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January 12, 2023

Senator Steve Erdman, Chair
and Members of the Rules Committee
State Capitol
Lincoln, NE 68509

Dear Senator Erdman and committee members,

The League of Women Voters believes democratic government depends upon informed and active participation and requires that governmental bodies protect the citizen's right to know by giving adequate notice of proposed actions, holding open meetings and making public records accessible. In examining the proposed Rules changes, the League considered the unique nature of the nonpartisan Unicameral and positive influence of long held Rules emphasizing nonpartisanship, transparency and participation of Nebraskans in the legislative process.

The Rules of the legislature are foundational to effective representation. Therefore, for the record, we are:

NEUTRAL regarding proposed Rule 1 (Arch) noting amendments containing tables or other organizational concepts in the journal as on file in the bill room or clerk's office. While we support transparency and data informed decision making, we also recognize the limitations of our Legislature's current technology in this regard.

SUPPORTIVE of proposed Rule 2 (Arch) prohibiting Enrollment & Review amendments from being amended. We understand that the purpose of Enrollment & Review amendments are purely procedural and technical and are therefore not an appropriate place for policy amendments.

OPPOSED to proposed Rule 3 (Arch) prohibiting an individual from making more than one motion to postpone, recommit or postpone indefinitely on the same day by the same senator. While we recognize the potential for expediency, we do not approve of any Rules that would stifle discussion and debate.

SUPPORTIVE of proposed Rule 4 (McDonnell) allowing for military personnel to lead the pledge of allegiance as this provides another opportunity for the public to participate in the Legislature.

SUPPORTIVE of proposed Rule 5 (Day) ensuring the ability for those with disabilities to testify at public hearings. We support any effort that allows for greater citizen participation, especially for individuals who may have extenuating or challenging circumstances, including disability, that could create a barrier other Nebraskans may not face.

OPPOSED to proposed Rule 6 (Ibach) removing all IPP (indefinitely postponed) motions before a bill is read. This would remove an important tool for legislators to contest a bill, partially those who have been aware or engaged on a topic before a bill comes to the floor. Additionally, the practical implications of this reworking of the process would introduce an unneeded element of chaos on the floor that would disrupt effective workflow.

SUPPORTIVE of proposed Rule 7 (M. Cavanaugh/Hunt) increasing the threshold for votes required to pull a bill from committee and SUPPORTIVE of proposed Rule 8 (M. Cavanaugh) increasing the threshold for votes required to pull a bill from committee or include an amendment that is substantially the same as a pending bill. We support the committee process which includes public involvement and acknowledges senator experience and expertise. Raising the threshold to pull a bill from committee reduces the risk of circumventing this process and leaving the full legislature without a committee statement.

OPPOSED to proposed Rule 9 (M. Cavanaugh) and proposed Rule 24 (Hunt) eliminating the authority for the Speaker to designate up to five major proposals. While we support the effort to mitigate consolidation of power, we think the Speaker should have some ability to designate major proposals, perhaps by simply reducing the number.

SUPPORTIVE of proposed Rule 10 (M. Cavanaugh) requiring votes taken in the Appropriations Committee to be recorded and available to the public. This increased transparency will allow the public to better understand why and how decisions are being made regarding the allocation of their tax dollars.

SUPPORTIVE of proposed Rule 11 (M. Cavanaugh) requiring votes taken in the Executive Committee to be recorded and available to the public. This increased transparency will allow the public to better understand why and how decisions are being made while still allowing legislators to hold restricted meetings if the circumstances deem it necessary.

SUPPORTIVE of proposed Rule 12 (M. Cavanaugh) requiring records from legislative briefings to be made public. This increased transparency will allow the public to better understand the larger context of a given bill, amendment or resolution in addition to knowing the information their legislator had access to when they voted on an issue.

NEUTRAL regarding proposed Rule 13 (M. Cavanaugh) providing a mechanism to appropriate emergency funds made available by the federal government in response to a public health crisis after the 10 day bill period. We support the recognition of preparing for unforeseen circumstances and would like to see this expanded to any crisis or disaster declaration.

SUPPORTIVE of proposed Rule 14 (M. Cavanaugh) to selectively prohibit the possession of firearms in the Capitol to military and law enforcement only. Not only does this protect the safety of legislators, staff and visitors to the Capitol, it also eliminates a significant form of citizen intimidation for individuals wishing to testify at public hearings.

SUPPORTIVE of proposed Rule 15 (Erdman) publishing Appendix A of the Rules book. We support this effort to increase transparency and accessibility.

OPPOSED to proposed Rule 16 (Erdman) to reconsider a motion at any stage. We do not see a benefit or improvement in workflow before all regular voting is exhausted.

OPPOSED to proposed Rule 17 (Erdman) eliminating consideration of party affiliations in the redistricting process. While this appears to be an effort to reduce partisanship it actually does just the opposite. Current Rules state that no more than five members of the redistricting committee can be from the same party. This reflects the voter makeup of the state provided by the Secretary of State's office in its December 2022 report showing that of registered voters, 48.8% were Republican, 27.8% were Democratic, 21.6% were Nonpartisan, 1.5% were Libertarian and .3% were affiliated with Legal Marijuana NOW. The current guidelines related to party affiliation in the redistricting process ensures that the committee represents all Nebraskans from varying political backgrounds.

OPPOSED to proposed Rule 18 (Erdman) closing Executive Sessions to everyone except legislators and necessary staff. Currently, these sessions are already closed to everyone except for legislators, staff and the press. While we understand that on rare occasions it may be necessary for a committee to meet away from the public, that need does not preclude the public from knowing what decisions are being made. The press plays a vital role in bridging the gap on these rare occasions and it is necessary that they continue to have access.

OPPOSED to proposed Rule 19 (Erdman) changing all committees to an odd number of members. The goal of the committee is not necessary to advance every piece of legislation, but to provide a hearing for the public to discuss the merits of the legislation.

NEUTRAL regarding proposed Rule 20 (Erdman) requiring video recordings of hearings and debates to be posted within one week. We enthusiastically support the increased transparency and availability this would provide Nebraskans. However, we think a more appropriate process to this goal is through legislation allowing for a higher level of permanency in addition to providing the necessary time and preparation for the staff to execute this endeavor.

OPPOSED to proposed Rule 21 (Kauth) eliminating the Present, Not Voting option. The purpose of a recorded vote is to reflect a senator's decision regarding a particular issue. The Present, Not Voting option allows a legislator who has listened and considered an issue fully and is still unconvinced of the best course of action to reflect that stance in their vote record.

SUPPORTIVE of proposed Rule 22 (Hunt) requiring 25 senators on the floor at all times to retain quorum. The public has a right to see and hear the discussions and decisions made by our representatives. Many times these conversations that the public has a right to hear are held behind closed doors while the time spent on the floor is largely performative. Requiring 25 senators on the floor at a given time would force more of these conversations to be held publicly. It would also create the environment that senators would actually have to listen to support and opposition of their ideas and engage in meaningful debate.

SUPPORTIVE of proposed Rule 23 (Hunt) directing the clerk's office to manage the hiring of legislative committee staff. Staff are employees of the state not a specific legislator and therefore

should be managed through the clerk's office, another state entity. This additionally guards against politically motivated human resources decisions.

NEUTRAL regarding proposed Rule 25 (Hunt) requiring the Governor's donations announced at the beginning of the day. We heartily support transparency in funding and appreciate that this aims to bring to light potential conflicts concerning separation of powers. However, ultimately this is a political method to this goal and not appropriate for the legislative floor.

NEUTRAL regarding proposed Rule 26 (Hunt) eliminating opening prayer. We support an opening prayer or reflection that a person from any faith background or no faith background can lead.

NEUTRAL of proposed Rule 27 (Hunt) eliminating the prohibition of certain electronic devices in the chamber while the Legislature is in session. This is the current practice for most and therefore the Rule is obsolete.

SUPPORTIVE of proposed Rule 28 (Hunt) limiting the Speaker to five priority bills. Reducing the number of Speaker priority bills from 25 to 5 is a commonsense solution to guarding against the consolidation of power while also providing the Speaker a tool to work strategically with members.

SUPPORTIVE of proposed Rule 29 (Hunt) and Rule 47 (Conrad) protecting the use of personal privilege. Limiting what senators can speak on and when stifles discussion, debate and dissent – all important parts of an effective government. As long as the speaker is abiding by the Rules and not out of order, the content of their speech should not be dictated.

SUPPORTIVE of proposed Rule 30 (Hunt) allowing for distance voting in very specific circumstances. This proposal is carefully crafted with guardrails to ensure distance voting is only employed when absolutely necessary. This allows for final votes to be representative without putting themselves or others at risk. It also protects against a fluke of health, weather, etc. from determining policy.

SUPPORTIVE of proposed Rule 31 (Hunt/Conrad) allowing for written testimonies. We support any effort that allows for greater citizen participation, especially for individuals who may have extenuating or challenging circumstances that could create a barrier other Nebraskans may not face. Distance, work schedule, care responsibilities and access to transportation are a few of the factors that may inhibit the ability for a Nebraskan to engage in the public hearing process.

SUPPORTIVE of proposed Rule 32 (Hunt) requiring all testimonies to be recorded. The current committee hearing process varies greatly in how testimonies are reported and recorded. This would ensure that the testimony of all Nebraskans, whether written or in person, is heard regardless of delivery method or committee hearing the bill.

NEUTRAL regarding proposed Rule 33 (Hunt) allowing for pets in the Capitol. This is a work environment issue and should be decided as such.

SUPPORTIVE of proposed Rule 34 (Hunt) establishing time minimums for full and fair debate at eight hours for general file, six hours for select file and two hours for final read. This codifies what is already the standard practice and allows for full and fair debate.

NEUTRAL regarding proposed Rule 35 (Hunt) providing guidelines on how committees are created in relation to caucus in addition to ensuring no member can be removed from a committee they have already served on without their permission. We appreciate the effort to codify the process of committee assignments in some way, particularly after the disheartening process that started this session. Legislators need flexibility to determine the committee makeup, free from political influence. We would like to see additional guidance on this process but are not convinced this is the best option.

NEUTRAL regarding proposed Rule 36 (Hunt) outlining how seating arrangements are made. This is a work environment issue and should be decided as such.

NEUTRAL regarding proposed Rule 37 (Hunt) outlining how offices are selected. This is a work environment issue and should be decided as such.

SUPPORTIVE of proposed Rule 38 (Hunt) creating new guidelines for redistricting. We support a nonpartisan, equitable redistricting process – which is reflected in many of the details of this proposal. Most importantly, the role of nonpartisan citizen involvement is imperative. Because redistricting procedure has historically been written into the Rules, we support the changes here but also wish to see it written into state law through legislation.

SUPPORTIVE of proposed Rule 39 (Cavanaugh) setting dates for priority designations. Clarity in the timeline for priority designations will improve the workflow and protect against circumvention of the processes in ways that may favor some members over others.

SUPPORTIVE of proposed Rule 40 (Cavanaugh) raising the threshold for the votes needed to committee priority bills. As with other proposals to raise the threshold for votes to advance a bill, this will protect against minority voices being silenced.

SUPPORTIVE of proposed Rule 41 (Cavanaugh) restricting dates for priority designations. Clarity in the timeline for priority designation will improve the workflow and protect against circumvention of the processes in ways that may favor some members over others. Specifically delaying the ability to make a priority designation until after that bill is introduced allows for the senator to make more informed decisions.

SUPPORTIVE of proposed Rule 42 (Cavanaugh) requiring a bill's introducer to concur with a priority designation by the Speaker. It lays the groundwork for a positive, productive and communicative collaboration.

SUPPORTIVE of proposed Rule 43 (Cavanaugh) making the next day agenda available one hour after adjournment. This will benefit not only the senators in preparation for their next day's work but will also provide the public more notice to make arrangements in case they intend to reach out to legislators or physically come to the Capitol.

SUPPORTIVE of proposed Rule 44 (Conrad) providing guidelines on Committee on Committee's timeline regarding communication with the public. Increased time between announcement and hearings allows for increased ability for the public to attend and observe the committee's work.

SUPPORTIVE of proposed Rule 45 (Conrad) requiring a racial impact statement for each bill. Just as fiscal statements provide additional context for future implications for the state financially, racial impact statements would provide a similar context for the systemic challenges faced by populations that have been discriminated against. Racial impact statements will provide insight into the root causes of many of the issues these communities face.

SUPPORTIVE of proposed Rule 46 (Conrad) providing the ability for a racial impact study to be considered. Similar to the previous proposal, including a racial impact study at the discretion of the Executive Board provides another tool to respond to communities disproportionately affected by structural discrimination.

SUPPORTIVE of proposed Rule 48 (Conrad) raising the threshold for the votes needed for a pull motion. We support the committee process that includes public involvement and acknowledges senator experience and expertise. Raising the threshold to pull a bill from committee reduces the risk of circumventing the system, which not only undermines the process but also prevents a fully informed description of the bill complete with a committee statement.

SUPPORTIVE of proposed Rule 49 (Conrad) requiring redistricting without partisanship. While this reads similar to proposed Rule 17 to remove party affiliation, this proposal has the opposite effect. Political party cannot be ignored in redistricting as that would allow for the majority to completely exclude meaningful involvement of the minority. However, political party also cannot be the sole guiding principle in the process, which would result in the same outcome.

SUPPORTIVE of proposed Rule 50 (Conrad) requiring increasing time between notice and hearing. We support any effort that allows for greater citizen participation and more time to plan allows for greater participation. Distance, work schedule, care responsibilities and access to transportation are a few of the factors that may inhibit the ability for a Nebraskan to engage in the public hearing process.

NEUTRAL regarding proposed Rule 51 (Conrad) as this appears to be a technical change.

NEUTRAL regarding proposed Rule 52 (Hansen) limiting the number of bills a senator can introduce to 12. We recognize the workflow benefit of limiting the number of bills a senator is able to introduce but also have the concern that this limitation could restrict the ability to introduce necessary legislation.

OPPOSED to proposed Rule 53 (Halloran) requiring a public record of written votes for committee chair positions. While we often advocate for transparency in voting, we oppose this particular issue in the context of our unique Legislature. Our nonpartisan Unicameral has structural and process elements that combat partisanship – the “secret ballot” to elect committee chairs is one of them. In Congress and most other state legislative bodies, committee assignments and leadership are determined within parties; our Legislature works as one group to elect leadership. Currently, the “secret ballot” allows legislators to vote for the most qualified candidate and protects against political retribution.

OPPOSED to proposed Rule 54 (Slama) automatically designating the Governor’s budget bills be among the Speaker’s major proposals and defining successful cloture for these bills as three-fifths or more members as opposed to the current two-thirds per Rule 7, Section 10, for any other cloture motion. We support parity within the threshold of the same motion. Further, the specific required designation of the Governor’s budget undermines the separation of powers and the ability for the Legislature to function as an independent branch of government.

NEUTRAL regarding proposed Rule 55 (Moser) dictating guidelines for seating assignments based on seniority. This is a work environment issue and should be decided as such.

We thank the committee for its careful consideration of these proposed Rule changes and implore you to enact rules that encourage effective and efficient workflow, nonpartisanship, transparency, and participation of Nebraskans in the legislative process.

Thank you for your time and consideration,

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