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**Capitol View**

**Commentary by J.L. Schmidt**

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**Yes, the Pot Has Officially Called the Kettle Black**

If you listen carefully, you can hear the strains of that favorite carol “O Christmas Tree, O Christmas Tree” echoing through the George W. Norris Legislative Chambers.

It has been a few years, but that age-old almost end-of-session practice is back in vogue. It has been around since before most of the young senators complaining about it were born.

It’s a simple practice, attaching bills that have survived the committee process and been sent to the floor to bills that are further along in the queue. Subject matter and germaneness are important and bills advanced by the same committee are often prime for the practice, which has become known as “Christmas-treeing.”

Given the limited amount of time remaining for any bills to pass this legislative session, thanks to a continuing filibuster mounted by several senators who are protesting a bill that would ban minors from receiving gender-affirming care, the strategy is being tried again.

The Revenue Committee has advanced a package of 21 tax-related bills to the floor for debate in the coming weeks. Sen. Lou Ann Linehan of Elkhorn, the committee chair, said senators unanimously agreed on the bills included which range from sales tax exemption on twine to allowing college savings plans to be used on private school K-12 tuition.

“We’ve got a lot of things that have come out of committee 8-0, there’s general agreement on them, they are good governance bills, and we need to get them done,” Linehan said. And a package of more than 30 bills will be considered by lawmakers on the Education Committee next week.

“It is hugely problematic to have only eight hours to debate a bill with 21 bills in it,” said Omaha Sen. Machaela Cavanaugh who started the whole filibuster roadblock weeks ago. “I don’t care if people are finding vehicles for their bills — that’s what you’ve got to do here in

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normal circumstances, so hustle away — but 21 bills as a committee amendment is wildly inappropriate and disrespectful to the body and the state.”

As if her incessant filibustering because of the transgender bill isn’t “wildly inappropriate and disrespectful to the (legislative) body and the state.” That, friends, is the proverbial pot calling the kettle black. The idiomatic phrase from the early 17th Century means that someone is criticizing another person for a fault they have even though the critic is guilty of doing the same thing.

Speaker of the Legislature Sen. John Arch of Omaha notes that the filibuster by Cavanaugh and Sen. Meghan Hunt of Omaha has forced nearly every bill to go the full eight hours allowed under the rules on first-round debate. He said he has spoken with committee leaders about using the new approach to move “a prioritized priority list.”

To his credit, Arch has been encouraging committees to look at bills that are noncontroversial, that have high-impact, or are bills that affect a lot of people across the state. Now we’re talking. Bills that affect a lot of people across the state.

Committees have traditionally kept at least one bill that could be “loaded up” with similar measures that speak to similar or broader issues that could be considered as one. That bill is often referred to as a “Christmas tree bill.”

The Banking, Commerce and Insurance Committee usually moves two separate Christmas tree bills to the floor to keep the state’s banking and insurance regulations in compliance with federal law, said chair Sen. Julie Slama of Dunbar. She says the committee is looking at bills to keep the government running and provide good governance.

Cavanaugh and Hunt say they won’t back off their strategy. Hunt, who has blasted her colleagues debasing the history and traditions of the Legislature to pass legislation “discriminating against kids and promoting hate against trans- and LGBTQ people in Nebraska” said the new strategy employed by the political majority underlined her point.

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“It’s not in rules and not in the spirit of the rules for sure, but what we learned this session is the rules are whatever the majority want them to be,” Hunt said.

Not that Sens. Cavanaugh and Hunt haven’t bent some rules. There’s that pot and kettle thing again.

Good on the Legislature for exploring a creative – albeit traditional – approach to moving things along for the benefit of all Nebraskans.

Bad on them for not doing this sooner. Here’s hoping leadership has learned something.

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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*.