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**Capitol View**

***Commentary by J.L. Schmidt***

**Statehouse Correspondent**

**Nebraska Press Association**

**The Nonpartisan Unicameral Legislature Is Broken**

The 108th Legislature First Session was a hot mess. The fact that three senators could derail the work of 46 others in the nation’s only one-house, allegedly nonpartisan Legislature, speaks volumes.

What went wrong? Most everything that could.

There were 17 new senators (two of them who served terms before being re-elected in November). A new Clerk of the Legislature stepped up after two years as an assistant. A new Governor and a new Lt. Governor who is the presiding officer of the Legislature also played a role. Even veteran Sen. John Arch who was elected Speaker wasn’t necessarily as forceful as he could have been early in the session.

Let’s look at the A B Cs. Arrogance, belligerence, and civility (or the lack thereof).

Arrogance is an attitude of superiority manifested in an overbearing manner or in presumptuous claims or assumptions. There are 32 Republicans in the nonpartisan Legislature. Overbearing, it takes 33 to stop debate and get on with a vote on a bill. Presumptuous, because stopping transgender health care is an issue in other red states, it will be good for Nebraska too.

Belligerence is an aggressive or extremely self-serving  attitude, atmosphere, or disposition. A lot of this rests on Omaha Sen. Machaela Cavanaugh who led a session-long filibuster often threatening to “burn down the session.” Omaha colleague Meghan Hunt added to the vitriol and several times resorted to name-calling.

Lincoln Sen. Danielle Conrad, who served two terms and then sat out a term-limit mandated term before reelection in November, offered a sine die (end the session) motion early in the session. It was an attention-getter that worked.

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When all was said and done after the session, Conrad said, "I really feel we probably have set the low-water mark. We can find ways to work together ... and make a concerted effort to start to figure out where consensus might lie for the next session."

Civility is formal politeness and courtesy in behavior or speech. Not a lot of that going around the 88 days of the session. Both sides, the 32 and the 17, were guilty. The lowest point came during the transgender bill debate when opponents of the measure threw feminine hygiene products from the balcony onto the floor of the legislative chamber.

Some of the sharpest divisions focused on human rights, abortion and transgender care, which Conrad characterized as "government interfering with parental rights and access to medical care."

The same argument played into a Republican backed voter ID bill which pitted members of that party against one another in a rather refreshing break as the wheels started coming off the bandwagon.

Omaha Democrat Sen. Wendy DeBoer pleaded with her colleagues to stop exploring new and novel ways to use the institution’s rules for an edge. The biggest misuse, IMHO, was the pairing of the 12-week abortion ban bill with the transgender bill creating one bill, which was passed but is already subject to litigation.

That clearly flew in the face of previous rulings on germaneness and the legislative tradition of one subject per bill. The challenge to the pairing was overruled in a matter of seconds, not minutes, by Lt. Gov. Joe Kelly who was most recently a U.S. District Attorney and former Lancaster County Attorney.

He didn’t even assemble opponents and proponents, the Speaker and the Clerk for a brief discussion; he simply agreed that the bills could be merged. A vote to override his ruling failed.

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Arch told senators on the final day of the session he hopes this year “would be an aberration, not a predictor of the future” and pledged to repair and rebuild relationships before next year. “We debate ideology, but we end up doing that within the context of relationships," he said. "The time to develop those relationships isn’t on the mic, it’s before the bill gets to the floor.”

Cavanaugh said she was leery that the strategy would make a difference. "I'm always open to that, but people have to be willing to make an effort and I'm not sure that willingness is there."

Speak for yourself senator. Get your head back into doing what is right for all Nebraskans just like your father did when he was a state senator and like your brother is trying to do.

Everybody needs to give a little. Nebraskans deserve it.

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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.*