairpersons of all the committees, the chairperson of the Rule Committee, they're all of the same party except for one person. So basically what you've done with this rule is provide that nobody of a different party would have the opportunity to speak to overruling the chair.

CLEMENTS: The challenger is allowed two other people they could designate.

DeBOER: But I mean--

CLEMENTS: It could be one of those.

DeBOER: --essentially, you've limited it. I, I don't want to argue with you. I think I, I think if you're willing to let us talk about whether there's another solution, I just wanted to glean that information from you.

CLEMENTS: Yes, I would leave that up to the committee.

DeBOER: OK.

LIPPINCOTT: Any other questions? Thank you, sir. We appreciate it. You'll be here for closing?

CLEMENTS: Yes.

LIPPINCOTT: OK. Thank you, sir. Any other proponents? People that are for this proposed rule change, Rule 1, Section 12. Proponents, people for the bill. Anybody opposed, against this rule change?

ALLIE BUSH: I was going to speak [INAUDIBLE].

LIPPINCOTT: Any other person speaking to-- against this rule change? Anybody in a neutral position? Senator Clements, would you like to close?

CLEMENTS: Yes just one comment on when you're talking about allowing just for a vote of, of the, of the body. I'd rather that you didn't allow 49 people to speak before the body votes. I'd like to retain some limited number of discu-- debate before the question is considered.

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LIPPINCOTT: Any questions for Senator Clements?

DeBOER: Just to clarify that those, those questions would go immediately with no debate. So they would go to the body immediately.

CLEMENTS: That would be wonderful, I'd, I'd support that.

DeBOER: OK.

CLEMENTS: I wasn't clear on that.

DeBOER: Yeah.

CLEMENTS: Thank you.

LIPPINCOTT: Any other questions? Thank you, sir. We appreciate you coming today. We'll change number 20 and rule change number 2 have both been rescinded, withdrawn from Senator Cavanaugh. So we will now move to-- who's next? Who's not here? Yeah. Senator Hansen's not present at the moment, so we will come back to him, so we'll move to rule number 23 with Senator Kauth.

KAUTH: Ready? I'm Kathleen Kauth, K-a-t-h-l-e-e-n K-a-u-t-h. And thank you for letting me hold a baby while we're in here, that was awesome. I'm introducing a rule change to-- it's rule change number 22 to Rule 7, Section 10. My thought for this is it's about cloture, and I would like us to consider making present and voting the base for cloture. Right now we have it, it's two thirds out of 49 will give you cloture, which means 33. We have a tendency for a lot of people to do-- oh.

LIPPINCOTT: 23.

DeBOER: Question.

ARCH: She's on 22, I think.

DeBOER: Yes, she's--

KAUTH: I'm sorry, did I start on the wrong one? You wanted to do 23 first?

LIPPINCOTT: 23.

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KAUTH: Sorry.

LIPPINCOTT: Yep. That's OK.

KAUTH: Rewind. Do you need me to restate everything?

CORI BIERBAUM: No.

KAUTH: OK. So the other rule change that I'm suggesting is to combine Natural Resources and Agriculture Committees, and to add a Technology Committee. I think this is really important. Number one, Nat--Natural Resources and Ag have a lot of overlap. Both committees have a small number of bills, usually, per year. And I think it would make a lot of sense to have those people who are working in those committees working together. And then I think we need to add a Technology Committee. As we go forward, we are seeing things happening with artificial intelligence, with quantum computing, with the internet of things, with biometrics, that we don't really have a committee that is set up well to handle. And I think to represent our constituents better, we need to make sure that we have some expertise on staff that is focused solely on technology. That is all.

LIPPINCOTT: That's it? OK. Any questions? Yes, sir.

ARCH: Senator Kauth, I just wanted to say you're, you're on to something here. This, this was at our last, not, not this recent one, but the Legislative Council before that, there was a list of things that I wanted to see happen, and one of them was this discussion of some rationalizing of our, of our committee structure. And this was actually one of the possibilities that even in the past people have talked about, let's create one. There are other alternatives to doing that, in addition to in the membership down here where you get odd numbers, all the committees end up with odd numbers instead of some of the even numbers where you don't have four-four votes, you know, on some of that. So, I, I mean, I, I would anticipate that if this doesn't-- if this doesn't pass at this point on the proposed rule change, that there would be some kind of a study even in the interim, just to take a look at really all of our, all of our committee structure, because we, we're, we're not balanced in how we reference, how many bills go to which committee, and all of that, so.

KAUTH: And I, I would be very welcoming of that. Again, it's as-- I have a biometrics bill coming up and the amount of information and the

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things that I have-- I know nothing about because it's such advanced technology. I really think we are doing a disservice to our constituents if we're not at least trying to keep up or catch up. So I'm willing to discuss any way we can do that. So I appreciate that.

LIPPINCOTT: Thank you. Senator Arch. And Senator DeBoer.

DeBOER: Thank you, Senator Lippincott. Thank you for this. I don't know if you have got the information. When I was a freshman, so in 2019, there was a Committee about Committees, not to be confused with the Committee on Committees.

KAUTH: We need to work on our titling.

DeBOER: So there was a Committee about Committees committee, and we discussed this, putting Natural Resources and Ag together. And it seemed like everyone was sort of there on that point. But then with the extra day, there were so many ideas people had. Somebody thought to do tourism and economic development for a one day committee, some people thought legislative oversight for a one day committee, I thought school finance. You know, there were a num-- we had like probably five different ideas that people had, six different ideas that people had. So with the technology piece, I would want to know more about how that would overlap with what's in transportation and telecommunications already. And it's not that I don't like the idea, it's just that there's so many good ideas.

KAUTH: And that's, that is, I mean, we are running the risk of paralysis by analysis. And when I say technology, I figure that's a big enough umbrella that we can really adjust, because things are moving incredibly fast, and we can't put into our rules and our regulations something that we're going to have to adjust every year. We should have a broad enough umbrella for this. I love the fact that this has been discussed and we should probably look at those notes. And since you were involved with that, those are all good things to be focusing on. I don't know if having a standing committee on tourism is, is--

DeBOER: That was not my suggestion.

KAUTH: Right, no, no, no.

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DeBOER: For the record.

KAUTH: That's just I'm picking on that one. But, but again, it's, it's does that impact all of Nebraskans to a degree that we should have a standing committee with the legal resource and all of that. I think that when we look at it, technology is, is something that everyone is dealing with.

DeBOER: I think what I'm saying is I like what you go-- where you're going here. And I think we probably do, at least, need to have some discussion. Since it wouldn't go into place until '27, we maybe could do an interim study this summer and then put it into place next year.

KAUTH: And I think that's a great idea. Also, I think, you know, members of this committee can sit down and talk about, OK, what does go into TNT? For me, transportation and telecommunications, that's pretty specific, and not necessarily everything in technology. So I think you would still have some, some, some dividing. But I-- it needs to happen that we start figuring out, hey, where are things going to go where we have the most expertise to deal with them?

DeBOER: Yeah. No. I think no, I think Sue Crawford was the Rule-- the chair of Rules Committee at that year. And so she had the notes. So if we can find her old notebooks on that, because she had somebody do a study of all the other committees at all the other states. And so we have lots of information.

KAUTH: Thank you.

DeBOER: Yeah.

LIPPINCOTT: Thank you. Any other questions? Yes, sir.

BOSTAR: Thank you, Chair. Thank you, Senator.

KAUTH: Of course.

BOSTAR: If I remember correctly, to Senator DeBoer's point, it was moving Ag into Natural Resources was the idea? This looks to be the opposite to me, which is moving Natural Resources into Ag.

DeBOER: Oh.

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BOSTAR: So it's striking the three day.

DeBOER: Oh, no.

BOSTAR: And moving it all into the one.

DeBOER: Sorry that isn't--

BOSTAR: So I just wanted to flag that.

DeBOER: Yeah, thank you. And that's--

BOSTAR: Cause it, cause it-- if-- you know, and I could actually make the case either way how to put those together. The reality is it probably should just be a two day, and we've got to move some other things around. But you know, if we're opening up a three day spot versus opening up a one day spot, that's like a very different vision for what could accommodate some kind of workload. You and I have worked on a lot of technology bills together. Those that we've done have been in banking committee--

KAUTH: Correct.

BOSTAR: --through the sort of commerce piece within that committee, which has always been a weird--

KAUTH: It is. It's an odd--

BOSTAR: And we talk about it a lot during referencing. The Speaker's well aware of how much conversation that gets. Could you just, your vision here, could you tell me a little bit about how do you, how would you try to, like, define the four corners of technology for the purpose of establishing its own sort of committee of jurisdiction?

KAUTH: Absolutely. So I think the first one is artificial intelligence; the second would be internet of things. And for those who don't understand what that is, everything has basically a computer in it, whether it's a watch, whether it's your toothbrush, all of these things that can be hooked up to the Internet and used and controlled, we need to be able to look into those; quantum computing; and I had a fourth one, but I can't remember what it is.

BOSTAR: OK.

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KAUTH: But, but really, again, artificial intelligence is the one that I am seeing the most concerns with. We're seeing it being discussed in Congress. We're seeing it being discussed in every business. We have a lot going on, there's a lot of fearmongering. I routinely flex between isn't this awesome and amazing we can do this to oh my gosh, Skynet is real. So it's, it's we do need to get a handle on what's happening, whether how many days it takes. And, you know, when I say combine Natural Resources and Ag, I'm not at all married to what that should look like. I just think that those are two very similar committees that we can use to, to make some room for technology.

BOSTAR: Thank you.

KAUTH: Thank you.

LIPPINCOTT: Any other questions? Any other proponents for this rule change, rule change number 23, 2 3. Stay for just a moment. Yeah. Any other proponents? Sorry, he's going to testify. Thank you.

TIMOTHY MELCHER: Hello again, Senators. Timothy C. Melcher, T-i-m-o-t-h-y C as in Clifford, M as in Mike, e-l-c-h-e-r, and I'm here to support Senator Kauth's rule change. I don't find myself agreeing with her too often, and so this is kind of a big step that I'm here to support her idea. But I do like-- I do like how she's looking forward. And she is right. We do have AI that has been coming on that, you know, that's coming on the forefront of discussions and stuff. We have images impersonating people. I remember seeing a story in the Omaha World-Herald about Warren Buffett saying, that's not actually me, it's an AI generated photo. You know? And as I was listening and taking into consideration Senator Bostar's question, I would be curious to know if this Technology Committee would include robotics, because that is something that as a farm boy, I always think about, is what are you going to do for a job when all the robots are doing them for you? So a real concern there for me anyway. But those are my \$0.02 and that's all I have.

LIPPINCOTT: Thank you, sir. Any questions? Thank you for testifying. We appreciate it. Any other proponents, people for this change? Nope? Any opponents, people against this rule change? Anybody here to testify in neutral?

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ALLIE BUSH: Allie Bush, A-l-l-i-e B-u-s-h, representing Nebraskans Against Government Overreach, the grass roots group. We came neutral on this one mainly because we totally agree with adding a technology committee. I think that's a very good idea for exactly the reasons that have been talked about between AI and robotics and even online regulation, things like that. I think that would make sense in this one. However, we weren't 100% certain about the Ag and Natural Resources Committee that we have so much stuff that they both get. It's a lot to put into one, especially if it's only a one day committee, but obviously you guys will figure that part out. So we just wanted to voice that we do agree with the technology part and however you guys decide to match other things up, that's all good.

LIPPINCOTT: Thank you. Any questions? Thank you so much. We appreciate your testimony. Any other people to testify in the neutral?

HEIDI UHING: Hello, Rules Committee. My name is Heidi Uhing. I'm here representing Civic Nebraska. I did not intend to comment on this particular rules change, but this is a really interesting conversation, and as a longtime legislative employee, I know it's been a long time coming. So I just had an idea I want to share with you, given the discussion that you had here today, that one opportunity, if there is interest in a tourism focus, would be to combine tourism with transportation, and then move telecommunications to the technology committee. That seems to be kind of an interesting break that might be worth considering, but I love that you're having these ideas and discussions. We as Civic Nebraska brought a bill in recent years that dealt with the potential threat of artificial intelligence being used to manipulate elections, spread disinformation. That's a big topic and a really big issue to ask a committee to, to chew on if it's not their area of expertise. So I commend you for considering it.

LIPPINCOTT: Can you spell your name, please?

HEIDI UHING: H-e-i-d-i U-h-i-n-g.

LIPPINCOTT: Thank you so much.

HEIDI UHING: Thank you.

LIPPINCOTT: Appreciate it. Thank you. Anybody else in the neutral?

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RYAN NICKELL: Thank you. Hello, Senators. Hello. Ryan Nickell, R-y-a-n N-i-c-k-e-l-l, testifying in the neutral capacity for rule change proposal, what is this, 23? All right, thank you. So I am an artificial intelligence specialist. I think this is a good idea in principle. I just don't like the name of it because I don't describe what I do as technology. I describe it as science. Thank you.

LIPPINCOTT: Thank you, sir. Any questions? Anybody else to testify in neutral? Senator Kauth, would you like to close?

KAUTH: Thank you very much. And I'd like to address Mr. Melcher. Robotics, absolutely a great idea. My son, who is in technology and robotics is going to kill me for not mentioning that. And then to Ms. Uhing, I love the idea the-- that's very creative to put tourism in with transportation. So I think, again, I think what this is probably going to wind up happening is we have a legislative resolution to study this and really hammer some of this out. I'm thrilled that so many people think that now is the time, that, that we are ready to do something. So if there's nothing else, that's all I have.

LIPPINCOTT: Very good. Any questions? Yes.

IBACH: Thank you, Mr. Chairman. I would just have one comment. We didn't talk much about the transportation side of that. If we divide the, the transportation with telecommunications. And I would just note that with the introduction of SAF, sustainable aviation fuel, if you look at the roads, rail, and all other forms of transportation, I would just encourage you, because I've had this conversation with different organizations too, to just make sure that we discuss the transportation side of it, too. Because I think that's growing as much as the telecommunications broadband, AI, some of those categories are growing as well. So I, I think it's a great idea. Like you said, we've had discussions about it and I think it's probably time. And I think you have something, as Speaker Arch said, I think you have something here. So thank you.

KAUTH: Absolutely.

IBACH: Thank you, Mr. Chair.

LIPPINCOTT: Senator Ibach, thank you very kindly. Any other questions? Nope? Thank you so much for your testimony. I'll give the next line up. If you would please sit tight and we'll do rule number 22 next. So

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you're on, on deck here. Then it'll would be a Lippincott for rule number 8, Lippincott for number 9, then Lonowski for number 7, followed by Ben Hansen, number 6, and then Senator DeBoer for number 3, and we'll be back on track. So, Senator Kauth, you're up.

KAUTH: Thank you very much. Kathleen Kauth, K-a-t-h-l-e-e-n K-a-u-t-h. And I'm discussing the cloture rule, so Rule 7, Section 10. My idea is to make it present and voting how you count cloture. So right now it is two-thirds out of the full body, which is 49. There are times and places to use the present, not voting. At first when I thought this up two years ago, I was frustrated as a constituent watching people say, why on earth aren't they taking a stand? I want to know which way it is, yes or no. Then once I got in here, I realized they're using it very tactically, very strategically. But there's no price to pay for using a present, not voting voice. So you're holding your voice silent, but your body is still being counted in that two thirds majority. What I'd like to do is say, absolutely, you can use present, not voting, but if you choose to do that, there needs to be a political price for that. And that means that the body total drops. So if four people say present, not voting, now our cloture is two-thirds out of 45. So it will change the mathematics. And I don't know if people are aware, but we are constantly doing math on the floor. We're counting, we're figuring out how many is two-thirds of, of what. It's always something that we are concerned with and working on. So I think it will make the senators have to pay attention a little bit more to what they're doing and why they're choosing to step out of a vote. Again, it, it's our responsibility as senators to make our constituents' voices heard through us. And if we choose to set aside and not vote on something, there needs to be some understanding that there needs to be a price to pay for that. Not punitive, but just that's kind of the cost of doing business is it lowers that threshold. So.

LIPPINCOTT: Any questions? Yes, sir.

BOSTAR: Thank you, Chair. Thank you, Senator.

KAUTH: You're welcome.

BOSTAR: How, how does this rule change impact folks who are excused?

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KAUTH: Well, that's something we, we'd have to figure out. If you're not there and you're not voting-- so if, if you have checked in and then are not voting, that's present, not voting. If you haven't even checked in yet, you're still counted as being part of the body. So I think it would be applied the same. If your, if your physical body isn't there making a decision and representing your constituency, then that should not be counted towards the total number needed. Again, that's-- and, and I will tell you, we have had, and I don't know how many people know this out there, but at any point in time, the senators we work with are dealing with extraordinary issues. Last year, we had seven senators at one time dealing with cancer, either themselves or a loved one. We had people showing up-- literally, Senator Aguilar came to chamber without a knee, overcoming extraordinary physical issues to be here for their constituents. And I think that needs to be acknowledged. So if, if you're not able to be here, again, there are reasons for it. But we have seen time and time again senators coming here to do their job, and that really needs to be acknowledged.

BOSTAR: So just, just to put a bow on that. So the vision here with this rule change is anyone not voting, whether they're present or not present--

KAUTH: Correct.

BOSTAR: --would reduce the thresholds necessary.

KAUTH: Correct.

BOSTAR: Thank you.

KAUTH: You're welcome.

LIPPINCOTT: Yes, sir.

ARCH: Thank you. Just one comment. Because there's no floor in this particular draft, you theoretically, highly unlikely--

KAUTH: Could have three people?

ARCH: --theoretically, you, you could pass with three people.

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KAUTH: Yes. And I actually submitted a-- two amendments to Senator Lippincott. I will leave it up to you, but we absolutely need to have a floor on it. And so my legislative aide caught that after we had submitted that. So we have two different amendments that Senator Lippincott has to make sure that there is a floor. And I would ask you to use your best judgment for what that is. But yes, because we don't want to have three people here and one person, two people make a vote. Thank you.

LIPPINCOTT: Senator Hansen.

HANSEN: Thank you, Chairman. I, I like the idea of this. But you also made a good point in your opening statement. Part of the reason some people do present, not voting is it's a way of communicating your stance, not just to your constituents, but also to the senators introducing the bill, saying, hey, look, I'm not a hard no, I'm not a yes, I'm in the middle. So I always recognize those present voters as people I need to work a little bit harder on.

KAUTH: Right.

HANSEN: Communicate with them, discuss things with them, OK, why are you present, not voting? What can we do to make the, make the bill better? You know, that kind of collab-- collaborative effort. Would you consider-- except on Final Reading. There's no more collaborative effort going on there. There's not really much of a reason for that. So would you consider doing the present voting on Final Reading only?

KAUTH: Absolutely. I mean that-- and that's-- if, if we do it on all three levels, you still know who voted present, not voting. You just have the ability, I mean, it could move forward, so you actually can work with that person. So having it at all three levels gives you a little bit more flexibility to keep your bill alive and move so that you can work with someone. But I think on final reading, that's where you-- kind of the rubber meets the road. And when we have people, after working hard on bills and getting to that point and then people sit out, that is difficult. I would prefer it to be on all three. But you know, I will leave that up to the committee's--

HANSEN: Just curious, kind of, where your stance was on that.

KAUTH: Absolutely.

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LIPPINCOTT: Any other questions? Nope?

KAUTH: Nope?

LIPPINCOTT: Thank you.

KAUTH: Thank you.

LIPPINCOTT: You'll be here for your close?

KAUTH: Is that close? Oh, oh, yes.

LIPPINCOTT: Any other proponents, people for this rule change?

ALLIE BUSH: Hi, guys. Allie Bush, A-l-l-i-e B-u-s-h. Well, this one was our favorite rule change. I think this one is fantastic. It makes sense. We elect you guys to come down here and vote yes or vote no, not to dilly dally around and take your time thinking, pick a choice and go with it. That being said, if you do choose to be present, not voting, I don't think that your vote should dissuade or impede the body from being able to do their business and move forward. So I think this is a extraordinarily logical move. I do want to add that we like this more, respectfully, than Senator Lippincott's recommendations that would just outright lower cloture. I think this prevents us from lowering it when everybody has an opinion. It doesn't get-- you know, we're not lowering and just passing bad bills. That's our greatest concern about that. So this still keeps it at that same threshold. But if you as a singular senator decide to derelict from your duties and not take a position on something, I don't think it should get in the way of the business being done at the Legislature. So that was our position. We really, really like this one. Please move it through.

LIPPINCOTT: Thank you. Any questions? Thank you for your testimony. We appreciate it. Any other proponents for rule change number 23? Any opponents, people against this rule change? Yes, sir.

TIMOTHY MELCHER: Hello, Rules Committee. My name is Timothy C. Melcher, T-i-m-o-t-h-y, C as in Clifford, M as in Mike, e-l-c-h-e-r, and I'm here to oppose this rule change. So it is set at-- the wording is important in this rule. It is two-thirds of elected members, so that means two-thirds of 49 people with the current number of senators, so there must be 33 people there, not there's 33 people in the body, but one slipped off to the bathroom, so now we don't have to

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count their vote. Like that's my biggest concern with the present part of the voting is if somebody slips off to use the restroom, the body can go, oop, we can make it now, let's go ahead and take a vote. So that is why I oppose this rule, and I'm here for any questions, if you've got one.

LIPPINCOTT: Thank you. Any questions? No questions. Thank you, sir.

TIMOTHY MELCHER: Thank you.

LIPPINCOTT: Any other opponents, people that are against this proposed rule number 22? Anybody here in neutral for rule number 22? Senator Kauth, would you like to close?

KAUTH: Thank you. I would like to address Mr. Melcher's concern, because I think when you're watching it on TV and you're not actually there, you don't understand how things work. I know for me, I read the rule book a lot before I came in, and I didn't understand any of it until I actually was doing it. So, so the concern that if someone is off the floor for some reason, whether we're meeting with a lobbyist or a constituent or we're in the restroom or we're having a meeting, we are frequently in and out of the floor. There is always a call of the house and everyone knows, OK, if all of a sudden there's a vote, if we don't have the people there, it is our responsibility to do a call of the house and get everyone on the floor. And if you have not checked out, then they will come find you. And we have had Red Coats kind of set out through the building finding where we are, to make sure that we come and we sit down and we're, we're there. So any time there's a call of the house, it gets everyone back to the floor, again unless they've actually checked out. So the concern about whether or not we are inadvertently not on the floor, I think is extraordinarily minimal. So but I do appreciate that being brought up because, again, there's a lot of misunderstanding about how it works.

LIPPINCOTT: You, sir, Senator Arch.

ARCH: This isn't so much a question, but as I've, as I've thought about this rule change, and there's similar ones coming here. I, I guess I put myself in the, in the position of the introducer of the bill. So I get to a cloture vote, and I won't know what that number that I need really until that last vote is taken. Now, maybe the last

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two votes, I'll have a pretty good idea what that. Now, I know it's 33.

KAUTH: Right.

ARCH: I need one, two, three, four. I need, I need to have 33 to get past cloture. But with this, it's a-- it, it's sliding.

KAUTH: Right.

ARCH: You know, and the introducer will not know. In other words, you, you know, even the Clerk would not be able to say, you know, Senator Arch, on this particular vote, you're going to need X.

KAUTH: Right. Well, I-- to that point, I think the goal is always to get to 33. The goal is always to have two thirds of the full body. But putting this in place means that you don't get those surprises, because as an introducer, there are times when you are very surprised when someone decides to sit out because you've already counted their vote. So I think the goal for all of us is to we need 33. I don't think that changes at all. I think what this does is say, OK, if, if there is a surprise, it doesn't impact us and what we thought was going to happen as much as it does if all of a sudden that one person jumps off.

ARCH: I just, I just wonder. I know that for every rule, there's people that are very--

KAUTH: Oh yes.

ARCH: --very clever on how to, on how to deal with it. I'm just wondering if we're all going to be handed out calculators as, as ordered.

KAUTH: Well, when I, when I talked with--

ARCH: Running the numbers as the votes are being taken.

KAUTH: When I talked with the Clerk for this, actually we would have a, a scale that I mean, everyone would have access to if, if there's this many voting, it's this many needed because, we are going to need to know that, because otherwise we're all going to be sitting there after the vote waiting for Brandon to count. So we have up on the

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board it counts how many are present, not voting. And most of us can do pretty good addition and subtraction. So I think we'll be OK. But again, having that sliding scale will be an important tool.

LIPPINCOTT: Senator DeBoer?

DeBOER: I'll pass. Let's keep going.

LIPPINCOTT: All right. Yes, sir.

BOSTAR: Thank you, Chair. Thank you, Senator. Something I thought of, you know, since we're talking about cloture, here's a scenario that I, I, I would be concerned with. Our rules that actually dictate when cloture occurs are very fluid. They-- it leaves almost all of the discretion to the Speaker. We don't define it. I mean, we define, you know, full and fair debate. But that gets to be interpreted by the Speaker. And we've, we've been fortunate to this point to have a level of predictability of when cloture will occur. And, you know, you referenced a lot of folks in unfortunate health situations making a great deal of personal sacrifice to be present at moments that really matter. But, but they knew when they needed to be.

KAUTH: Correct.

BOSTAR: Right? They knew when cloture was going to happen, so they could make the trip in, and then be there to cast the votes that were necessary. My fear is, you know, in a, in a--with a with a future Speaker, they-- that individual could decide to change how cloture is decided when it comes. They could show up one morning and say, well, you know, this should have hit cloture this afternoon. But I feel like we've kind of talked enough. I-- cloture is in five minutes. They have that power. Our rulebook gives them that complete power. In which case there wouldn't be an opportunity for people who were dealing with things to try to actually accommodate it and come in. Do you think in a world where we did something like this, we should then also define strictly what cloture was in our rules and not have it be up to the Speaker in order to make this work?

KAUTH: Interesting question. I think, first of all, the, the history of the Legislature is dependent on greatly with almost every decision that is made on the floor as far as how things go. So I think that, that incident certainly could happen, someone could come in and be

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quite the rogue Speaker. I, I don't foresee that happening, but it certainly could.

BOSTAR: We set rules for the extreme cases too.

KAUTH: Right. Exactly. So, you know, it certainly could. As far as governing what the Speaker can do regarding cloture, it is very flexible. I didn't realize how flexible it was. We might have to talk. But I think that there should be guidelines, certainly. And that's, that's one of the things. We run the risk of putting so many rules in place that we freeze ourselves and get locked into things. And to the Speaker's point, there are, are people who figure out the rules and figure out how to manipulate them in every way, shape, and form. I would really hate to have the Speaker completely limited when other people are able to manipulate the rules so, so well. So I think that we need to allow the Speaker that latitude and that flexibility. I think if we saw a Speaker, not you, abusing it, then as a Legislature we would have to figure out how to handle that.

BOSTAR: OK. It's just a, just a fear of what a rogue Speaker as you put it--

KAUTH: Absolutely.

BOSTAR: --could do in a situation with a rule like that.

KAUTH: Absolutely. So, yeah, that's, that's-- it's a good point, and one that I don't envy the Rules Committee having to decide.

BOSTAR: Thank you.

LIPPINCOTT: Senator Bostar, thank you very much. Senator Hansen.

HANSEN: Yeah. On that note, I think we kind of already have safeguards put in place, and that's when you have the majority of the body temporarily suspending the rules. So I think if you do end up with a rogue Speaker, he's going also need 25 people in the body to agree with him, because how is he going to 25 people disagreeing with the Speaker and overruling him and deciding when cloture is ultimately.

KAUTH: OK.

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HANSEN: Secondly, that's why you don't upset the Speaker, because he could go rogue. Thirdly, my, my other question--

KAUTH: We're, we're not supposed to upset the Speaker? Whoops.

HANSEN: Yeah. It happens. And thirdly, my question is, and maybe you mentioned this before and I missed it, so I apologize, and if we don't know it it's OK. How m-- is this a common practice in other states?

KAUTH: The present, not voting? I don't know that. This, this is the only state I'm familiar with.

HANSEN: That's fine, I was kind of curious to see how it's worked in other states, or other things, or if we're the first one to do it, which is good or bad.

KAUTH: We're, we're the first to do a lot of things, so it could be cool.

HANSEN: Which was not a bad thing. Thank you.

LIPPINCOTT: Thank you, sir. Senator DeBoer.

DeBOER: Thank you. OK, so I will say it. So, remember how you said you read the rule book and then you came in and you're like, oh, that's how it works?

KAUTH: Right.

DeBOER: Well, it's a little bit like that when you preside for the first time because you're like, there's things you don't know until you put it out there. So one of the concerns I would have is that we will hold-- like if you do a roll call vote, that's one piece. But if you're just calling for a machine vote, we have a period of time in which you can push the button, not push the button. I would be concerned with something like this that people are like using their little chart and--

KAUTH: And figuring it out.

DeBOER: And then it ends up on Brandon if he calls it now, or five seconds from now, or, you know, 10 seconds. And so, like, either there would have to be some kind of a rule of like, you have exactly one

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minute to vote or-- you know what I mean? Because otherwise you're going to put it in this--

KAUTH: Yeah. They'll game the system.

DeBOER: They'll game-- the system will be gamed by not voting, waiting, OK, wait, now I'm going to vote to try and-- so I just-- you know, it's just a concern about like how do we regulate when the voting happens? If you do a roll call vote, you're allowed to change your vote after they go through use. There's like-- I'm, I'm Just concerned about the practicality of it, but I can talk through that with you later. I just want to put that out there.

KAUTH: I think those are really, really valid, and that's why we have a committee discussing these rules, and it's not just one person saying, hey, let's do this. But that's a really valid concern. And I think there should be some guidelines put up there so that the Clerk understands exactly how to implement whatever the rule is. And that's, you know, it might be something that we try it and come back and say, ooh, that did not work. You know, it's when we're talking about changes, we need to be flexible with them. So thank you.

LIPPINCOTT: Any other questions? Senator Kauth, thank you very much for your testimony.

KAUTH: Thank you very much.

LIPPINCOTT: We greatly appreciate it. At this time, I'll turn over the chairmanship to Senator DeBoer.

DeBOER: Thank you, Senator Lippincott. And we're now going to do-- so, we were going to do a combined hearing. But because Senator Lippincott is the chair, we've kind of switched it. We're now going to do a combined hearing on Rule 8 and Rule 9. So if you have comments on either rule 8 or rule 9, this would be an appropriate time for you to get ready to do those. Senator Lippincott is going to now open on both rules 8 and rules 9. So Senator Lippincott, whenever you're ready.

LIPPINCOTT: Thank you. My name's Loren Lippincott, that's L-o-r-e-n L-i-p-p-i-n-c-o-t-t, represent District number 34. Rule number 8. This very simple. It changes the threshold from two-thirds to three-fifths for cloture, making the magic number 30, no longer 33. This is still

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well above the 25 needed for the rest of debate. Very straightforward. Any questions?

DeBOER: Any questions on rule change number 8 for Senator Lippincott. I don't see any. Will you please open on rule change number 9?

LIPPINCOTT: Rule change number 9. This makes it so that a, quote, motion for cloture shall be deemed successful whenever passed by two-thirds of the members voting yea or nay, with no fewer than 25 affirmative votes. A vote of present, not voting shall not be counted as a vote when voting on a cloture motion. So instead of putting the number at a fraction of the total body, it becomes a fraction of the members voting yea or nay. And I do have a chart being passed out around showing the exact numbers. It does have a floor of 25 votes, and it clarifies that it must be a machine vote. And a motion for cloture on a major proposal shall require a three-fifths majority of the members voting yea or nay to pass. And the definition of what a major proposal is, it's in the rules book, which is done by the Speaker on a constitutional change.

DeBOER: OK. Thank you, Senator Lippincott, for your opening on proposed rule change number 9. Are there any questions from the committee? Senator Arch?

ARCH: Just, just a couple of comments. A vote on a cloture motion shall be a record machine vote. Does that, does that exclude roll call? Could you do-- in other words, are you just trying to get away from all in favor, say aye; opposed say nay?

LIPPINCOTT: Correct. Yes, sir.

ARCH: OK. The other, the other question I have is that there's language that is also struck from our current Rule 7, Section 10. "The presiding officer may rule a motion out of order." So in the striking of that language, the result would be that the presiding officer would not have any ability to say that it's out of order. In other words, it, it is full and fair debate has not occurred. So you pull the, you pull the, you pull the presiding officer out with the striking of that language, you could have a call pretty quickly with something like that. So anyway, that is just something to consider as the discussion continues.

LIPPINCOTT: It's worthy of note.

DeBOER: Other questions. Thank you, Senator Lippincott. I assume you're staying around for close. All right. Let's have our first proponent for either rule change number 8 or rule change number 9. First proponent. Rule change 8, rule change 9. Anyone else? Going once? Going twice. All right. We will take our first opposition testimony for either rule change 8 or rule change 9. Welcome.

KARIN WAGGONER: Hi. All right. Hi. My name is Karin Waggoner, K-a-r-i-n W-a-g-g-o-n-e-r. I'm the executive director-- excuse me, I am the executive director of Nebraskans Against Government Overreach. I'm here to discuss a deeply concerning matter that should trouble all of us, regardless of party affiliation. Proposed rule changes 8 and 9, introduced by Senator Lippincott represent a significant threat to the democratic process in our state Legislature. At their core, these changes aim to rewrite the rules around cloture, the process that determines when debate on a bill can be cut off and a vote taken. Currently, this process ensures that important issues are thoroughly discussed and that all voices from both sides of the aisle are heard. These rule changes, however, lower the threshold for ending debate, making it easier for a slim majority to silence dissent and force through controversial legislation without proper deliberation. Why does this matter? Because Nebraska's Legislature has always prided itself on being fair and open, a place where ideas can be debated in good faith no matter your political affiliation. These changes would strip away that fairness, allowing a handful of individuals to control the legislative process and stifle discussions on issues that affect us all. And we must ask ourselves, why is Senator Lippincott so eager to consolidate power? These rule changes are not about streamlining government. They are about consolidating control and forcing their will on all Nebraskans, regardless of what we, the people, might think. Make no mistake, this is not a partisan issue. These rule changes undermine the very foundation of our democracy. They remove safeguards meant to protect the voices of the minority, leaving all of us vulnerable to unchecked power. Today it might be Senator Lippincott pushing his agenda. Tomorrow it could be someone else. This is a very dangerous precedent. I urge every Nebraska listening-- I'm talking to the TV cameras-- I urge every Nebraska who is listening to pay attention to what is happening here. This isn't just a procedural tweak. It's a calculated move to centralize power in the hands of a few. Our democracy depends on all of us standing up and saying no. No

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to silencing debate, no to bypassing fairness, and no to power grabs disguised as rule changes. Let's hold our leaders accountable and demand better for all of us. Thank you.

DeBOER: Thank you. Are there any questions for this testifier? I don't see any today. Thank you for being here. Let's get our next opponent. Next opponent. Welcome.

TIMOTHY MELCHER: Thank you, Rules Committee. My name is Timothy C. Melcher, T-i-m-o-t-h-y, C as in Clifford, M as in Mike, e-l-c-h-e-r. And I'm here to oppose both rule proposals. The simple fact is that it lowers the threshold, and I'm opposed to that because when we have contentious subjects, the filibuster becomes a mechanism to, to keep it from rushing forward, you know, because haste makes waste. When you push something because you think it's a good idea, even when people are digging their heels in and, and trying to fight it, it's probably a good sign that maybe today is not the day for that subject. And so I think we need to keep the threshold higher to end cloture on the filibuster.

DeBOER: All right. Thank you. Are there questions? Senator Hansen.

HANSEN: Thank you for coming. Do you think the filibuster rules should be used as a calculated weapon.

TIMOTHY MELCHER: A calculated weapon.

HANSEN: To take up time on the floor and be used on every bill, or do you think it should be used specifically for bills that aren't ready, like you just mentioned?

TIMOTHY MELCHER: I think it should be limited to single bills. Is that what you're asking?

HANSEN: Yeah. Yeah. So the filibuster rule for the purpose, as you just mentioned, is like we're going to use it, not on every bill that comes forward here to kind of wait, to kind of use of time to kind of game the system, as we're kind of calling it here, but more to be used to hold off a bill so it can be worked on later or it's not ready for some of the reasons that you just gave.

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TIMOTHY MELCHER: Yeah. And I think, I think I know what you're referencing.

HANSEN: I think that's where this rule change maybe-- the genesis of this rule change maybe came from? I don't know for sure, I didn't ask Senator Lippincott. But because sometimes when the rules get gamed too much, sometimes we have to kind of make sure we can do our best so they're not being gamed as often.

TIMOTHY MELCHER: Yeah. And I remember there being a contentious bill last biennium, and I maintain like if we don't want to have a filibuster, just pull that bill. But I frankly don't remember the exact events of last session. I do remember one particular bill was contentious and so a particular senator promised to burn the place, you know. Of course--

HANSEN: I was just curious to get your thoughts, that's-- I was just kind of wondering, so.

TIMOTHY MELCHER: So yeah, but I, I-- yeah, it's a, it's-- you know, everybody wants it their way, but you got to find the balance. And I think it's better in this situation to have the threshold higher. But I see your point, and I-- I'll have to think about that some more. So thank you.

HANSEN: Thank you. Appreciate it.

DeBOER: Thank you. Senator Hansen. Other questions for this testifier? I don't see any. Thank you so much for being here. Next opponent. Welcome.

HEIDI UHING: Thank you, Vice Chair and members of the Rules Committee. My name is Heidi Uhing, H-e-i-d-i U-h-i-n-g. I'm the director of public policy for Civic Nebraska. First, I'd like to thank the committee and the Clerk's Office for providing a means for the public to provide comment again on each of these individual rules change measures and for broadcasting this hearing for the public viewing. These features are much appreciated and an important indicator of the respect this institution has for its second house. We are here in opposition to rules changes both 8 and 9. Mark this down is a day that we agree with Nebraskans against Government Overreach. Legislating is intended to be a deliberative process with a goal of producing better quality of legislation throughout debate. Asking questions and

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allowing time for analysis should not necessarily be seen as counterproductive or a waste of time. It is, in fact, what those serving in this institution are supposed to be doing. Through deliberation, we accomplish an especially critical component of our unicameral, in that we don't have a second house for additional deliberation. All of it happens in that one room with just this one group of people. And so we want them to be as thorough as they need to be and as certain as they can be before they take action on legislation. Maintaining a requirement of 33 senators to end a filibuster allows time for the minority interests to thoroughly air their concerns about a bill. This provides many opportunities for study and negotiation, and it's an important safeguard against extreme policy and corporate, and corporate influences. It allows a thorough record keeping of the nuances of a policy when there is disagreement in the body. So it must be said that senators representing rural areas often are a minority in this legislative body, as philosophical divides can often fall between urban and rural interests. The numbers of rural senators is likely to further decrease as the population in Nebraska shifts east in our state. So lowering this threshold for the filibuster will put rural interests at a greater disadvantage today and even more so in the future. So aside from some of these rules changes, rule change proposals being very convoluted and requiring entirely too much math, it is also counter to the nature of this institution which has functioned with this threshold in place for decades. We are all human and by nature impatient, but senators must allow space for deliberation of these policies without taking any of these efforts personally. This is the process, and it must unfold as it should. Thank you.

DeBOER: Thank you for your testimony. Are there any questions for this testifier? I don't see any. Thanks for being here. We'll take our next opponent for either rule change 8 or rule change 9. Opponents for 8 or 9? Is there anyone here to testify in a neutral position on either 8 or 9? Welcome.

ALLIE BUSH: Thank you. All right. Allie Bush, A-l-l-i-e B-u-s-h, representing the grassroots group Nebraskans Against Government Overreach. We're going neutral on this one, again because we did prefer Kauth's present to air proposal for the cloture issue. But just listening to other comments, I wanted to point out that moving to 30 as a cloture is still not-- it's not just a handful. We're still talking about a vast majority of the board. And also, it's really

interesting what Civic Nebraska brings up about rural Nebraska being potentially disenfranchised by this or left out in the cold by this. But this would actually make it easier for them to have a voice over needing the votes of the larger cities of Omaha and Lincoln. They can do it without you guys now. So it may actually give more of a voice to the rural area because they wouldn't need as many from that area to agree with them. So it's just a concept. I, I still think that moving it based on if you're voting or not voting is a better idea. There is some concern about if we lower it just flat out that again it makes it easier to pass bad bills just as easily as it is to pass good bills. So we go back and forth on this one. It could go either way, and so we take a neutral position on it. I hope that was clear, but just wanted to put those couple of things out there. Thank you.

DeBOER: Are there questions for this testifier? Senator Bostar.

BOSTAR: Thank you, Madam Vice Chair, and thank you, ma'am, for being here. I, I think the concern with the rural/urban is that lowering the threshold could potentially allow the urban centers to just steamroll anti-rural policy through even if all rural senators were opposed to something. You know, if that threshold gets down, this-- the, the urban Lincoln, Omaha senators could get together and just do it anyway. Right? I think that that's, that's the risk. It's not so much making it easier for rural to pass something that was pro-rural--

ALLIE BUSH: Right.

BOSTAR: --but it was-- it's more of what happens when urban senators, hypothetically, decide to pursue something that was very, very detrimental to the rural areas of the state. It could be difficult for those rural representatives to effectively prevent that or defend against that.

ALLIE BUSH: It could, but it--I could go both ways, I think. I think that there it creates power both to stop things. It makes it harder to stop things potentially. But I think that it could go on either side. I think that-- I think the rural area senators are very good at rallying together on issues that they need, and they're very good at convincing the few numbers of senators they need to side with them. But the potential is there. I think that's the case regardless of where cloture is set up. Even currently, we have a lot of that, where senators do absolutely work together to ensure they've got the votes

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for either their rural or their urban area. And whether we're talking about 30 votes or 33 votes, I don't think that we're going to see that huge of a shift where rural's always going to be on the outs.

BOSTAR: Yeah, I appreciate that. You know, serving on the Revenue Committee, we see a-- it's probably where, from my experience, we've seen the most at this point, rural urban split is when it comes to tax policy. I just-- all I would say is just I would want folks to be mindful that as that threshold comes down, you could see something around tax policy where we get to some pretty fine lines between urban and rural, where that could then trigger something and it could be detrimental to, to rural interests. Thank you again for being here.

ALLIE BUSH: If you don't mind, can I add?

BOSTAR: No, please.

ALLIE BUSH: That's why we're neutral. We're not huge fans of lowering it outright. We, we really do feel that if it's going to be lowered, it should be based on the actions of the senators' votes. But there, there's plenty to talk about here, and, and definitely wanted to make some points just on some of the other comments that we heard there.

BOSTAR: Thank you.

ALLIE BUSH: Absolutely.

DeBOER: Let me see if there are any other questions. Any other questions? Thank you for being here.

ALLIE BUSH: Thank you.

DeBOER: Next neutral testifier on rule change 8 or rule change 9. Anyone else wish to testify in the neutral capacity? Seeing none, as Senator Lippincott is coming up for his closing, I will let you know that there were no online comments for this or any other rule today. So here we are. Senator Lippincott, then we'll have you do your closing on rules 8 and 9.

LIPPINCOTT: Thank you. I appreciate that. I appreciate the point that Senator Bostar just picked up, and also the other opponents. I appreciate that as well. You know, when we are talking about different policy changes, it's always wise to open up one's ears and eyes and

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consider all different avenues of making changes. And I think what you just said, Senator Bostar, is very important and it has been brought out to me from both Republicans and Democrats. For instance, one of my rule changes was to change from two-thirds to three-fifths, which changes it from 33 votes to 30 votes. That lowers the threshold. And there's always a minority group in any legislative body, or family, or school, or whatever. And so we, we know that we have a constitutional republic. We do not have a democracy. A democracy, as Dr. Benjamin Rush said, one of our founding fathers, very quickly becomes a mobocracy, and the majority can steamroll over the minority. I've heard that term here today, and that's very true. And we always need to guard over that. That is very true because one day it could be the Democrats are the minority, and the next day it's the farmers that are the minority. And right now we all know that the Omaha metroplex, Douglas County, has fourteen state senators here, Sarpy County, five, Lancaster County has nine. You add nine plus five, that's fourteen; fourteen and fourteen make twenty-eight; twenty-eight of forty-nine is 57% of our state senators are Lincoln and Omaha. So it's very important that we do guard the interest of our rural people, because they are in the same position as the Democrats, for instance, right now in our body. So it's always important to make sure that we do guard the minority people in any group that we're serving. So there's two sides to every one of these issues, that's for sure. Thank you.

DeBOER: Thank you. Senator Lippincott. Are there questions for Senator Lippincott? I don't see any. That will end our hearing on rules change proposal number 8, and rules change proposal number 9. Now we're going to do a little-- we're going to go back to Lonowski. So we will do rules proposal change number 7. And I'll turn it back over to the chair. Number 7, we're doing.

LIPPINCOTT: OK.

LONOWSKI: Thank you, Chairman Lippincott and Rules Committee. A character in one of Shakespeare's plays, Hamlet, said brevity is the soul of wit. I assure you, my opening will be brief. My amendment, Rule 7, simply cuts down on non-germane language during a filibuster. I do not oppose filibusters. Filibusters are part of our legislative process. What I and others oppose are colleagues who get off topic during a filibuster and merely ramble. With all due respect to the Rules Committee, for all the rule proposals being considered, this

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concludes my opening statement. Thank you, Mr. Chairman. Thank you, Committee.

LIPPINCOTT: Thank you, sir. Are there any questions? Yes, sir.

ARCH: All right. So I've got lots of que-- no, I don't. I don't have a lot questions.

LONOWSKI: Fire away, Mr. Speaker.

ARCH: You know, there is nothing more maddening when you're sitting on the floor and somebody is not talking about the bill in front and, and all of that. And I don't mean just a-- I don't mean just a, a comment, but I mean on and on, and not, and not germane. The difficulty, I think, is speech is very subjective. Is that germane? Is that on topic? Is that-- and, and then who and how many have to-- speech is just very difficult to, to control, to judge. And so this has been-- I mean, I, I understand what you're trying to do here. I'm not-- and I'm not really not speaking to this particular rule change other than to say we, the Legislatures, have struggled with this issue for a century, because it's just-- it's just so-- speech is very subjective. So.

LONOWSKI: Yes, sir. As a taxpayer, last year and the year before, before I got into this position. It was maddening to me to see time wasted on the floor, or at least what I believed was time wasted on the floor. And I was watching my taxes go. I believe-- and this rule allows other speakers to, to simply call non-germane language. And I believe every senator that's in this body has been given the autonomy by the 51% plus that voted for them to be able to distinguish whether it's germane or non-germane. That's all I have, sir. Thank you.

LIPPINCOTT: Thank you, sir. Any other questions from the panel? Thank you so much for your testimony. You'll be here for your closing? Any other proponents for the rule change? Rule change number 7.

ALLIE BUSH: All right. And a phone call. Ignoring that. All right. Allie Bush, A-l-l-i-e B-u-s-h. We really liked Senator Lonowski's proposal here. We thought that it provided a really a great process. To, to Senator Arch's point. I think that this does a good job of gauging the body as a whole, not just one person is deciding that, you know, a number of senators have to agree. The senator who's being called out for being non-germane gets the opportunity to explain

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themselves and quickly make their point. If they can't, then they would be-- then, you know, then they vote on whether it is considered not germane, and they're given several opportunities before there's any real repercussion. You know, you've got three chances to get your butt in line and talk about what we're here to talk about, or you're just going to sit down until we're done with this. And as Senator Lonowski pointed out, to the taxpayers, it's extraordinarily frustrating to watch non-germane speech. And I can guarantee you that if you just talk to somebody who elected you, they can tell you when the non-germane stuff is going on. It's not really a huge questioning moment on whether, are they maybe being non-germane, are they, are they just trying to take up time to take up time. I think that becomes really, really clear, and I think that you guys will be smart enough to be able to come together and vote on those issues and work through this process. But I think Senator Lonowski really did a very decent and nice job on laying out a process and a mechanism that gets this job done. And he also includes still a lot of the same stuff that Senator DeBoer did. He just puts it all into one instead of two separates. He still puts in there that, you know, language can't be profane or abusive. So that was good, that stuff is still maintained and moving forward. So we really like this recommendation.

LIPPINCOTT: Thank you. Any questions? Thank you for your testimony. We appreciate it. Anybody else for the proposed rule change number 7, proponents? Any more proponents? Any more opponents, people against rule change number 7?

TIMOTHY MELCHER: Hello, Senators. I was kind of curious to know if you guys could guess my middle name by now, but it is Ti-- my full name is Timothy C. Melcher, T-i-m-o-t-h-y, C as in Clifford, M as in Mike, e-l-c-h-e-r, and I'm here to oppose this rule change. This just goes back to supporting the filibuster. The point of the filibuster is to just talk to death. And I mean, we saw last biennium Julie Slama reading a fishing story, which was actually pretty entertaining. So I had a good time listening to that filibuster. But I just don't think enforcing germane speech in a filibuster, it doesn't make sense in my mind, because like I said, it's, it's a tactic. You know, you're just talking to talk. And, you know, in the spirit of seeing both sides, I do see how having a filibuster with germane language would be. I don't know if I would say effective, but you can talk your point to death that way. But regardless, I-- despite that, I still oppose this, and it looks like transgression of rules. It looks like you can get in--

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yeah, you can get into trouble for having a non-germane speech during a filibuster. And I think, like again, a filibuster happens during a contentious discussion. And so when emotions are already high and you're trying to hand out a punishment, I don't think that's going to fly too well, and it would cause more tension. And also, on the note of germaneness, I do remember, I think there was a gender affirming care bill, an abortion bill, and one of those got amended into the other and it went to the Supreme Court and the Supreme Court ruled that it was germane. But I disagree with that ruling because germaneness has a higher degree of relativity. So while they are both health care, you know, something you've got to go to the doctor for, whatever you want to call it. While they're both health care, they're not the same. One relates to abortions and one relates to gender affirming care. And so, yeah, to be thrown out, the word germane kind of makes me flinch a little because I-- like I said, I just frankly don't agree with the court's ruling on the definition of germaneness. So I think that maybe should be a little bit more defined. And I think Senator Arch did make that point, like who decides germaneness, which, good question. All right.

LIPPINCOTT: Any questions? Thank you, sir. We appreciate your testimony. Any other opponents, people against rule number 7? Senator Lonowski, would you like to close please, sir?

LONOWSKI: Thank you, Mr. Chairman. First of all, Dan Lonowski, D-a-n L-o-n-o-w-s-k-i, common spelling. There's other bodies across the United States that use this, so we're certainly not beginning something new here. And what I do believe, and with respect to Mr. Melcher, I do believe that this happens to strengthen the Speaker's ability to, to cut off a filibuster when, when needed. And, and I-- and Mr. Melcher, I hope when I filibuster with the history of high school wrestling in eight hours, that you'll be listening, because I have it down. But, you know, we're not opening, we're not opening a new can of worms here. We're simply using a process, process, and we're trying to get to the vote rather than delay a vote. I believe the reason for a filibuster is when people have questions about something and they just need more information, not to delay a vote for the sake of you don't agree with that vote. That's all I have, Mr. Speaker, and thank you, Committee.

LIPPINCOTT: Thank you. Any questions? Yes, sir.

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ARCH: I'd just say I'd-- or the vote that's two bills down.

LONOWSKI: Yes, sir.

ARCH: You know, you know what I'm saying, I mean sometimes filibusters do occur because they're, they're wanting to stall the vote on that bill, not even this bill. So anyway.

LONOWSKI: Yes, sir. Good point.

LIPPINCOTT: Any other questions? Yes sir.

HANSEN: Thank you, Mr. Chairman. I've got a question on Rule 2, Section 11. You say "If any member, in speaking or otherwise, transgresses the rules of the Legislature, the presiding officer shall, or any member may." Does that mean any member, like any other senator can--

LONOWSKI: Yes.

HANSEN: --call out another senator for transgressing, transgressing the rules?

LONOWSKI: Well, for non-germane language, yes.

HANSEN: OK. Is that specified for non-germane language? In that section? Or is that just the whole section?

LONOWSKI: It's the entire section.

HANSEN: OK. OK, just curious. I don't really-- I'm curious to know how that would kind of work on the floor then, and at that time then, because then you run the risk of every senator calling every senator, you know, for transgressing the rules for non-germane speech, and I'm curious to see if that time would be used for a filibuster, because then somebody would end up trying to overrule the chair if they can, or-- I know-- I'm just kind of curious. That might, if you're looking to go that direction, you might need, you might need to specify a few things in there as well--

LONOWSKI: OK.

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HANSEN: --what the time is used for, if it's specifically for non-germane speech, you know.

LONOWSKI: And I agree with you actually, because people would misuse that, that rule as they misuse the filibuster rule. It's certainly possible.

HANSEN: Thank you.

LIPPINCOTT: Any other questions? Senator Lonowski, we're very thankful for your appearance here today. Thank you, sir.

LONOWSKI: Thank you, Mr. Chairman. Thank you.

LIPPINCOTT: And just for the record, let's see, Senator Hansen's next up to bat. Just for the record, our clerk did say that we do, in fact, have online comments.

HANSEN: Forgot about me? Thank you. Chairman Lippincott and members of the Rules Committee, thank you for the opportunity to present rule change number 6, which is probably the best rule change you're going to hear so far tonight. Thank you, Senator DeBoer. I'm looking to improve the process of approving gubernatorial appointments. The Nebraska state Constitution states that it is the responsibility of the governor to appoint individuals to fill offices for agency heads, code and non code agency boards that either the constitution or law has established. The Legislature is also expected to join in on the process by using its authority to approve the gubernatorial appointments with a majority vote of the body. By involving legislative process, we extend an opportunity for each appointee to have a hearing that is then reviewed by its appropriate committee. These committees are required to file a report with the clerk on each appointee, which is then approved or rejected by the vote of the Legislature as a whole. So just really briefly, I'll give you a little historical context on gubernatorial appointments, because this is exciting stuff. In 1937, during the first session of the Unicameral, the Legislature approved a total of eight gubernatorial appointments. Fast forward to the year 1990, the Legislature had created various state functions since 1937, and the number of approved appointments increased to 64 offices that were filled. The Legislature had a lot to accomplish on the floor, and an assortment of bills to debate, but they also had 64 appointees to discuss. And now, 35 years later, the

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number of appointees has also escalated since then. Last year, the Legislature had 106 gubernatorial appointments for confirmation, and this year we are eligible to make over 396 appointments. We are no longer dealing with just a few gubernatorial appointments. With this in mind, I propose we implement the changes found in rule change number 6. I put together an idea that validates the value of the legislative approval process while creating a system that is effective, time efficient, and accommodates the influx of gubernatorial appointments. In this rule change, all gubernatorial appointments would continue to have individual hearings. The appropriate committee would still write a report to the body. Appointments of agency or department heads would still continue to be considered individually. But this is where the change takes place. All other appointments that are not agency or department heads and who have advanced from the committee would be presented in a combined report. Instead of requiring the Legislature to vote on each appointment separately, each committee would submit one report that allows the Legislature to approve the appointments with one vote. It would be similar to the consent calendar. The overall consensus is that the subjects are noncontroversial and without opposition. Because of this, the body agrees to vote on them, on them collectively. In the same way, rule change 6 also provides an option for a Senator to request an individual nomination to be removed from the report with a written request. I want to be sensitive to possible concerns. So if five or more signatures are gathered, the Speaker will then remove that specific appointment from the report to be voted on separately. With the amount of gubernatorial appointments we now have assigned to the Legislature, it is time for our rules to be amended. I believe this rule change values our time, incorporates a method we are familiar with, and trusts the work of the committee. I worked with the Clerk's Office, and ask that you support this rule change as well. Thank you for your consideration and I'll be happy to answer any questions you may have.

LIPPINCOTT: Any questions? Senator DeBoer.

DeBOER: For the record, this is my favorite rule change today.

HANSEN: Ah, see?

LIPPINCOTT: Yes sir.

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ARCH: So the full report shall be indivisible, but debatable.

HANSEN: Yes. The full report.

ARCH: Yes.

HANSEN: Yes.

ARCH: Right.

HANSEN: Just like, you know, somebody has an, an issue with the whole report for some reason. The whole purpose is that they shouldn't have an issue because there should be non-controversial appointments

ARCH: So it's-- so if some-- if it's not divisible, you can't-- except if--

HANSEN: It is--

ARCH: --you pull some names out.

HANSEN: Yes.

ARCH: Right?

HANSEN: Yes.

ARCH: But let's say you don't-- like all of a sudden you go, oh, I see that name. So you could stand up and speak to a particular nomination in a particular committee in the full report. You can't pull it out and vote at that moment. You can't pull it out on that individual. But you could stand up and speak to, to one particular nomination. In other words, if it's debatable, you, you, you would be able to do that.

HANSEN: Sure, just like a gubernatorial appointments currently are. I think they go with 15 minutes, each one?

ARCH: Yeah, we--

HANSEN: Yeah.

ARCH: --try to make--

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HANSEN: That's up to the Speaker, I guess. But very similar fashion. Right? We're just-- instead of one each individually, we're just doing them as a bloc. We've all been there where we're sitting there for a long time when everyone's reading anyone's bio for each appointment for a long time. This is just hopefully making that process a little more effective, or efficient.

LIPPINCOTT: Any other questions? If I may ask, when would that package, the Indivisible package, be delivered in the process?

HANSEN: I'm assuming towards the end of the session because you want to wait until all your-- whenever you get all your-- a committee could have all the gubernatorial appointments all ready, and then kick them out in the first week if they wanted to, and then they get them on the floor. It's kind of like the Speaker would want them to start hitting the floor.

LIPPINCOTT: Senator DeBoer.

DeBOER: That raises a question for me. So if you have someone that you need to get appointed early, because there are some of these that we need people to get appointed right away, so we could pull them out and they would go forward with their appointment or--

HANSEN: I don't see anything stopping the committee or the Speaker from doing that. But if there is one that needs to go out on the floor quickly, the committee can kick them out separately, individually, and you can treat them just like a regular appointment.

DeBOER: OK. Thank you.

LIPPINCOTT: Yes, sir.

ARCH: Yeah, I mean, that's, that's a good point, because honestly, these, these nominations come in during the session too. In other words, the executive branch is, is compiling, and they're-- it doesn't all come at the beginning of the session.

HANSEN: Yes.

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ARCH: So they're coming in over the session, and maybe there's some timeliness, or maybe the committee just is, is ready to move ten of them.

HANSEN: Yeah.

ARCH: But there's still ten to go, and they may not know there's ten to go, but they can still move in part. It does not end of session when it all comes out [INAUDIBLE].

HANSEN: No. Yeah. Theoretically--

ARCH: It's silent on that, so I'm assuming you can do that.

HANSEN: Yes. This is just more providing a good avenue for the-- to-- for the process to be more efficient, I think. And when it gets on the floor, especially.

LIPPINCOTT: Any other questions? Senator Hansen, thank you very much. You'll be here for your close?

HANSEN: Yes.

LIPPINCOTT: Thank you, sir. Any other proponents for rule number 6, change?

TIMOTHY MELCHER: Hello again. Timothy C. Melcher, T-i-m-o-t-h-y, C as in Clifford, M as in Mike, e-l-c-h-e-r. And I'm here to testify in support of this rule change. It makes a lot of sense to clump it all together and just say, good to go, let's move forward. So I like that, and I also like how it can be divided so you can contest an appointment, and that's all I have.

LIPPINCOTT: Very good. Any questions? Thank you so much. We really appreciate your input. Any other proponents for rule change number 6?, proponents, people for the rule change? Anybody against, opponents for rule change number 6? Anybody here in the neutral position for rule change number 6?

BRANDON METZLER: Members of the Rules Committee, my name is Brandon Metzler, B-r-a-n-d-o-n M-e-t-z-l-e-r. As Senator Hansen indicated, I have worked with his office on drafting this. I will tell you from the, the questions asked to the committee earlier, asked from the

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committee, it was intentionally put into that rule that it is a "may," any other appointments reported by the committee may be presented in a single record, they don't have to be. So that's a, you know, kind of sliding scale. As you go about session, you have 15 appointments that have piled up, you can do those, you know, as you know now, when you come from a-- when you have a committee report that you kick out of committee, the ones that are combined are, you know, the state fair board. If you got three appointments, you combine those. But any other agriculture appointments at that time have to be done separately. All this is saying is that all those appointments could be put together, but you don't have to. You could certainly do some early as you go. This is saying primarily that, you know, as those add up, you can put them together if you so choose as a committee, you can wait until day 85, 87, whenever the Speaker is going to schedule them, and, and hold all those and then take-- vote them as a block towards the end of session. But it is a "may," not a "shall."

LIPPINCOTT: Very good, any questions? You are able to implement this rule change, would it lead to a more efficient way of doing your job?

BRANDON METZLER: Senator, it's not my efficiency, it's all of your efficiency and the time you spend out on the floor. I will tell you there's-- because of the fact that we already do combine, and our office works with the committee clerks, and committee clerks work with the committees, we do often try to encourage committees to combine like appointments now, you know, if you have multiple members of the same board or commission. So the ability to combine combinations I think is, is encouraging. Certainly, as Senator Hansen pointed out, the time that you have all spent going through confirmations, you know, I don't know how the gubernatorial appointments themselves will react knowing that they don't get the five minutes, you know, ten minutes in the-- on the legislative floor. But, you know, that's something that, that you can all work out with those individuals.

LIPPINCOTT: Any other questions? Thank you, sir.

BRANDON METZLER: Thank you.

LIPPINCOTT: We appreciate your testimony. Senator Hansen, would you like to close?

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HANSEN: Yes. And I would like to spell my first and last name, which I didn't do before, it's B-e-n H-a-n-s-e-n. I have nothing else to add, just here to answer any questions if anybody has any.

LIPPINCOTT: Questions for Senator Hansen? No, sir. Thank you, sir.

HANSEN: Thank you.

LIPPINCOTT: It should be number 3, correct? Yeah.

DeBOER: Good afternoon, Senator Lippincott and fellow members of the Rules Committee. My name is Wendy DeBoer, W-e-n-d-y- D-e-B-o-e-r, and I represent District 10 in Northwest Omaha. I appear today to introduce rule change number 3. Rule change number 3 modifies Rule 7, Section 4, which regards the question, shall debate cease. This rule change, along with my rule change number 5, is about keeping the decision making within this body. We are the decision making body of Nebraska, so the, the decisions that guide our bodies should be made by us, and only us. Currently, the when the question is called, the chair has the ability to rule the question out of order. The standard in our rules is full and fair debate, but in my six years here that has meant vastly different things. When I first started, just for those of you who were not with me the whole way, if someone was in the queue that hadn't spoken yet, then the presiding officer would say that the calling the question was not in order. That's no longer a thing we follow, because I've seen, and I think I've even once called the question, on like the second or third person in the speaking queue on an issue. So we have vastly changed the way we do that. The other thing I noticed last year is that we are overruling the chair's-- we are regularly, pretty much every time, overruling the chair's ruling on whether or not the question should be called, etc.. So this rule was intended to try and get around both the problem that we are always overruling the chair, and the problem that someone is, is ruling on whether or not debate is full, and fair, and complete, full, and complete, full, and fair, and trying to get past those issues by giving it to the body and saying, you decide yourself. I will admit that having now had the discussion with Senator Clements about this on germaneness, I-- which is my next rule coming up, I'm-- I have some concerns, but about whether or not the question should be called, I think this is probably an elegant way to do a little bit of what Senator Clements was trying to do as well, which is limit the number of times in which we're dealing with a overrule the chair motion, and

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just keeping the decision right there. If I see five hands, OK, let's have a vote. Has debate finished or not? We're not going to have more debate about whether the debate is full debate, because that seems a lot. So that's why this particular rule change, I think this one works pretty well, and I kind of think we'll get done what we want to do. The only thing that it'll actually take out is the ability for the chair to to sort of overrule the body. And since the body can overrule the chair, this seems silly to me. So that's where we're at.

LIPPINCOTT: Very well. Thank you, sir. Thank you, ma'am. And yes, sir.

ARCH: You and I have both sat in the chair, right?

DeBOER: Yes.

ARCH: You know what this is. I, I-- this is-- you're right, it has, it has shifted. And we, we now, I would say our current practice, generally speaking, is, do I see five hands? Right? Kick it to the body, the body can decide on that versus the chair ruling. Do we want to completely eliminate that ability? That's the, that's the question. I mean, I think this is, this is the current practice. But do we want to remove the option? And here's, and here's, and here's, here's why. And, you know, I mean, you know what I'm going to say. It's, it's, so five speakers in, you get yourself organized on the floor, you can, you can shut off debate, and, and, you know. Is there-- do you not want that presiding officer to in, in some of those extreme cases to say this is not-- and yes you can overrule. I mean, the body can overrule the chair, and that, and that's not a horrible thing. That's, that can be done, but it's, it's just that it-- do we really want to eliminate the option?

DeBOER: So thank you for the question. And it's a good point. And that's why I'm a little like, I could see both sides of this argument. My reasoning for getting rid of it altogether is so that the presiding officer, when they're not the lieutenant governor, when they're not you, or well even maybe if when they are you, if you decide not to rule on it and to throw it to the body, then that can be used punitively against you. So, for example, if a chair of my committee, Senator Lippincott, has something before the body, and the question is, shall the question be called? And I send it to the body instead of saying, no, come on, we need-- guys, we need to have fair debate, senator Lippincott could be mad at me. And so that was the one reason

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is that it takes away some of those consequences for the people in the chair. It could go either way. I just thought I would bring this up for a discussion so that we can talk about it.

LIPPINCOTT: Thank you, Senator Arch. Any other questions? No? Thank you, Senator DeBoer. Will you be here for your closing?

DeBOER: I will.

LIPPINCOTT: Thank you. Any other proponents, people in favor of rule change number 3? Proponents for rule change number 3? Any opponents, people against rule change number 3?

_____ : I'm not against, but I'm not sure she has an opposition to it, The person who just stepped out.

LIPPINCOTT: Anybody here in neutral position for rule change number 3? Senator DeBoer, would you close on rule number 3, please?

DeBOER: I will only close on rule three because I've got the next one. Which is to say, you know, if we don't put this one forward, I totally understand. I just wanted to give us some food for thought.

LIPPINCOTT: Thank you. Any questions for Senator DeBoer? If not, that closes our hearing on rule number 3, and if you would be so inclined to open on rule number 4.

DeBOER: Thank you, Senator Lippincott, members of the Rules Committee. My name is Wendy DeBoer, W-e-n-d-y D-e-B-o-e-r. I represent District 10 in northwest Omaha. I bring before you today rules-- proposed rules change number 4, affecting Rule 2, Section 8, transgression of the rules called members to order. Senator Hansen is exactly right when he said in the-- one of the previous hearings on rules today, that yes, a member may, and in fact is in order to operate this rule required to stand up in the middle of someone else's speech and say, I take exception, rejection. And for all the reasons that Senator Hansen was talking about with others, this could lead to quite a mess of people standing up in the middle of other people's speeches and we just end up with chaos. I attempted to find a solution to the problem, mostly because I said on the floor last year that I would attempt to find a solution to this problem. This is my attempt here that you have before you in rules change proposal number 4. I don't think it works. So it was my attempt. What I did was say instead of having to make the

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objection within the speech that the person is making where you're objecting to their speech, which is what is the current rule, if you go on to the next person, you can't object to the previous person's speech, which obviously is difficult for reasons we can all understand. But I said, let's do it until the end of that legislative day. But I think probably we're better leaving it how it is and making it a not very often used procedure that dates back to the, "Do you bite your thumb at me, sir? Yes, I bite your thumb at me," because that's how I imagine this rule sort of working is someone speaking and you say, "Objection, sir." And the other one saying, "No, sir, meet me outside, sir," or something like that. But, anyway. Ben Hanson is like, what is happening here? Anyway, so this was my attempt to try and solve the problem that we don't have a way to call members to order easily. I don't think this works. So I'll ask the committee not to put, to put it out onto the floor. But I tried, and I said I would try, so here it is. If there are any questions, I'll answer.

LIPPINCOTT: Any questions? Thank you. Any other folks who would care to testify in favor of this rule change number 4?

TIMOTHY MELCHER: Hello again, Committee. I just realized that I've been putting the wrong year in all my sheets, so if we can make sure the record gets updated, I'd appreciate it. My name is Timothy C. Melcher, T-i-m-o-t-h-y, C as in Clifford, M as in Mike, e-l-c-h-e-r. And I'm here to support Senator DeBoer's rule change, which it sounds like she's basically pulling, but I'm going to support it nonetheless. So I don't think we have any other attorneys in here, but I know Senator DeBoer is an attorney and so I kind of see this as a statute of limitations where if you have a problem, you've got till the end of the day to bring it up. Don't bring it up two months later and then try to, you know, cause an issue in the middle of somebody's speeches like she was saying. So that's all I have.

LIPPINCOTT: Thank you. Any questions? No questions. Thank you, sir. Any other proponents, people for proposed rule change number 4? Anybody here in opposition, opponents to rule change number 4? Anybody to speak in the neutral position on rule change number four?

BRANDON METZLER: Members of the Rules Committee, my name is Brandn Metzler, B-r-a-n-d-o-n M-e-t--z-l-e-r. I worked with Senator DeBoer with this rule change. I, I know Senator DeBoer has indicated that she may not move forward with it. What I would say is there are, as I've

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discussed with number, a number of you, there are other options. I mean, you could do the underlying, you know, main bill motion, that sort of a thing. If you're on an amendment, it could be solely that amendment motion, you know, the matter that's directly pending. I, I, I will say, having seen this happen now a couple of times, the taking exception to, that is a very short time frame. There are often times that, you know, that occurs at the end of a senator's remarks. The next senator is immediately recognized, you've foregone that, that opportunity. So perhaps there is some wiggle room in terms, in terms of extending that runway, but perhaps the full day to where you could get off the floor, decide you were actually wronged in that situation, and then come back, perhaps too long of a runway, but I think there is possibly an avenue forward. If I could as well, I this is--- my predecessor, and I have now experienced this as well, Rule 2, Section 9. If, if this rule were to move forward or even if it doesn't, perhaps an option for the future, I would like to put it out there. Words excepted to shall be taken down in writing at the Clerk's desk and read aloud to the Legislature. If we could ever strike that second section and say that it will be placed in the Journal, if something was as objectionable as to be pointed out in the course of debate. I'm not sure that you want another individual that would have to repeat that on a live mic. So the possibility to point that phrase out, take it down at, at the podium, put it in the Journal, you know, perhaps even clear it with the, the individual that, that took exception, and the, and the Speaker. But the, the read-back aloud to the Legislature, I think in a lot of ways could, could cause some problems down the road, depending on what is stated. So, that's just my plea for, for that to get changed sometime. That's all I have.

LIPPINCOTT: Thank you, sir. Any questions for the Clerk? No?

BRANDON METZLER: Thank you.

LIPPINCOTT: Thank you, sir. We really appreciate it. Senator DeBoer, would you care to close?

DeBOER: So if I'm understanding the Clerk right, he would like to read it 3 times aloud?

ARCH: Yeah. Right.

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DeBOER: So, yeah. I mean, so that's the exact problem, right? What's the timeline? You don't want to have it just before the next person goes, but the whole day might be too long. So, I don't think this works yet, but we should continue to think about this rule and how to fix it into the future. That's my closing.

LIPPINCOTT: Very well. Any, any questions for Senator DeBoer? Thank you so very kindly. We appreciate it. Are you now prepared for Rule 5 to open?

DeBOER: Thank you, Senator Lippincott, members of the Rules Committee. My name is Wendy DeBoer, W-e-n-d-y D-e-B-o-e-r, and I represent District 10 in northwest Omaha. Today, I'm here to open on Proposed Rule Change 5, which is from Rule 7, Section 3. This is much like the one that I had in Rules Change 3, about having the presiding officer-- taking away the presiding officer's ability to, on their own, decide to make a decision about germaneness. Actually, the discussion with Clements in his rules change proposal earlier suggests that there might be a problem with entirely taking that mechanism away, because then there's just a vote and there's no opportunity for the body to discuss before the vote whether or not something is germane. So, embarrassingly enough, I'm going to ask us not to put this one forward, as well, now that I've seen that problem. There-- I was attempting to solve a problem but I think I created a bigger one, so please do not move this one forward. That's my opening. Thank you.

LIPPINCOTT: Thank you. You'll, you'll be here for your closing?

DeBOER: It'll sound much the same.

LIPPINCOTT: Thank you. Anybody here to testify in favor of Proposed Rule Change 5?

TIMOTHY C. MELCHER: Hello, Committee-- Rules Committee. My name is Timothy C. Melcher, T-i-m-o-t-h-y C. M-e-l-c-h-e-r. And Senator de Boer, this is 2 for 2 I'm going to support. I did not interpret the germane portion of that. I thought it was more of a circumvention to basically force the division once the senators call that. And so that's why I was supporting that, because I don't see why you wouldn't divide the question if it's been asked. Because if you already agreed to most of the bill, you're going to agree to all those same parts or disagree to the parts that are divided. So, that's all I have.

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LIPPINCOTT: Thank you, sir. Any questions?

TIMOTHY C. MELCHER: Oh, and may I add one more thing? I'm sorry.

LIPPINCOTT: Yes, sir.

TIMOTHY C. MELCHER: I forgot something. So I made it a point to testify on almost every rule proposal this session, because last biennium I did provide a comment in opposition to the bill-- to a bill, and I was the only opposition to that bill. But 9 senators got onto the floor and said that this bill has no opposition. And I contacted every 9-- all 9 senators. And they said, well, since you weren't here at the hearing, we technically don't count that. So I wanted to bring that up to everybody watching and the Rules Committee. Thank you.

LIPPINCOTT: Thank you, sir. We appreciate your involvement in the governmental process. Senator DeBoer, would you care to close?

DeBOER: I waive.

LIPPINCOTT: OK. Yeah. Pro-- opponents. Yeah. I failed to ask, are there any opponents to Rule Change 5? Opponents? Anybody in the neutral position? Rule 5. That concludes Rule 5 hearing. Rule Change 21 is next.

IBACH: Ready?

LIPPINCOTT: Welcome.

IBACH: Good afternoon, Senator Lippincott and my fellow members of the Rules Committee. My name is Senator Teresa Ibach, T-e-r-e-s-a I-b-a-c-h, and I have the honor of representing District 44. I'm pleased to introduce to you today my Proposed Rule Change 21. This change is straightforward and it targets the information that we share with our constituents and those stakeholder-- holders who watch the Legislature daily. Each year as we introduce legislation, our offices all receive numerous calls and emails from Nebraskans across our state who are reading legislation and wondering what it does. While we all understand how to read a bill, bill, what underlying text means, struck through, and repealer-- and what repealing means, it can be less clear for folks who are hearing how a bill impacts them but are unfamiliar with reading that legislation. Under my Proposed Rule

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Change 21, beginning next session, senators would be required to submit a statement of intent within 24 hours after a bill is introduced. This is aimed to help those watching at home or outside the building know the general concept of a bill at the time of, of its introduction, getting to the core of that bill in the introducing senator's own words. This rule comes after a great deal of conversation in this building and outside of this building. Numerous Nebraskans, lobbyists, staffers, and senators have been to-- have had this discussion to-- about this idea over the last few years, with the overwhelming response being positive. While there would be some small details that would need to be addressed through internal systems, these small changes can easily be accomplished by a one-- our wonderful technology division and our very dedicated Clerk and his staff. I thank you for your time today and ask for your approval of propo-- Proposed Rule Change 21, and for, for it to be submitted for consideration by the full body. As I noted, this will help Nebraskans look to engage in their legislative system by providing a clear description of the senator's intent for legislation at the onset, improving the share-- sharing of information, transparency, and citizen engagement of our institution. Now, I realize there may need to be a tweak or 2 to this bill to make it workable, whether it's 1 business day or 3 calendar days for the statement of intent to be filed, but I'm amendable to working this rule proposal to make it successful. Thank you, and I'm happy to answer any questions.

LIPPINCOTT: Thank you very much. Senator DeBoer.

DeBOER: Thank you. Senator Ibach, I very much apologize that I didn't ask you this question before offline, but here we are. Would you be OK with doing it from the bill's reference? Because you have to send it to the committee and if you don't know which committee it goes to--

IBACH: Sure.

DeBOER: --because it hasn't been referenced yet. So instead of introduction, would it be OK if we did it from referencing?

IBACH: That's a really good observation. I think that would be amendable. I, I just think, in my office, I expect them to do the statement of intent with the bill, just so that we're ahead of the

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game. I know I'm not every office, but I think that could be amendable, yes. Thank you.

DeBOER: Just because-- then-- otherwise, you can't get it to the committee chairperson if you don't know--

IBACH: Yeah.

DeBOER: --which chair.

IBACH: Thank you.

DeBOER: The--so I'm going to ask you a question that isn't really for you but for the Clerk, and that is, if there's any clerks that happen to be sitting in the room, that I would wonder if they would be able to speak to the issue of whether or not we could put out a email when things were referenced. Because my understanding is you don't get a notice that your bill has been referenced yet. If we did this, we would need to be able to give that notice so people knew where they've been referenced right away, so that they could get--

IBACH: And that could be part of the amendable part, too, if-- I mean, we could do 5 days. We could-- I mean, we can speak to any of those challenges to-- just, just to, to make it right.

DeBOER: All right. Thank you.

IBACH: I'm sure he will want to address that question.

DeBOER: Thank you.

LIPPINCOTT: Any other questions? Yes, sir.

ARCH: So just for a little bit of history, we did-- this was an issue the last round, right? And it, and it used to be 24 hours before the hearing. Right. And so we back that up to 3 days before the hearing, knowing that 24 hours doesn't give you a whole lot. You took it to the other end and said 1 day after bill introduction. I mean, I don't, I don't know how many bills were dropped today. I, I would estimate 80, somewhere in that range. And, and so by then tomorrow, those, those statement of intents would have to be done. Now, it, it-- I would, I would assume for that to happen that the statement of intents would have to be done when the bill is drafted, practically, practically

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speaking. But then, but then, of course, statement of intents, you, you would need to review. In some case, lobbyists write the statement of intent or they would say, we'd be happy to write the statement of intent.

IBACH: Mm-hmm.

ARCH: But that's, but that's probably our job, as well, within, within the Legislature. So, again, I mean, I appreciate your willingness to talk about is it 1 day, is it-- what-- you know, you're, you're just trying to get that as, as far out as possible so that everyone can know what that bill is without having to read the entire bill.

IBACH: And when you go onto the website and you click on a bill, I mean, that statement of intent is incredibly helpful. I refer to it often when my constituents call. I'll just say, click on the statement of intent. It tells you more. And I think it's just important to have that available to anyone that's curious about the bill.

LIPPINCOTT: Any other questions?

IBACH: And we could do the amendable part. I mean, is it 3 working days? Is it 3 weekday? I mean, I think we need to work on that, but thank you.

LIPPINCOTT: Thank you for your testimony. Anybody else to testify in favor of a proponent for Rule 21?

ALLIE BUSH: Hi, guys. Allie Bush, A-l-l-i-e B-u-s-h. Now, this one is my favorite. I like this one a lot. As I sit here, you guys are introducing bills, and I sit here and I refresh my page as your Clerk drops them and they get entered in on the website. That-- which is amazing they get on there that quick. As soon as he's done reading them, you can refresh your page and it's there. You can click on it. You can look at it. And it would be lovely to get the statement of intent sooner rather than later. My personal opinion, if you're introducing a bill, you should already know what your intent is. You should be able to put both in at the exact same time, in my opinion. That being said, obviously, there are other things into that process. I understand it can take longer, but I like what Senator Ibach is working towards here. As close as we can get to what she's recommending, I think would be largely benefit for the public, you know, a lot of the time, especially on the lengthy bills, and you're

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just trying to get kind of a crux of well, what are they really trying to do with this? Rather than reading 167 pages, you can say, OK, well, in this first section, they're working towards this, and the third-- you guys know what they do. I don't need to explain that to you. But it would be helpful, and especially to the second house that is trying to keep up with you guys, as you move and introduce 80 bills plus a day. That would be a large help to us. So, thank you.

LIPPINCOTT: Thank you. Any questions? Thank you for your testimony.

ALLIE BUSH: Thank you.

LIPPINCOTT: Any other proponents, people for Rule Change 21?

TIMOTHY C. MELCHER: Hello again, Rules Committee. Timothy Melcher, T-i-m-o-t-h-y C. M-e-l-c-h-e-r. And I support this for the same reason that Mrs. Bush said, that you don't introduce a bill because you don't know what you're doing. You already have intent. Now, I understand with having 1,200 bills, you're already pretty tied up. The bill drafters are probably already tied up typing all those out. So if a statement of intent might be a little bit complicated, take some, you know, thought and maybe run it past the senator a few times to make sure you're not misinterpreting that. I can understand why they would add a delay, but I, I think there's an unreasonable amount of time. And for the people that sit at home and are reading, you know, 350 bills and one of them is 146 pages, you go, oh, gosh, now I got to read through this whole thing and see what they're trying to do. And then, case in point, with one of your rule proposals, Senator DeBoer, I misinterpreted it. You know, so that statement of intent really helps people get on the same page, even the people that are watching from home.

LIPPINCOTT: Thank you, sir, for your testimony. We appreciate it. Any other questions? Any other proponents, people for Rule Change 21? Any opponents, people against Rule Change 21? Anybody in the neutral position for Rule Change 2-1, 21? Senator Ibach, would you be interested to close on your rule ch-- rule change?

IBACH: Thank you very much, Senator. I would just note that Senator Clements and I were just discussing penalty for not complying. That would be something we would probably have to address at some point, as well. And I would also mention that this may be a better bill than Ben

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Hansen's, because he's not here. So anyway, thank you very much for your attention, and appreciate it. Thank you.

LIPPINCOTT: Thank you. That concludes our hearing on Rule Change 21.

DeBOER: All right.

LIPPINCOTT: Be nice.

DeBOER: All right. I won't call [INAUDIBLE]. We'll now turn to Rules Change Propose-- Proposal 10, by our own chair, Senator Lippincott, I will be your emcee for the next few rules changes.

LIPPINCOTT: Thank you. I'm Loren Lippincott. That's L-o-r-e-n L-i-p-p-i-n-c-o-t-t, from District 34. This is 7 pages, this Rule Change 10, but we're going to capsulize it and make it very short. Here's an outline of the rules, debating the rules. What our freshmen senators will soon see, as we debate any of these rule changes on the floor, is that there are not rules for debating rules. I've heard from both sides that any change to the rules could result in the 2017 debacle, which lasted for months. So, here are the suggested rules for debating rules. And it is my intention to work on creating rules for debating rules during the interim. So I hope to collaborate with the committee this summer. And then that way, we can be ready for primetime, but not now. Any questions?

DeBOER: Any questions for the committee-- from the committee? I don't see any, Senator Lippincott. Let's get the first proponent up. Welcome.

TIMOTHY C. MELCHER: Hello again, Senators. I ran out of green sheets, so now I'm filling them out as I go again. But my name is Timothy C. Melcher, T-i-m-o-t-h-y C. M-e-l-c-h-e-r, and I'm here to testify in support of this rule change. So I think it is very important that we spell out the procedure for debating rules, because rules determine how the Legislature operates, and the Legislature determines how society operates, specifically Nebraska society. The set, they set the laws. And so I think it's-- it behooves the body to actually come up with a procedure for debating the rules and to perhaps-- I'm, I'm not going to go there, but I think it's important to set a procedure for establishing the rules and then adhere to those. And I think I would add, you know, how, how are these rules enforced? Does the body decide if somebody is out of line, and like, do you order a sanction for

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them? And, and frankly, Senator, that was a lot to read, so I didn't read through it all, but I did like the idea of establishing some sort of procedure. So for that reason, I support this.

DeBOER: Are there questions for this testifier? I don't see any. Next proponent. Is there anyone in opposition to this rules change? Is there anyone here who would like to testify in the neutral capacity? Senator Lippincott, to close.

LIPPINCOTT: I have nothing further to say on Rule Change 10.

DeBOER: Thank you, Senator Lippincott. Are there questions for Senator Lippincott? That will end our hearing on Rules Change Proposal 10, and open our hearing on Rules Change Proposal 11. Senator Lippincott, you are recognized to open.

LIPPINCOTT: Thank you. My name is Loren Lippincott, L-o-r-e-n L-i-p-p-i-n-c-o-t-t. Rule Change 11, this simply removes the ability to conduct secret ballot votes for chair elections. I've seen more than once how people have been hurt by our current process. Not only does the public have a right to know who we voted for, but so do we. I think that this rule change creates a culture of transparency and accountability in all we do. Very simple.

DeBOER: Thank, thank you, Senator Lippincott. Are there questions for Senator Lippincott? I don't see any. Thank you, Senator Lippincott. We'll go to proponents. We'll have our first proponent for Rule Change 11.

ALLIE BUSH: All right, guys. Hi.

DeBOER: Welcome.

ALLIE BUSH: Allie Bush, A-l-l-i-e B-u-s-h, representing grassroots group, Nebraskans Against Government Overreach. And we absolutely support rule-- a Rule Change 11. I think that is a, a good move. I mean, he pretty much said everything we were going to say. We, we should get to know who you guys are voting for every single step of the way. There shouldn't be secret votes. And, you know, let's say, District 23, that's my district. When Senator Storm votes for a chair or for the Speaker, I think that we should be able to know who it was he voted for and be able to give him accolades or, or, you know, reject what he had done. But we should be able to know how our senator

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voted on every single issue from the day sessions starts till the day it adjourns sine die.

DeBOER: All right. Thank you. Are there questions? Thank you for being here. Next proponent. I'll take the next proponent for Rules Change 11. Is there anyone here who would like to speak in opposition to Rules Change 11. Welcome.

TIMOTHY C. MELCHER: Hello. Long time, no see. Timothy C. Melcher, T-i-m-o-t-h-y C. M-e-l-c-h-e-r, and I oppose this rule change because I feel that this would compromise the nonpartisan spirit in our body. And I feel like we've seen, especially with this last election, where the party royalty is kind of-- or loyalty is kind of demanded of a person. And so I could see how people might be leery to vote against their party, which, that would go against our nonpartisan ideals here in the Legislature. So for that reason, I, I oppose it.

DeBOER: All right. Are there any questions for Mr. Melcher? Seeing none, we'll take our next opponent.

HEIDI UHING: Good afternoon, Rules Committee. My name is Heidi Uhing, H-e-i-d-i U-h-i-n-g. I'm here as public policy director for Civic Nebraska, testifying in opposition to Rules Change Proposal 11. Nebraska senators elect their legislative leaders within the Unicameral using a private ballot in the same way that you all use a private ballot when you go to the ballot box and vote on Election Day. You're not obligated to share the results of who you selected with anybody else. And that privacy is created so you can do what seems best to you in that moment, without any additional pressure. We don't have to disclose who we vote for when we cast that ballot, and neither should our lawmakers when they elect their internal leadership. This, again, is a different standard than what we use for all the other bills that you introduce, and consider, and vote on that affect public policy and laws that the rest of us will be following. But this vote is different. It's, it's how you conduct yourselves internally. And we want you to have as much leeway as possible to make those decisions in the best way you see fit. Senators must have the autonomy to be able to vote for leaders they believe are most qualified to serve in these roles. Otherwise, senators might be pressured to vote for a member of-- for a member simply because they belong to the same political party as them, not because they are the one best suited for the job. This isn't just about protecting, protecting senators' feelings,

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though. It's also about ensuring a process that best serves the state. These chairmanships are decided by an internal vote because you have the perspective on these people that the public doesn't. You know who your colleagues are and what they bring to the table. And you can best determine which of them has the skills and background necessary to best serve in these important roles. If senators are pressured to support the less-qualified candidate, it could compromise the work product of that committee, and ultimately, affect negatively the public policy that will be passed through that committee and onto the floor. This is a part-time citizen legislature intended to be comprised of people from all different experiences. And we are not able to leverage all of that experience in the most beneficial way, we are selling Nebraskans short. Thanks.

DeBOER: Thank you very much. Are there questions? I don't see any right now.

HEIDI UHING: Thanks.

DeBOER: We'll take our next opponent testifier. Next opponent. Is there anyone here who would like to testify in the neutral capacity? Welcome, Mr. Clerk, who did not answer my question on the last one.

BRANDON METZLER: [INAUDIBLE] here?

DeBOER: No.

BRANDON METZLER: Members of the Rules Committee, my name is Brandon Metzler, B-r-a-n-d-o-n M-e-t-z-l-e-r. I will get a green sheet shortly. Senator Lippincott had asked me to come up and kind of provide the history, which I have done in the past independently. And, and I think it's good to kind of talk to the committee about the rules. I was of, I was of the thought that the, the secret ballot had been around forever, 1937, the Unicameral. It was actually 1972. So prior to 1972, your Committee on Committees had selected the members of the committee, but also the committee chairs themselves. What had changed, in 1972, at that time, you had 4 legislative caucuses. Now that you have 3, but at the time you had 4. Two of those were dominated by the rural senators. In 1972, the Legislative Council meeting was held, I believe it was held in Omaha. And the understanding was the rural representation had grown so large on the Committee on Committees that none of the chairmanships were going to

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members of, of Omaha, Lincoln, or urban areas. So the idea was made to switch to the secret ballot to allow for more urban senators to, to get those chairmanship positions. The vote was actually taken at council meeting, and then the change was made in the 1973 Nebraska Legislature. So that's the background of, of secret ballot. Prior to that, like I said, the Committee on Committees-- and actually in 1937, the first Unicameral, they went back to the, the lounge behind the Chamber and kind of decided who was going to be the chair. So it-- it's been done differently. The only other thing I'd say is that I, I know there's this argument about the constitution. And again, this is just my interpretation of the constitution, but there's been a lot of focus on the, the viva voce, or voce. And I would tell you, the way that reads, the, the things that may require secrecy, and the yeas and nays-- and this was the argument made in 1973, when they make-- made the transition to secret ballot. And I think you can argue it both ways. Transparency of the Legislature, that's sort of an argument. Your-- at this point, your decision on leadership is not a yea or a nay, right. There are multiple candidates. You are stating the candidate in which you are voting for. That is not a yea or nay question. That's not to say that you can't make a decision on how you want to elect leadership. These are your rules. You operate within those rules. You can choose however you want. But I think the constitutional argument that the constitution says that you have to, to have open ballots, there's a little bit of a question there because it is all votes are viva voce, but those are the yeas and nays have to go into the Journal. Organizational questions are not a yea and nay question. But again, I, I preface that with saying it's your rules. The court will not step into where your rules-- how you dictate your organization. You can chan-- you know, you can elect your leaders however you see fit. That's all I had.

DeBOER: OK. Are the questions for the Clerk? Senator Ibach.

IBACH: Thank you, Madam Vice Chair. I really don't have a question. I just have a comment. Thank you for the background on it, because I've often wondered that. And also, thank you for your thorough knowledge of the rules and the procedures, because we do rely on it a lot. So I just have a comment. Thank you.

BRANDON METZLER: Thank you, Senator.

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IBACH: And thank you, Madam Vice Chair.

DeBOER: Thank you, Senator Ibach. Any other questions? I don't see any. Thank you for being here.

BRANDON METZLER: Thank you.

DeBOER: Are there any other folks here who would like to testify in the neutral capacity on Rules Change 11? I don't see any. Senator Lippincott, you're welcome to close on Rule Change 11.

LIPPINCOTT: I have nothing else to add on Rule 11.

DeBOER: All right. That ends our hearing on Proposed Rule Change 11. And we will now turn to Proposed Rule Change 12. And once again, Senator Lippincott.

LIPPINCOTT: My name's Loren Lippincott. That's L-o-r-e-n L-i-p-p-i-n-c-o-t-t. This Rule Change 12 would require a vote to allow in media presence instead of taking a vote to remove media presence from executive sessions. We want transparency and accountability for our voting while maintaining the freedom to brainstorm and have a protected creative process, which often happens in executive sessions. I'm willing to take any questions.

DeBOER: Are there any questions? Don't see any. We will take our first proponent, first proponent for Rules Change 12. Proponents? We'll now take opponents. Welcome.

KARIN WAGGONER: Hello, again. Whoo-wee. This is moving faster than it did in 2023. Like it. All righty. All righty. Again, my name is Karin Waggoner, K-a-r-i-n W-a-g-g-o-n-e-r. I'm here today in strong opposition to Proposed Rule Change 12. Let me be clear. This rule change isn't just bad. It's a Trojan horse for secrecy and unchecked power. If you adopt this change, you're essentially, you're essentially telling Nebraskans, trust us to do the right thing behind closed doors with no witnesses, no reporters, no accountability. Forgive me, but this does not inspire confidence in me. Let's start with the obvious. Nebraskans already have a significant level of mistrust in government, particularly when it comes to the cozy relationships between certain senators and the executive branch. I don't need to name names. You all know who I'm talking about. Adding more secrecy to the legislative process is like pouring gasoline on a

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fire that's already raging. And while we're on the topic of transparency, let's talk about the media. Under the current rules, journalists serve as the public's eyes and ears in executive sessions. You're now proposing to kick them out, slam the door, draw the blinds. What's next? Are you going to make Nebraskans file a Freedom of Information request to find out what you're doing in the dark? Nope. Because public records requests don't apply to the Legislature in Nebraska. So once you lock the press out, you're locking Nebraska citizens out forever. This rule change doesn't just erode transparency, it bulldozes it, and it gives an absurd amount of power to the executive committee to make decisions in the dark. Maybe the committee will act in good faith, or maybe the committee doesn't want the voters to see something inconvenient. How are we ever supposed to know? We won't. If you pass this rules change, you're telling Nebraskans that the people's business isn't really their business. And I have to wonder, what exactly are you so desperate to hide? Senators, you were elected to work for the people, not the other way around. And if you think Nebraskans are going to sit quietly while you carve out more loopholes for secrecy, think again. Nebraskans are polite, but we are not dumb. In the spirit of honesty, please do the right thing. Reject this rule change and show your constituents that you have nothing to hide. Thank you.

DeBOER: Thank you. Are there questions for this testifier? I don't see any. Thank you for being here. Next opponent testifier. Welcome.

KORBY GILBERTSON: Thank you, Vice Chairwoman DeBoer, and members of the committee. My name is Korby Gilbertson. It's spelled K-o-r-b-y G-i-l-b-e-r-t-s-o-n. I'm appearing today as a registered lobbyist on behalf of Media of Nebraska. Media of Nebraska is a group of the state's newspapers, broadcast media, and associated digital outlets that only focuses on constitutional issues, open meetings, and public records. So they're not in the-- on the business side of media, but rather the constitutional side. As in the past, Media of Nebraska opposes this proposed rule change, which would bar media from executive sessions. Open government is of great importance to all Nebraska citizens, not just journalists. Because Nebraska has a Unicameral, we have always maintained that people are the second house. On the-- the state of Nebraska has long recognized the importance of active and informed citizenry. Inscribed on the north face of the State Capitol building are the words, the salvation of the state is watchfulness of the citi-- is in the citizen. Nebraska

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promotes citizen watchfulness through its open meetings and public records laws. And I did not come up with that. That's actually on the Legislature's website. If you want to know about open, open meetings, public records, and Nebraska's importance of having sunshine on our activities. Every elected board or government entity makes action or holds information that is vital to the public. Journalists are the conduit to bring this information to their readers and viewers, who are also your constituents. They do this truthfully and without partisanship. They do this because they know that the public has a right to know what their elected representatives are doing and why. The why is what makes access to the executive sessions so important. Important public business should be conducted in the public. This is where decisions are made on major changes to legislation. We hear all the time, once a bill comes out onto the floor that the work should have been done in committee. The changes that come out of the committee should be the bulk of what is passed on the floor. I know that there have been discussions of whether or not bills come out too soon. But historically, the work takes place in the committee. And if the executive sessions are closed, that causes problems for transparency. Last year during the hearing, I thought it was interesting, as the proponent of the change last session stated that they wanted this so that we didn't have to be careful about what we said in, in closed door-- in the exec sessions. I thought that was a little bit concerning because if you're concerned about what you're saying about the bill, then you probably should be having a conversation, I don't know, under the balcony or somewhere else. You're still free to do that. But media would argue that the work of the-- general work of the committee, while you're discussing the issues contained in legislation, should be done at least with some access for the public. Thank you.

DeBOER: Thank you for being here. Let me see if there are questions from the committee. Doesn't look like there are.

KORBY GILBERTSON: Thank you.

DeBOER: Thank you so much. Next opponent. Welcome.

SPIKE EICKHOLT: Thank you. Good afternoon, Vice Chair DeBoer and members of the committee. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t. I'm appearing as a registered lobbyist on behalf of the ACLU of Nebraska in opposition to this proposed rule change. I did

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visit with Senator Lippincott earlier this week and told him that we would be opposing this proposal. I wanted to echo some of the points that Ms. Gilbertson just mentioned earlier, because we echo those. When an executive session is happening and when a committee is taking formal action on a bill, that is consequential to something that matters to the people and the people should be privy to what goes on. When I visited with Senator Lippincott earlier and when I heard his introduction, he is right. Well, let me talk about what we talked about earlier this week, at least generally. Senator Lippincott alluded to the fact that having an executive session be open to the media and people knowing what they're saying might kind of chill or curtail the ability to speak candidly about a substantive matter. First, I would remind the Legislature that you are not subject to the open meetings laws. Nothing is stopping you from, as a partial committee or members of certain committees or just members-- member to member, just to meet and discuss things in confidence and in candor. You have that prerogative. You have that privilege. The current situation, the current scenario provides a balance because when you do meet to formally act, someone is there watching. It does matter. Many times when we had special session, nothing-- no one knew what was going to happen with a bill until it came out of committee. And knowing why and knowing how it happened matters for how you look at it, for how the public looks at it, in particular. So I would urge the committee to keep this rule the same. I think what you have right now is a good balance. With respect to what Senator Lippincott mentioned earlier, he is right that the current rule, Rule 3, Section 16, does allow for a committee, with the majority of it's members to sort of meet in closed session with the exclusion of the members of the news media. But it only allows it in rare and extraordinary circumstances. I don't know what those circumstances are, but I don't think it's-- it should be interpreted as a voting on a bill, voting on an important matter, discussing an important matter. If it's important to the committee, it's important to the public. It's important to the people you represent, and the media should be there to observe it. I'll answer any questions if anyone has any.

DeBOER: Thank you. Are there questions for this testifier? Don't see any. Thank you so much for being here. We'll take our next opponent testifier. Anyone here else in opposition to this proposed rule change? Anyone in the neutral capacity? Welcome back.

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TIMOTHY C. MELCHER: Thanks. Hello. My name is Timothy C. Melcher, T-i-m-o-t-h-y C. M-e-l-c-h-e-r, and I'm here to testify in a neutral capacity. I just wanted to point out we wanted open ballots in closed meetings. It seems like a bit of a contradiction. I'll leave it at that.

DeBOER: Thank you. Are there questions? Don't see any. Next neutral testifier. Senator Lippincott to close on Rule 12.

LIPPINCOTT: Good, lively discussion. I appreciate all the points made by everybody. I have nothing else to say.

DeBOER: All right. Thank you, Senator Lippincott. That will end our hearing on Rules Change Proposal 12, and open our hearing on Rules Change Proposal 13, also by Senator Lippincott.

LIPPINCOTT: My name's Loren Lippincott, L-o-r-e-n L-i-p-p-i-n-c-o-t-t, Legislative District 34. This rule gives power to the Speaker by allowing him to judge motions and amendments worthy of being heard. So the standard is-- so a standard not-- motion not worthy unless the Speaker approves it. It creates a process for challenging the Speaker's ruling by allowing the introducer or the chair of the committee to file a motion to suspend for dilatory purposes and outlines that process. It would take a majority of the members present to vote by machine vote. And once it has been given on by the body, it cannot be reconsidered. It gives power to the Speaker up front and gives power to the body toward the back of the process. Any questions?

DeBOER: Questions for Senator Lippincott? Don't see any. We'll take our first proponent testifier. Is there anyone here who would like to testify in favor of this rules change proposal? How about in opposition? Anyone in opposition to this rules change proposal? Neutral capacity. Is there anyone here who would like to speak in the neutral capacity about Rules Change Proposal 13? Senator Lippincott.

LIPPINCOTT: I have nothing further on Rule Change 13.

DeBOER: Thank you, Senator Lippincott. That will close our hearing on Rules Change Proposal 13, and open our hearing on Rules Change Proposal 14. Senator Lippincott.

LIPPINCOTT: My name's Loren Lippincott, L-o-r-e-n L-i-p-p-i-n-c-o-t-t. Rule Change 14 removes the quote "shall debate cease" section and

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instead renames it with the "motion to call the question." It gives a clearer outline of what the process is. It requires a show of 10 hands to cease debate. Any questions?

DeBOER: All right. Questions from the body? Senator-- or-- the body-- the committee. Senator Arch.

LIPPINCOTT: Yes, sir.

ARCH: So right now, it's 5, right? 5 hands?

LIPPINCOTT: Yes, sir.

ARCH: And, and it moves then to 10. Why-- what's the thinking? Why make it more difficult, raising that threshold from 5, 5 to 10? It removes the presiding officer and then it increases it to 10. Is it just an attempt to, to balance that, in-- increasing to 10 from 5--

LIPPINCOTT: It is.

ARCH: by, by pulling the presiding officer? I see.

DeBOER: Other questions? I have one for you, Senator Lippincott. Doesn't this also change it from the majority of those elected to the majority of those present and voting for calling the question?

LIPPINCOTT: Where do you see that?

DeBOER: It says majority of those present, so I guess not present and voting, but the majority of those present. That's line (f) in your new rule. Because currently, it's majority of those elected, as opposed to--

LIPPINCOTT: Oh, majority? Mm-hmm.

DeBOER: --of those present.

LIPPINCOTT: It's, it's mis-- misspelled, too, I see. It does.

DeBOER: OK. Thank you. Other questions from the committee? OK. Let's have our first proponent. Proponent testifiers? Opponents, anyone in opposition to this rules change proposal? Neutral capacity.

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HEIDI UHING: Hello, Rules Committee. My name is Heidi Uhing, H-e-i-d-i U-h-i-n-g, testifying in neutral on behalf of Civic Nebraska. I just wanted to make a quick point after doing a, a review of the rules, as far as precedent for appearances of different numbers. And just for consistency's sake, I think it's helpful for people like you to remember these rules if-- it's not just a bunch of random numbers throughout and that there's benefit to, to holding true to some repetitive numbers for different purposes. So in a, in a quick review of the rules, the number 10 appears 8 different times, but it's always referring to the number of days, minutes, or pages, not a requirement for senators to-- the number of senators required for any action. So by contrast, the number 5 appears in legislative rules 22 times, again, mostly referring to days or minutes. But in 4 instances it refers to the number of senators required for a particular purpose. In Rule 1, Section 10, if there is no quorum on the floor, as few as 5 senators may compel the presence of all members. In Rule 3, Section 6, the Redistricting Committee may comprise no more than 5 members affiliated with the same political party. And Rule 7, Section 4, when a senator calls for debate to cease, we need a show of 5 hands. And in Rule 10, Section 1, committees may comprise no fewer than 5 members. So for uniformity purposes, please consider adjusting your increase of the number of senators needed to the number 5.

DeBOER: All right. Questions? Don't see any.

HEIDI UHING: Thanks.

DeBOER: Any other neutral capacity? I don't see any. Senator Lippincott to close.

LIPPINCOTT: I have nothing further on Rule Change 14.

DeBOER: That closes our hearing on Rule Change Proposal 14. We'll open our hearing on Rule Change Proposal 15.

LIPPINCOTT: My name is Loren Lippincott, L-o-r-e-n L-i-p-p-i-n-c-o-t-t. Rule 15 solidifies viva voce voting. And machine vote is considered viva voce. What this is saying is if you're going to introduce one of these priority motions, it has to be agreed to by 4 other people besides yourself. Because currently, it just takes one person, one person to write up the amendment and submit it to the

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Clerk. So this is a show of 5 hands to do a priority motion. That is all.

DeBOER: All right. Are there questions from the committee? Thank you, Senator Lippincott.

LIPPINCOTT: Thank you.

DeBOER: We'll take proponents for Rule Change Proposal 15. Anyone in favor of Rule Change Proposal 15? Is there anyone in opposition to Rule Change Proposal 15?

TIMOTHY C. MELCHER: Hello, Senators. My name is Timothy C. Melcher, T-i-m-o-t-h-y C. M-e-l-c-h-e-r. I oppose this rule change because I disagree that viva voce votes and machine voting is the same. When you vote viva voce, people might not realize who's voting in which way, wherein machine vote, it is recorded and you know who voted how. So I think that's something to be said. That's all I have.

DeBOER: Thank you. Questions? Thanks for being here. Next opponent. Is there anyone here in the-- who would like to testify in the neutral capacity on Rules Change Proposal 15? Senator Lippincott to close.

LIPPINCOTT: I have nothing more on Rule Change 15.

DeBOER: That ends our hearing on Rule Change Proposal 15. We'll open our hearing on Rule Change Proposal 16.

LIPPINCOTT: My name is Loren Lippincott, L-o-r-e-n L-i-p-p-i-n-c-o-t-t, District 34. Rule 16 limits motions to once per stage of debate. That would be motion to reconsider, motion to postpone, motion to recommit to committee, and motion to postpone indefinitely. I don't feel that the other changes are necessary at this time. That is all.

DeBOER: OK. Are there questions? I don't see any. Let's have our first proponent. Anyone el-- would like to testify in favor of this rules change proposal? Anyone in opposition to this rules change proposal? Anyone in the neutral capacity? Senator Lippincott.

LIPPINCOTT: I have nothing more on Rule Change 16.

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DeBOER: That will end our hearing on Rules Change Proposal 16, and open our hearing on Rule Change Proposal 17.

LIPPINCOTT: Rule Change 17. My name is Loren Lippincott, L-o-r-e-n L-i-p-p-i-n-c-o-t-t. This removes bipartisan language from the rules. In this section, even though we are a bipartisan Unicameral, the words, "same political party," are used to outline the makeup of redistricting committees. Either we are nonpartisan or we're not. That is all.

DeBOER: Are there questions from the committee? I don't see any. We'll take our first proponent testifier. Anyone? This is Rule Change Proposal 17. Are there any folks in favor of Rule Change Proposal 17? Anyone like to speak in opposition to Rules Change Proposal 17? Welcome, again.

TIMOTHY C. MELCHER: Hello. Timothy C. Melcher, T-i-m-o-t-h-y C. M-e-l-c-h-e-r, and I'm here to oppose this rule change. George Norris is credited with making America-- or America-- Nebraska by-- a nonpartisan. And I think we need to preserve that. Part of the reason why we have opposite parties involved in stuff like redistricting is-- what do you call it-- to kind of keep an oversight. I think it's the election committee-- election commissioner, maybe? I can't remember what it was, but somebody explained the history to me, where like, let's say, let's say Republicans were counting Republican ballots, and they're like, oh, yeah, that's good. That's what I counted, too. But then there was an issue, and upon investigation, this particulate-- the party was just agreeing with their own party to get stuff to go through. And so they said, ah, no, we can't have that anymore. We need to have the opposing party come in and check the numbers, too. And that way, the two parties keep them-- check themselves, and it brings a balance to the legislature and other stuff in the government. So for that reason, I oppose this Rule Change 17.

DeBOER: Thank you. Questions? Thank you. Anyone else like to testify in opposition to Rules Change Proposal 17?

KARIN WAGGONER: Okie dokie, artichoky. Hello, again. Karin Waggoner, K-a-r-i-n W-a-g-g-o-n-e-r, representing Nebraskans against Government Overreach. Rule Change 17. I feel bad. I feel like I'm kind of coming down hard on you, Senator Lippincott. I'm about come hard down again. [INAUDIBLE], you know, we're still going to be friends. All right,

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cool. All righty. I rise in strong opposition to Rule Change 17 because it's not just bad policy, it's an attack on the principles and fairness and representation that this body should be upholding. With all due respect, you know, we aren't nonpartisan, Senator Lippincott. I wish we were, but it's things like this that make us less so. By striking the requirement for political balance on the Redistricting Committee, you're handing the majority party the keys to the kingdom. No checks, no balances, no accountability. You're saying, trust us to draw fair maps. I personally don't trust Nebraska lawmakers to do anything except what suits their own political interests. And this rule change proves me right. Let's talk about what this really means. Without these safeguards, redistricting becomes a free-for-all. Instead of serving the people of Nebraska, this committee, the Redistricting Committee, could draw maps designed to keep one party in power, disenfranchising voters, diluting minority voices, and leaving entire communities unrepresented. This is not democracy. It's a power grab, another one. And then there's the leadership provision. Removing the rule that the chair and vice chair must come from different parties is like giving the majority party a blank check to steamroll the minority. What happened to the idea of compromise, of checks and balances? Apparently, it's been struck out with these rule changes. Nebraskans deserve better than this. We deserve fair maps, fair representation, and a process we can trust. But instead, here we go again. You're doubling down on the idea that transparency and bipartisanship are inconveniences to be swept aside. If this rule change passes, it will send a clear message to the people of Nebraska that our voices don't matter and only the political ambitions of those in power do. Please reject this rule change. Thank you.

DeBOER: Are there questions for this testifier? Thank you so much for being here.

KARIN WAGGONER: Yep.

DeBOER: Next opponent testifier.

SPIKE EICKHOLT: Sorry. Good afternoon, Vice Chair DeBoer, and members of the committee. My name is Spike Eickholt, S-p-i-k-e E-i-c-k-h-o-l-t, appearing on behalf of the ACLU of Nebraska as their registered lobbyist in opposition to this proposed rule change. I did visit with Senator Lippincott earlier this week, and told him that we would be opposing this proposal. I don't want to repeat what the

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earlier testifier just said and stated, and you've got my written testimony, but I just wanted to point out a couple of things. First, fair redistricting is critical to protect democracy in this state, and to protect voting rights. Fair redistricting strengthens democracy and ensures better policy for more people across this state. And I understand Senator Lippincott's point that we are ostensibly a nonpartisan legislature, yet here we have a rule that references party. But the practical reality is the only way to ensure fairness is to provide for that diversity, to provide for that balance. And what Nebraska has done, I think, has served the state well. It's been a while. I was-- I worked around this Capitol when we did redistricting. Some of you on this committee were on the Redistricting Committee or at least were in the Legislature when we redistricted. It can be very difficult. It can be very challenging. But really, the present situation and the current rule that you have has really served you and the state well. If you look around the country or just Google it and see the number of states that are involved in litigation following the 2020 redistricting, it's, it's-- you find repeat-- all-- hits in all kinds of states. North Dakota is in litigation at federal and state court. Pennsylvania has been up and down through the, the court system. Alabama's been to the Supreme Court. I-- there wasn't a single lawsuit that I know of that was filed anywhere in this state, in state or federal court, challenging a legislative district, a judicial district, congressional district, or anything. I'm not sure there was even anything filed-- or, or at least litigated 10 years before that. And you've had this rule during that time. So just for that anecdotal yet persuasive, I would argue persuasive example of reasoning, the current situation that you have now in the rule serves you well and serves this Legislature well. And we would urge you not to amend it or change it. I'll answer any questions if you have any.

DeBOER: Are there questions for this testifier? Senator Hansen.

HANSEN: A hypothetical. What happens if we have 48 Republicans and 1 Democrat in the Legislature?

SPIKE EICKHOLT: You said it was a hypothetical?

HANSEN: Or the opposite.

SPIKE EICKHOLT: Well, at least you should have the effort to have it as diverse as possible. Now, maybe there's another way to measure

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that. I don't know that you're ever going to have a unified 48 people in 1 party. And maybe you could make it-- ensure it's diverse for urban/rural, for the reasons that Senator Bostar was talking about earlier-- some sort of way to make it fair. And the only way you make it fair is to have as many different people with different interests take part in it. And the definition of unfair is somebody has an advantage. And the only way you have an advantage is if people's interests are not similar.

HANSEN: OK. Thanks.

DeBOER: Anyone else? I have a question. I was going to raise my hand, but then I realized that doesn't make sense. The Redistricting Committee, as I recall, we are charged with redistricting, both partisan and nonpartisan districts. Is that right?

SPIKE EICKHOLT: That's right.

DeBOER: OK. So--

SPIKE EICKHOLT: Or at least districts that are, that are-- people are elected in a partisan/nonpartisan way.

DeBOER: OK. Yes, that's what I was trying to say, that we will redistrict, because, as I recall, we redistricted Congress, which is a partisan election.

SPIKE EICKHOLT: Right.

DeBOER: For Congress. I can't remember the other ones that we did that are partisan. But I thought that there was maybe another one. Maybe it's Public Service Commission or something like that.

SPIKE EICKHOLT: Right.

DeBOER: So there are a couple of things that we do that are partisan races that the Legislature, although nonpartisan, has to redistrict.

SPIKE EICKHOLT: Right.

DeBOER: So that might add something to the equation of whether or not parties come into-- because I can tell you, parties came into it last time.

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SPIKE EICKHOLT: Right.

DeBOER: So, anyway. All right. Thank you for your testimony. Is there any other question? Don't see any. Thank you. Next opponent.

CLARENCE KING: Hi, Senators. My name's Clarence, C-l-a-r-e-n-c-e, King, K-i-n-g. I live in Omaha, Nebraska, but I'm not a native Nebraskan. I just got here as quick as I could. I am a political nerd. I didn't grow up knowing about the Unicameral, and I was intrigued when I got here, to learn about the Unicameral and the nonpartisan nature of it. The Legislature [INAUDIBLE], and when you introduced yourselves, most of you talked about the-- everyone said the counties that they, that they represent. And I know there is, I believe, a rule, but at least a, a, a, a preference to not split counties. And I, I think that's good. I think that's important. It's a little different, congressional versus legislature, dividing 1.9 million by 49 versus dividing 1.9 million by 3, and the point-- you know, the 5% rule and the like. But it, it, it seems to work well. In the 2021 redistricting, the current proposal was in place with the majority-minority representation on the committee. And the redistricting got done, but the initial proposal from the majority was to take Douglas County and divide it in half for the congressional districts. And that's-- you know, it was not necessary mathematically. It's necessary mathematically for-- I think, Senator Hansen, do you have a split county?

HANSEN: Yep.

CLARENCE KING: Yeah. Because of the, you know, because of the size of the, the counties and the, and the rules. But it, it was proposed. And because there was people from both, you know, parties on the committee, there was pushback, there was give and take, and we got to the situation that we're, we're under, under now. I am against this, because I do appreciate-- I come from, I come from the state with the largest legislature, not the smallest. And I, I, I, I do appreciate the, the structure of this and the nonpartisan nature. But you do not have nonpartisan decisions made without bipartisan input. The committee is to provide the input to make this work, and that's-- that should be maintained. So let's maintain this nonpartisan structure by let-- having both sides talk. No one benefits by covering your ears and saying, I don't want to hear from anyone that disagrees with me. So that's a, that's-- I, I respect the nonpartisan nature. And that's

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why, as Douglas County Democratic Party Chair, I don't-- this is the first time I've ever testified in 5 years here. And I, and I did it with some hesitation. Because once, once the election's over, I respect your folks' decision. But on issues that regard, you know, actual partisan nature of voting, I feel it's my duty. So, thank you.

DeBOER: Thank you. Are there questions for this testifier?

CLARENCE KING: Thank you.

DeBOER: I don't see any. Thank you for being here. We'll take our next opponent.

HEIDI UHING: Hello, Rules Committee. My name is Heidi Uhing, H-e-i-d-i U-h-i-n-g. I'm public policy director for Civic Nebraska, testifying in opposition to Rules Change 17. At a time when re-- the redistricting process is increasingly scrutinized for more gerrymandered districts across the country, it is the entirely wrong approach to suggest that the nonpartisan Nebraska Legislature find a way to make the redistricting process even more partisan than it is. In fact, polling from UNL's 2023 Nebraska Annual Social Indicators Survey showed that Nebraskans continue to report that they believe the Unicameral's nonpartisan structure and organization makes it more effective at problem solving than a partisan legislature. Twice as many Nebraskans report this as those who don't. So more, more partisan redistricting is not what the Nebraskans want, and it's antithetical to George Norris' vision for this institution. Please oppose this rule change. Thank you.

DeBOER: All right. Thank you. Are there questions for this testifier? Thanks for being here. Next opponent. Anyone here else in opposition to this rules change proposal?

_____: Which number?

DeBOER: We're on 17. Is there anyone else who would like to testify in the neutral capacity on Rules Change Proposal 17? Seeing none, Senator Lippincott to close on Rules Change Proposal 17.

LIPPINCOTT: OK. I have nothing more on Rule Change 17.

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DeBOER: I see this has raised a question from Senator Bostar. Senator Bostar.

BOSTAR: Thank you, Madam Vice Chair. And, and thank you, Chair. Sorry. If, if we could, just real quick, on 17, I do have a question. I-- you know, this is the only place in our rules that references political parties. And I, I, I sort of feel the same way that in a nonpartisan body, I don't like any references to partisanship and political parties. And I think we should strive to do what we can to be as nonpartisan as possible. If that's the goal with this, I mean, there are, there are other ways we could try to both remove partisan references from our structure while trying to have a nonpartisan redistricting process. I mean, there are independent commissions that can be created. There are, there are other things that we could do. Would-- are you open to any of those alternatives, as well?

LIPPINCOTT: I am open.

BOSTAR: I, I just-- I bring it up because I think that there's-- I don't like partisanship in our process, but I also think we could pursue a truly nonpartisan way of, of redistricting and, and doing that. Anyway, thank you very much for your interest in that, as well.

LIPPINCOTT: You're very welcome. It's been my pleasure.

DeBOER: Thank you, Senator Bostar. Other questions for Senator Lippincott? I don't see any. That will end our hearing on Rules Change Proposal 17, and open our hearing on Rules Change Proposal 18. Senator Lippincott to open.

LIPPINCOTT: My name's Loren Lippincott. That's L-o-r-e-n L-i-p-p-i-n-c-o-t-t, of District 34. This is all of 9 rules put into the Rule Book with some organizational changes to allow the Rule Book to be easier to understand. Everything about General File is filed under General File. Everything about Select File is filed under Select File. And so on. This was made to simplify the rules to make it easier for everyone to understand. This is being brought today to keep it alive so we can have further discussions about the organizational changes.

DeBOER: All right. Are there questions for Senator Lippincott? Senator Arch.

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ARCH: Not, not a question, but when, when we discussed this the last time, there was also the possibility-- because I think there's a recognition like-- just depends on how-- do you slice it this way, or do you slice it this way, or-- you know. And when you're thumbing through the Rule Book on the floor, sometimes it's hard. And, and there was some, there was some-- also some discussion, which we could pursue further, with, with better indexes, with better-- you know, so that you could more easily find what you're looking for, which I think is the attempt with the reorganization of the Rule Book. So that doesn't require a rule change. That's maybe working with the Clerk to, to accomplish that.

LIPPINCOTT: Good point.

DeBOER: Other questions? I will add that I do recall, on the floor, a discussion of better indexing. That might be something we can look into, as well.

LIPPINCOTT: Yeah.

DeBOER: All right. We'll take our first proponent for Rules Change Proposal 18. Is there anyone here who would like to testify in favor of Rules Change Proposal 18? I will then take opposition to Rules Change Proposal 18. Anyone here who would like to oppose Rules Change Proposal 18? Welcome, sir.

TIMOTHY C. MELCHER: Thank you. I feel like I've been here before. Is this the last one?

DeBOER: This is it.

TIMOTHY C. MELCHER: Oh, thank goodness. All right. My name is Timothy C. Melcher, T-i-m-o-t-h-y C. M-e-l-c-h-e-r, and I'm here to pro-- propo-- oppose this rule change. I forgot I was going to sit down with a joke and be like, I divide the question. We divide the question. The, the first reason why I oppose this rule change is because it looked like it rewrote the whole Rule Book, and I had to check it really quick. So Rule Change Proposal 18 has 146 pages and the Rule Book itself has 92, I think. So I did not look very carefully at it, but there is one that-- one part of the rule change that stuck out that I really disagreed with, and that was eliminating the public hearings on the rules, particularly rule suspensions. So I feel like it's important to have input from the public, you know, especially in

the spirit of the, the Unicameral that George Norris pushed for in, what, 1937? I know there's a couple different reasons for that, but I think the-- having the lean bureaucracy is part of the reason that we have such an efficient government. I like to think we have an efficient government here in Nebraska. So I wanted to say in 2017, a law was passed to terminate my parental rights. 49 people got together in a room to decide that I should not see my daughter anymore, and I wasn't even included in the conversation. And allow me to add that this was after 3 years of court. So after the judge from the judicial branch ruled that I should be able to see my daughter, the legislative branch decided to override that decision to legally terminate my rights without due process. With the difficulty of experience in trying to even meet with my senator, which I've been trying to do for 3 years now, I will defend the second house's right to be present in the legislative proceedings. And I'd tie that back in with the rules because-- I don't know if you caught the year. It was 2017, and that was apparently a really contentious year for the rules. And I didn't start following the Legislature until 2017. But to give some back story, there were 3 bills; 2 of the bills were substantially similar. And so, one of the senators pulled her bill to introduce-- to allow the other senator to introduce her bill. I don't know what happened. That bill didn't make it to the floor to be debated or something. But then the rules were suspended, and then the bill that didn't make it was amended into LB289. And so I was watching the Legislature thinking, oh, OK, this bill is indefinitely postponed. I don't have to worry about it anymore. But then boom, as soon as the governor signed it, I was notified that my-- I was being sued. So for that reason, I watched the, the Legislature diligently.

DeBOER: All right. Are there questions for this testifier? I don't see any. Thank you for being here. Next opponent.

RYAN NICKELL: Hello. Ryan Nickell, R-y-a-n N-i-c-k-e-l-l, speaking in opposition to Rule Change Proposal 18. So I think there are 2 different discussions here. One is on the structure of this and the other is on function. But I think what's being brought up here is more about structure than it is about the actual content of what the rules are. I did notice what the previous Speaker pointed out with the change to Rule 2, Section 2. This is Rule Change Proposal 18. It's the same as Rule Change Proposal 12 from last year, introduced by former Senator Erdman. The only difference that I could see in this are the page numbers. So I just wanted to point that out here. But yeah, Rule

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2, Section 2 does lead to [INAUDIBLE], because it just allows the Legislature to just make up rules whenever they want to and [INAUDIBLE]. So, thank you.

DeBOER: Thank you. Are there questions? I don't see any. Thank you for testifying. Next opponent. Anyone else like to testify in opposition to this rules change proposal? Let's move to the neutral capacity. Is there anyone here who would like to testify in the neutral capacity? Welcome, Mr. Clerk.

BRANDON METZLER: Thank you, Madam Vice Chair. For the record, my name is Brandon Metzler, B-r-a-n-d-o-n M-e-t-z-l-e-r. I recognize that I'm one of the last individuals between you and getting out of here, but when given the opportunity to sing the praises of Carol Koranda, the index clerk in my office, I would like to do so. She's wonderful. She has been working on a rules index starting last summer, after former Senator Erdman had indicated that would help. I know that she's diligently been working through that. I expect that sometime next interim to circulate that with members of the Legislature, members of the Rules Committee, et cetera. So at least I know there was some discussion on that. So that piece is in the works, and she's a master at her craft. She's indexed the Journal for decades. So giving her a shot at the Rule Book I think is, is well deserved, so.

DeBOER: Thank you, Mr. Clerk. There are questions for you. Senator Arch.

ARCH: OK, let's bump it up a little bit.

BRANDON METZLER: Yes, sir.

ARCH: What about an electronic copy with a search engine?

BRANDON METZLER: Absolutely. Yeah.

ARCH: That would-- I mean, you know, the ability to search for keywords or something like that, rather than even a paper index.

BRANDON METZLER: Yeah. Yeah. I mean, we have, we have the PDF, control F, but we, we can digitize it in such a way that it's put on with a full search-- searchability, you know, table, table of contents at

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the, at the beginning, as well. Yeah. We, we can certainly make it user friendly.

DeBOER: Thank you Senator Arch. Other questions? Thank you, Mr. Clerk.

BRANDON METZLER: Thank you, Senator.

DeBOER: Any other neutral testimony on Rules Change Proposal 18? Seeing none, Senator Lippincott, you're welcome to close on Rules Change Proposal 18.

LIPPINCOTT: I have nothing more on Rule Change 18.

DeBOER: That ends our hearing on Rules Change Proposal 18, and will end our Rules hearings for the year. Thank you all for being here-- for today. Today.

ARCH: We can always have another one.