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**Capitol View**

**Commentary by J.L. Schmidt**

**Statehouse Correspondent**

**Nebraska Press Association**

**Things Not as They Seem at the Legislature**

Many people touted this year’s legislative session as a Republican dominated conservative body that could easily work with the Republican administration to get things done.

They reasoned that 32 Republicans in the officially nonpartisan body would win out over the 17 Democrats. They tried valiantly to get 33 Republicans elected, a so-called “magic” number that could withstand filibusters by the dissenters and pave the way for a conservative agenda.

Observers sighed relief when the number fell short because it would guarantee some spirited debate and prevent a run-away train where the new governor would have cooperation unseen since the (former Gov. Dave) Heineman years.

It didn’t take many days for the minority to prove feisty in the technical aspects of the nation’s only one-house nonpartisan legislature. Things like legislative rules and bill referencing, usually the stuff which reporters, legislative staff and lobbyists care about, suddenly became important to the average Nebraskan.

The Rules Committee dealt with 58 proposed changes to the permanent rules, which must be adopted every two years. That brought more than 100 testifiers to a marathon nine-hour committee hearing. Several people said it was unprecedented. But, when the smoke cleared, the Legislature only adopted eight changes and avoided the controversial issues, perhaps until later in the 90-day session which ends in June.

Lincoln Sen. Danielle Conrad, a Democrat who completed her four- year stint away from the Legislature after being term-limited, said it was part of the “compromise, consensus and common ground” Nebraskans expect their lawmakers to find at the Capitol.

But that congeniality faded a few days later when a controversial anti-abortion bill (LB626) was sent to the Republican-dominated Health and Human Services Committee instead of the Judiciary Committee, which is chaired by a Democrat.

**For Release Wednesday, February 8, 2023 – Page 2**

Conrad used strong words arguing that the Legislature's referencing guide says abortion goes to Judiciary, where those bills are traditionally sent. "We're seeing a continual tyranny of the majority," she said. "We're bending the rules we're fast tracking and diverting the process to ensure a desired result."

Supporters of the bill said it was referenced to the Health and Human Services Committee on a 9-to-0 vote by the Legislature's Executive Committee because it's not like other abortion bans since there is no criminal penalty or liability in the bill," chief sponsor Sen. Joni Albrecht of Thurston said.

Sen. Julie Slama of Dunbar said the Health and Human Services Committee has heard abortion bills in the past. "Abortion isn't a magical word that magically gets a bill sent to the Judiciary Committee."

So, lest the Republicans in general and the conservatives in specific try to take all the credit for being the anti-abortion folks, allow me some perspective.

In the early years of anti-abortion debates in Lincoln, the first bills were sponsored by Sen. Cap Dierks of Ewing and Omaha Sens. Bernice Labedz, John Lindsay and Tim Hall. All four were Democrats. Even former Democrat Gov. Ben Nelson signed one or two bills into law.

So, stop the gloating.

But, back to the rules. A proposal signed by more than two dozen senators to change the selection of committee chairs from a secret ballot to a recorded vote did not advance to the floor. Neither did a proposal to close committee executive sessions to members of the media, who have been able to cover the discussions of senators behind closed doors for nearly 90 years.

Sen. Steve Erdman of Bayard, the chair of the Rules Committee, said those measures may be brought back for consideration later in the session.

That debate could bring the session to a bitter and contentious end. Let’s hope lawmakers get some important work done before then. There’s plenty of it to discuss.

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*J.L. Schmidt has been covering Nebraska government and politics since 1979. He has been a registered Independent for more than 20 years*.