

**APRIL 13, 2006**

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office  
FLOOR DEBATE

April 13, 2006 LB 57, 79, 239, 1148, 1199, 1199A, 1222, 1222A  
1226, 1226A  
LR 449

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning. Welcome to the George W. Norris Legislative Chamber for the Ninety-Ninth Legislature, Second Session, sixtieth day. Would you all stand this morning for our prayer.

SENATOR KRUSE: (Prayer offered.)

PRESIDENT SHEEHY: Thank you, Senator Kruse. We will now call the Nebraska Unicameral legislative session, the sixtieth day of the Ninety-Ninth Legislature, Second Session, this Thursday, April 13, 2006, at 9:00 a.m., to order. Would all senators please check in. Please record, Mr. Clerk.

CLERK: I have a quorum present, Mr. President.

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Do you have corrections for the Journal?

CLERK: I have no corrections.

PRESIDENT SHEEHY: Messages, reports, or announcements?

CLERK: Communication from the Governor to the Clerk. (Read re LB 57, LB 79, LB 1148, LB 1199, LB 1199A, LB 1222, LB 1222A, LB 1226, and LB 1226A.) Mr. President, reports received in the Clerk's Office from the Investment Council, Investment Finance Authority. Both will be on file and available for member review. That's all that I have. (Legislative Journal pages 1631-1632.)

PRESIDENT SHEEHY: Thank you, Mr. Clerk. (Visitors introduced.) Also, while the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR 449, articles of impeachment. We'll now move to Final Reading. Mr. Clerk. Members, please return to your seats in preparation for Final Reading. Mr. Clerk, the first bill is LB 239.

ASSISTANT CLERK: (Read LB 239 on Final Reading.)

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April 13, 2006      LB 239, 385

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB 239 pass? All those in favor vote aye; those opposed vote nay. Have all voted who wish? Senator Schimek.

SENATOR SCHIMEK: Yes, may I ask for a call of the house, please, and a roll call vote?

PRESIDENT SHEEHY: Technically, we are under call. Would all members please check in. Would all members please check in. Senator Cornett. Senator Brown. Senator Engel, would you please check in. Senator Landis, would you check in. Senator Chambers. Roll call, Mr. Clerk.

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal pages 1632-1633.) The vote is 27 ayes, 18 nays, 1 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT SHEEHY: Thank you, Mr. Clerk. LB 239 does pass. Mr. Clerk, the next bill is LB 385. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; those opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

ASSISTANT CLERK: 39 ayes, 2 nays to dispense with the at-large reading, Mr. President.

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title.

ASSISTANT CLERK: (Read title of LB 385.)

PRESIDENT SHEEHY: Thank you, Mr. Clerk. All provisions of law relative to procedure having been complied with, the question is, shall LB 385 pass? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1633-1634.) The vote is 43 ayes, 2 nays, 1 present and not voting, 3 excused and not voting, Mr. President.

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April 13, 2006 LB 385, 385A, 489A, 489

PRESIDENT SHEEHY: Thank you, Mr. Clerk. LB 385 does pass. We'll now move to LB 385A. Mr. Clerk.

ASSISTANT CLERK: (Read LB 385A on Final Reading.)

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB 385A pass? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1634.) The vote is 43 ayes, 1 nay, 2 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT SHEEHY: LB 385A passes. We will now proceed to LB 489E. The first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

ASSISTANT CLERK: 33 ayes, 7 nays, Mr. President, on the dispensing with Final Reading.

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title.

ASSISTANT CLERK: (Read title of LB 489.)

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB 489E pass? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. We'll leave the vote open for a few moments longer. Have all voted who wish? Senator Schimek voting no. Senator...please record.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1635.) The vote is 36 ayes, 3 nays, 7 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT SHEEHY: LB 489E passes. We'll now move to LB 489A.

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April 13, 2006 LB 489A, 821, 845A, 845

ASSISTANT CLERK: (Read LB 489A on Final Reading.)

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB 489A pass? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1636.) The vote is 35 ayes, 3 nays, 8 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT SHEEHY: LB 489A passes. We will now proceed to LB 821.

ASSISTANT CLERK: (Read LB 821 on Final Reading.)

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB 821 pass? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1636-1637.) The vote is 34 ayes, 9 nays, 3 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT SHEEHY: LB 821 passes. We'll now move to LB 845.

ASSISTANT CLERK: (Read LB 845 on Final Reading.)

PRESIDENT SHEEHY: With all provisions of law relative to procedure having been complied with, the question is, shall LB 845 pass? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1637-1638.) The vote is 42 ayes, 0 nays, 4 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT SHEEHY: LB 845 passes. We will now proceed to LB 845A.

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April 13, 2006      LB 845A, 874, 924

ASSISTANT CLERK: (Read LB 845A on Final Reading.)

PRESIDENT SHEEHY: With all provisions of law relative to procedure having been complied with, the question is, shall LB 845A pass? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1638.) The vote is 43 ayes, 0 nays, 3 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT SHEEHY: LB 845A passes. We will now proceed to LB 845A (sic). The first vote is to dispense with the at-large reading. All those in favor vote...correction, LB 874. All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

ASSISTANT CLERK: 36 ayes, 1 nay to dispense with the at-large reading, Mr. President.

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title.

ASSISTANT CLERK: (Read title of LB 874.)

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB 874 pass? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1639.) The vote is 44 ayes, 0 nays, 2 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT SHEEHY: LB 874 passes. We will now proceed to LB 924.

ASSISTANT CLERK: (Read LB 924 on Final Reading.)

PRESIDENT SHEEHY: With all provisions of law relative to procedure having been complied with, the question is, shall

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April 13, 2006      LB 239, 385, 385A, 489, 489A, 821, 845, 845A  
874, 924, 925, 940

LB 924 pass? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1640.) The vote is 43 ayes, 0 nays, 3 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT SHEEHY: LB 924 passes. We will now proceed to LB 925. Madam Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Madam Clerk.

ASSISTANT CLERK: 37 ayes, 2 nays to dispense with the at-large reading, Mr. President.

PRESIDENT SHEEHY: The at-large reading is dispensed with. Madam Clerk, would you please read the title.

ASSISTANT CLERK: (Read title of LB 925.)

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB 925 pass? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1641.) The vote is 39 ayes, 2 nays, 5 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT SHEEHY: LB 925 does pass. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB 239, LB 385, LB 385A, LB 489, LB 489A, LB 821, LB 845, LB 845A, LB 874, and LB 924. We will now proceed to LB 940.

ASSISTANT CLERK: (Read LB 940 on Final Reading.)

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB 940 pass? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Madam Clerk.

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April 13, 2006 LB 940, 965, 965A, 1006

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1642.) The vote is 43 ayes, 1 nay, 2 present and not voting, 3 excused and not voting, Mr. President.

PRESIDENT SHEEHY: LB 940 does pass. We will now proceed to LB 965.

ASSISTANT CLERK: (Read LB 965 on Final Reading.)

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB 965 pass? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1643.) The vote is 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT SHEEHY: LB 965 passes. We will now proceed to LB 965A.

ASSISTANT CLERK: (Read LB 965A on Final Reading.)

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB 965A pass? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1643-1644.) The vote is 43 ayes, 0 nays, 4 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT SHEEHY: Thank you, Madam Clerk. LB 965A passes. We'll now proceed to LB 1006.

ASSISTANT CLERK: (Read LB 1006 on Final Reading.)

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB 1006 pass? All those in favor vote yea; opposed, nay. Have all voted who

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April 13, 2006 LB 1006, 1039, 1113

wish? Please record, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1644-1645.) The vote is 43 ayes, 2 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT SHEEHY: Thank you, Madam Clerk. LB 1006 passes. We'll now proceed to LB 1039.

ASSISTANT CLERK: (Read LB 1039 on Final Reading.)

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB 1039 pass? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1645.) The vote is 44 ayes, 0 nays, 3 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT SHEEHY: Thank you, Madam Clerk. LB 1039 passes. We will now proceed to LB 1113. Madam Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

CLERK: 32 ayes, 2 nays, Mr. President, to dispense with the at-large reading.

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title.

CLERK: (Read title of LB 1113.)

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB 1113 pass? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

CLERK: (Record vote read, Legislative Journal pages 1646-1647.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President.

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April 13, 2006      LB 1113, 1113A, 1175, 1227

**PRESIDENT SHEEHY:**      LB 1113 passes. We will now proceed to LB 1113A.

**CLERK:**      (Read LB 1113A on Final Reading.)

**PRESIDENT SHEEHY:**      With all provisions of law relative to procedure having been complied with, the question is, shall LB 1113A pass? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

**CLERK:**      (Record vote read, Legislative Journal page 1647.)  
45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President.

**PRESIDENT SHEEHY:**      LB 1113A passes. (Visitors introduced.) We will now proceed to LB 1175E.

**CLERK:**      (Read LB 1175 on Final Reading.)

**PRESIDENT SHEEHY:**      All provisions of law relative to procedure having been complied with, the question is, shall LB 1175 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

**CLERK:**      (Record vote read, Legislative Journal page 1648.)  
45 ayes, 1 nay, 1 present and not voting, 2 excused and not voting, Mr. President.

**PRESIDENT SHEEHY:**      LB 1175 passes with the emergency clause attached. (Visitors introduced.) We will now proceed to LB 1227E.

**CLERK:**      (Read LB 1227 on Final Reading.)

**PRESIDENT SHEEHY:**      All provisions of law relative to procedure having been complied with, the question, shall LB 1227 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

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April 13, 2006      LB 925, 940, 965, 965A, 1006, 1039, 1113, 1113A  
1227, 1248A, 1248

CLERK: (Record vote read, Legislative Journal pages 1648-1649.)  
47 ayes, 0 nays, 2 excused and not voting, Mr. President.

PRESIDENT SHEEHY: Thank you, Mr. Clerk. LB 1227 passes with  
the emergency clause attached. We will now proceed to  
LB 1248E. The first question, shall...the first vote be to  
dispense with the at-large reading? All those in favor vote  
yea; opposed, nay. Have all voted who wish? Please record,  
Mr. Clerk.

CLERK: 39 ayes, 3 nays, Mr. President, to dispense with the  
at-large reading.

PRESIDENT SHEEHY: The at-large reading is dispensed with.  
Mr. Clerk, please read the title.

CLERK: (Read title of LB 1248.)

PRESIDENT SHEEHY: All provisions of law relative to procedure  
having been complied with, the question is, shall LB 1248 pass  
with the emergency clause attached? All those in favor vote  
yea; opposed, nay. While the Legislature is in session and  
capable of transacting business, I propose to sign and do hereby  
sign LB 925, LB 940, LB 965, LB 965A, LB 1006, LB 1039, LB 1113,  
and LB 1113A. Have all voted who wish? Please record,  
Mr. Clerk.

CLERK: (Record vote read, Legislative Journal page 1650.)  
45 ayes, 1 nay, 1 present and not voting, 2 excused and not  
voting, Mr. President.

PRESIDENT SHEEHY: LB 1248 passes with the emergency clause  
attached. We will now proceed to LB 1248A.

CLERK: (Read LB 1248A on Final Reading.)

PRESIDENT SHEEHY: All provisions of law relative to procedure  
having been complied with, the question is, shall LB 1248A pass?  
All those in favor vote yea; opposed, nay. Have all voted who  
wish? Please record, Mr. Clerk.

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April 13, 2006 LB 1248A, 1249

CLERK: (Record vote read, Legislative Journal page 1651.)  
43 ayes, 1 nay, 3 present and not voting, 2 excused and not  
voting, Mr. President.

PRESIDENT SHEEHY: Thank you, Mr. Clerk. LB 1248A passes. Do  
you have a motion at the desk?

CLERK: Mr. President, LB 1249. Senator Landis would move to  
return the bill for a specific amendment, that amendment being  
to strike the enacting clause. (FA695, Legislative Journal  
page 1651.)

PRESIDENT SHEEHY: Senator Landis, you're recognized to open.

SENATOR LANDIS: Thank you. Actually, this is only a technique  
so that I can do two things. And one is to thank Senator Friend  
and the work that he did to arrive at the terms and conditions,  
the provisions of LB 1249 and the cool heads that prevailed on  
that score and I want to thank him for that. I want to also  
make one last comment about this area because I'm going to be  
leaving it and it'll still be here when I'm gone. There is a  
lot of confusion about a remaining public policy question that  
we have. And that confusion is about the use or existence of  
exclusive service territories. Let me tell you where I think  
the public policy of this state is at the moment and it will be  
here next year when you come back and wrestle with this again.  
Some people would tell you that we don't have exclusive service  
territories for natural gas in this state but we do. We have  
about 19 of them. They are the 18 or so city-operated natural  
gas companies and the Metropolitan Utilities District. They  
have, by law, exclusive service territories. And we've given  
them that power and those boundaries and that authority over  
time. What we have is an industry that has public members and  
private members. And in that industry that has public and  
private, we have created, by law, protections and privileges for  
half of that equation. And this last year, we decided not to  
put them on an equal footing, not to grant both what we, by law,  
grant half of them, which is the public facilities. And that  
may have some legitimacy, I'm not sure, I didn't hear. But over  
time, we will wrestle with whether or not that boundary makes

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April 13, 2006      LB 1249, 1256

sense. But what is seemingly confusing is actually quite simple. This state has exclusive service territories but only for public entities. And it denies that concept for private enterprise. And that's where we are. And I wish you good luck on managing that problem in the future. I withdraw the motion.

PRESIDENT SHEEHY: Senator Landis is withdrawing his motion. Next item will be LB 1249.

CLERK: (Read LB 1249 on Final Reading.)

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB 1249 pass? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

CLERK: (Record vote read, Legislative Journal page 1652.) 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT SHEEHY: Thank you, Mr. Clerk. LB 1249 passes. We'll now proceed to LB 1256. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.

CLERK: 39 ayes, 2 nays, Mr. President, to dispense with the at-large reading.

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title.

CLERK: (Read title of LB 1256.)

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB 1256 pass? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1653.) The vote is 42 ayes, 3 nays, 2 present and not

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1256, 1256A  
LR 272

voting, 2 excused and not voting, Mr. President.

PRESIDENT SHEEHY: Thank you, Madam Clerk. LB 1256 passes. We will now proceed to LB 1256A.

ASSISTANT CLERK: (Read LB 1256A on Final Reading.)

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB 1256A pass? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1654.) The vote is 40 ayes, 3 nays, 4 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT SHEEHY: LB 1256A passes. We will now proceed with LR 272CA.

ASSISTANT CLERK: (Read LR 272CA on Final Reading.)

PRESIDENT SHEEHY: All provisions of the law relative to procedure having been complied with, the question is, shall LR 272CA pass? All those in favor vote aye; those opposed, nay. Have all voted who wish? Please record, Madam Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1655-1656.) The vote is 44 ayes, 0 nays, 3 present and not voting, 2 excused and not voting, Mr. President.

PRESIDENT SHEEHY: Thank you, Madam Clerk. LR 272CA passes. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB 1175E, LB 1227E, LB 1248E, LB 1248A, LB 1249, LB 1256, LB 1256A, and LR 272CA.

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Mr. Clerk, items for the record, please.

CLERK: Mr. President, thank you. Bills read on Final Reading

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874, 924, 925, 940, 965, 965A, 1006, 1024  
1039, 1113, 1113A

were presented to the Governor at 10:07 a.m. and at 10:50 a.m. (re LB 239, LB 385, LB 385A, LB 489, LB 489A, LB 821, LB 845, LB 845A, LB 874, LB 924, LB 925, LB 940, LB 965, LB 965A, LB 1039, LB 1113, LB 1113A.) The constitutional amendment read earlier was presented to the Secretary of State at 10:52. (re LB 1006.) That's all that I have, Mr. President. (Legislative Journal page 1656.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Speaker Brashear, you are recognized.

SPEAKER BRASHEAR: Thank you, Mr. President, members of the body. We have come to that division of our agenda where we have Final Reading for Speaker's major proposal, which is LB 1024 and its related A bill. The situation procedurally which we face is as follows: I have...I special ordered, as you will recall, the pending amendments, as we had the situation before us in which the bill would fail or not fail based upon the expiration of the days as the session elapsed before us. So then I special ordered the pending, Senator Raikes' pending motion to suspend the rules. I'm very comfortable with what I did in the discharge of the trust which you have given to me, because I did not want the will of the body to be thwarted simply by the clock and the rush of business at the end of the day. However, we have now pending on Final Reading a bill with amendments that have not been debated. And the bill has been advanced by a standard different than that which we have...I have consistently used. I made known that I would try to fairly and equitably administer the doctrine of cloture when you elected me your Speaker. And I've tried to demonstrate that we can live with the concept of cloture. We knew about the nuclear option before the highly paid congressional people at the federal level ever started talking about it, but we have respect for process and procedure here. And I think we have demonstrated that we can do the people's business, we can listen to the views of those who are on the less-numerous side, and we can be patient with one another. So I am uncomfortable at this point...this is not a ceremonial day to me. This is a day to do the people's business in the way we ought to do it. I believe that all or almost all of you would feel that same way. I'm uncomfortable special ordering a motion to suspend the rules, which has a 30-vote

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standard, when our standard heretofore has been cloture, which is 33. We don't use the same standard of full and fair debate on Final Reading that we use on General File. So we're at a point where we have time. We have colleagues whose views have not been debated at all or even attempted to be debated. Those pending amendments are technically motions to return to Select File for a specific amendment. Now I want to be clear. If any amendment were adopted to this bill, this bill cannot be enacted today. You all know that. You must lay over. So we must deal with what we must deal with in a calm and orderly way. And it's my intent that we will proceed as we would otherwise without a rule to suspend. I will reserve unto myself to a later point in time as I circulate on the floor, talk with people, listen to the debate, the heavy decision for which I get paid so much more than all the rest of you as to how we are to proceed and so we may move to the special ordering of the motion to suspend. We may move to the cloture thing. But we will not do so at an artificial, accelerated pace for any reason short of full and fair debate at this point in our proceedings, which is, again I stress, and has consistently been, throughout the administration of my office, less on Final Reading than on General File. So let the debate begin and the first amendment be heard. I thank you for your time and consideration.

SENATOR CUDABACK: We now go to Final Reading, Speaker's major proposal, Mr. Clerk, LB 1024.

CLERK: Mr. President, Senator Kopplin would move to return to Select File for specific amendments. Senator Kopplin, I originally had AM3253 but I had a note, Senator...or, I'm sorry. I had AM3163 with a note that you wanted to substitute AM3253. Is that right?

SENATOR CUDABACK: Senator Kopplin? It does take unanimous consent to substitute. Objection? So ordered.

CLERK: Mr. President, Senator Kopplin would move to return the bill for a specific amendment, AM3253. (Legislative Journal pages 1658-1660.)

SENATOR CUDABACK: Senator Kopplin, you're recognized.

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LB 1024

SENATOR KOPPLIN: Thank you, Mr. Speaker, members of the body. This amendment was worked on considerably the last day of debate. We spent a lot of time, we spent a lot of negotiations, a lot of hard work was done. I am going to talk about it for a little bit for a couple of reasons. This bill has been a very complex thing from the very beginning. I did my best in opposing this bill. I have as good as understanding of what's in this bill as anybody on this legislative floor. I have a background in school finance and school procedures, and I've got to tell you, I still don't understand everything. Senator Raikes has assured us that we have two years to work out the details and we can fix it. You know, Senator Raikes, I bought a car that way once. (Laughter) But you're more trustworthy. I have a great deal of respect for Senator Raikes. On the last time we debated this bill, I opposed it completely during the day into the evening. I made one yes vote on this bill. One yes vote and that was to go to Final Reading after there was already a big majority of people that had voted to move it on. For that, my staff, myself, my family heard from a great many people in not kind ways. I was called a name that I don't even use--my people in my own community. It angered me, angered me because I spent this whole session working on this bill, trying to make it decent for people. And people who have not read a single word, people from my own county, from my community dare to tell me that I have no respect for minorities, no respect for poor people. I don't tell many people this. I was a child of welfare. I'm angry that you would say I don't understand poor people. Oh, yes, I do. I understand their feelings. I understand the tremendous load they bear, the loss of hope. Don't tell me that I don't support poor people. Okay, that being said, I'm going to try to get back in control here. My apologies. This is a very difficult bill to understand but it can be understood. My amendment would stop the procedure and would say we're going to form a task force of the school people involved and a larger number of other people because the school people cannot sit down together and work this out. Professionally, that's what they should have done a long time ago. But this amendment would stop the procedures, have a task force to report back to us. Unfortunately, it's anticlimactic. I think people have made up their minds. We can do the same

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thing that my amendment would do by trusting Senator Raikes in saying we have two years to work it out. Mr. Chairman, I withdraw this motion.

SENATOR CUDABACK: It is withdrawn. Mr. Clerk, next motion?

CLERK: Mr. President, the next motion I have with respect to LB 1024 is by Senator Howard. Senator, I have a note that you would like to withdraw AM3167 and offer as a substitute AM3261. (Legislative Journal pages 1660-1661.)

SENATOR CUDABACK: Senator Howard, is that true?

SENATOR HOWARD: Yes, it is.

SENATOR CUDABACK: Without objection, so ordered.

SENATOR HOWARD: I had pushed on my light...Mr. President and members of the body, I had pushed on my light to stand in support with Senator Kopplin. As I've said previously on this floor, Senator Kopplin and I were the two individuals that voted for this bill not to come out of committee. Senator Kopplin and my district are as far apart as they could be and we are on opposite sides of this issue in many regards. But we both share the concern regarding this bill. While I believe the end result of LB 1024 as it is currently written will be segregation, many of my colleagues stated during and after the debate on the Chambers amendment that they voted for it because they felt smaller school districts are better for students. I know Senator Redfield has presented a great deal of research on the subject which you already have. If you truly believe that smaller districts are better, then it should be easy to support this amendment. My amendment is very simple. It would simply expand the policy that the Legislature has endorsed, that Omaha Public Schools be split into three districts of about 16,000 students and apply this to all districts in Nebraska. This would mean the Millard Public Schools would be split into two separate districts and the Lincoln Public Schools would be also divided. If we are adopting a state policy that requires small districts in parts of Omaha, then it should apply to everyone in our state. It makes no sense to me that we would

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have one special policy for one part of the state and a completely different policy for the rest of the state. I plan to take this amendment to a record vote so that everyone in the body will go on record. If the Legislature fails to adopt this amendment, it will be crystal clear to everyone the Legislature really does not believe that smaller districts are better. Rather, it will show that the Legislature knowing and willingly voted for state-sponsored segregation in Omaha. It saddens me greatly to have witnessed what happened last Tuesday night. I had always hoped that our children would have the opportunity to learn in diverse schools. I fear that history will not and should not judge us kindly nor will our children and our grandchildren when they realize what we have done. This Legislature and this state honors what Dr. Martin Luther King stood for every January. Dr. King said he had a dream for his four children that they would one day live in a nation where they would not be judged by the color of their skin but by the content of their character. By approving state-sponsored segregation, it makes me wonder if we ever listened to what he said. I put this decision in your hands. A yes vote on this amendment says you believe in smaller districts are better for all students. By voting no on this amendment and yes on the Chambers amendment, you will be affirming state-sponsored racial and social segregation. Thank you for your consideration. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Howard. You've heard the opening on the motion to return to Select File for a specific amendment. Open for discussion. Senator Bourne, followed by Senator Chambers. Senator Bourne.

SENATOR BOURNE: Thank you, Mr. President, members. I listened to Senator Kopplin, his heartfelt comments...oh, I rise in support of the Howard amendment, by the way. I watched every member of the Education Committee struggle with this bill, and frankly, I don't think there's but one person on the floor perhaps that's happy with this end product. I know a lot of people had a lot of different reasons to vote for this. I can understand the frustration, real or perceived, by my colleagues as it relates to Omaha Public Schools, in that they feel that this is the only way that they can get Omaha Public Schools to

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approach the table. I understand my rural colleagues and perhaps some resentment regarding past bills that have been passed, the reality of inadequate funding for some of our rural schools. I understand all those issues. But I cannot support this bill the way it is because I am more convinced than ever that it is state-sanctioned segregation. I think we will go down in history as one of the first states in 20-some years to set race relations back, and I'm just sick that we're heading in that direction...(microphone malfunction)...mentioned that he's had e-mails and that. I received an e-mail from a constituent of mine, Sherry Manthe. She says, I can tell by the way you talk about LB 1024, you're talking about your feeling and what you want or what you don't want. She said, I thought when I voted for you the first time, you were going to be a good senator. I was obviously wrong. I watch the Legislature every year and have been displeased with you. I didn't vote for you the second time and this time I don't have to worry about it. (Laughter) Here's the best. As much as I hate to say it, you sometimes sound like a spoiled child who isn't getting his way. But the best part is: If it's any consolation, I absolutely despise Senator Smith who whines too much. (Laughter) It's a real e-mail so, Senator Kopplin, I feel your pain. I'm trying to add a little levity but this is a serious, serious situation. And I want to thank Sherry Manthe for that e-mail. I'm going to put that in my hall of fame. I handed out a letter this morning from the Office of the Attorney General, our Attorney General, Jon Bruning, and I'd ask you to read that letter. You have requested this office to examine the constitutionality of LB 1024. We received your opinion request on April 12 and decline to issue a formal opinion because we do not have adequate time to properly analyze the bill. That being said, this office has spent considerable time researching the issue and reviewing the bill in its Final Reading form. Should the bill pass, long-term litigation will almost certainly result. More important, however, is that we believe the state may face serious risks due to the potential constitutional problem raised by LB 1024. And then he goes through with some of the case law that, in a cursory view, he looked at. In sum, while this is a cursory analysis, we feel that LB 1024 raises serious constitutional issues for your consideration. This is from our Attorney General who has an obligation to sue on behalf of the

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citizens of the state of Nebraska if he feels that a bill that we pass is unconstitutional. I listened to a man who I have great respect for, Senator Raikes, talk about how LB 1024 is designed to prevent lawsuits. I know that Senator Raikes is probably not happy with LB 1024 the way it is, but he has acted in good faith. He is a good person. He is trying to do the right thing. He and I just disagree. But I don't know how any of us can stand here in good conscience and advance a bill when our Attorney General says...

SENATOR CUDABACK: One minute.

SENATOR BOURNE: ...that there are serious constitutional issues surrounding it. Yesterday, we voted to impeach an individual based on, largely, his Oath of Office. And I would respectfully suggest to each of you that you read that Oath of Office today and bring it home as it relates to your vote on this bill. And I would respectfully suggest that there is a better way of doing this. There is a better way of resolving this problem. I don't believe LB 1024 is constitutional. That's my opinion. I think it will be litigated long-term. And frankly, I don't believe it does anything to resolve the problem between the Omaha Public Schools and the suburban school districts. I think that there are other ways to do this. I think there are other ways to force OPS and the suburban districts to sit down and come up with a solution. We talked the other night about a special session. I remain committed to doing that. This is the last place I want to spend my summer but this problem is so significant, the implications of passing LB 1024 are so huge, that I think that that is a reasonable alternative.

SENATOR CUDABACK: Time, Senator Bourne. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, this piece of paper that Senator Bourne handed us that came out of Senator Bruning's office is an exercise in total incompetency and it makes my argument about OPS' intentional segregation. When Superintendent Mackiel--and I want Senator Howard to pay attention--eradicating busing and reinstating neighborhood schools, he knew the schools would be segregated. He knew that. So that was intentional action by the public schools in Omaha to

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segregate the schools. And this is what is in Senator Bourne's handout to us. The court held in Brown v. Board of Education that in the field of public education, the doctrine of separate but equal has no place. Well, Mackiel ensured that the schools would continue to remain separate by instituting neighborhood schools. He knew the neighborhoods are segregated. So what was he saying when he says you're going to go to school in your neighborhood? He knew the schools would be segregated, and they're not even equal. How many of you have heard anybody stand on this floor speaking for OPS and say Ernie is lying when he says that the schools called academies are not as adequately staffed or supplied as the schools in the white neighborhoods? Senator Bourne didn't say it. So Mackiel instituted the separate schools but they're not even equal. Now Brown says that is wrong. But they don't care about that. So here's the value of the papers Senator Bourne gave us. (Papers crumpling) It is tripe. The Attorney General should have stayed out of it. If he was any kind of lawyer, he's going to get a request for an opinion today and he's going to give the opinion tomorrow and he can't even read through the bill? He doesn't know what it says and he's going to make a ruling, giving his opinion on it? But he did not comment on the existing segregation that was created by the superintendent of schools, did he? Now to get to process, which Senator Brashear loves to talk about, there are enough votes to pass this bill. When it gets to the Governor's desk, he will sign it. Those who support the bill, don't despair. I've conducted extended debate. Let those who offer their motions talk as long as they can. They can't talk like I can and they won't. So we'll plow through them. Then at some point, rather than let the day be converted into a travesty, I believe the Speaker will exercise his prerogative and prioritize a motion. I don't really care how long people talk about it. They're going to keep saying the same thing. They're speaking from a position of emotionalism and ignorance. I've lived in that community 68 years. I have battled with Omaha Public Schools long before I was married and had children of my own, because other people would come to me to go to school on behalf of their children. I got corporal punishment out of the schools over the objection of the Omaha Public School administration. When I talk about corporal punishment, I mean kids getting black eyes, bloody noses, and split lips, blood on their clothes. And

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that's when they would run to the barber shop and I'd go up to the school with them. That's what our children have gone through. You all have no conception whatsoever of what has happened in OPS. And that's why I say Senator Bourne might say his district embraces north Omaha, well, no, not the part of north Omaha I'm talking about. And he's not familiar with...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...the problems in north Omaha or he couldn't say the kind of things that he says. But for today, I'm not going to get in you all's debate. I'm going to let you talk and talk and talk. Because those who support the bill know we are not going to return it, we're not going to change any part of it and thereby doom the bill. And I would advise my colleagues who support the bill, as one who has engaged in extensive debate, you know I can carry it on all day until midnight by myself. But these other people can't and that's not even their intent. So give them the opportunity to express their views on the record. And before I sit down, I want to say, there is no intent to create segregation. This bill is not designed to draw boundaries based on racial lines. And if the ones who oppose the bill want to try to create a false legislative history, I want it clear from the introducer of that amendment that their record is false. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. So we're all on the same page here, Senator Howard's motion to return LB 1024 to Select File for a specific amendment. Senator Synowiecki, followed by Senator Friend.

SENATOR SYNOWIECKI: Thank you, Senator Cudaback, members of the Legislature. I rise in my capacity as a member of the Appropriations Committee and I had passed out the latest fiscal note relative to this bill. You know, as a member of the Appropriations Committee, it's a rather meticulous process when we formulate budgets. It's a huge responsibility, quite frankly. It's one of the most powerful committees in the Legislature, and we take that charge and we take that duty responsibly. It's a meticulous process. The Appropriations Committee will go through our entire state budget, literally

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line by line, as a committee in Executive Session. Then you move to the public hearing portion of the appropriations process. And department heads and anyone and everyone that has anything to do relative to budgetary matters comes before the Appropriations Committee during our public hearing process; again, a very meticulous process. It's not unusual at all for Appropriations Committee hearings to run into the late evening or into the evening hours, and then we're not done there. After the public hearing process, we return as a committee, if you will, for the third round or the third look at our budget. Again, every member takes this duty with the highest level of responsibility. And we, on a third round, again go line by line by line through the appropriations process, through each department, through each bureaucracy. As a member of the Appropriations Committee of the Legislature, putting aside all of the other arguments, all my other speeches on this bill, I have some huge concerns--huge, huge concerns relative to the fiscal aspect of this bill. The immediate ramifications, \$150,000 in 2006-2007, I think for what that sets in motion can be justified. That portion of it, we're essentially increasing the bureaucracy at the Department of Education, bringing on some more administrative people at the department. Likewise, in 2007-2008 fiscal year, the fiscal ramifications of this bill are \$487,000. But in 2008-2009, the fiscal impact of LB 1024 is a General Fund appropriation of \$26,292,400, \$26,292,400. The for year '09-10 budget, \$28,189,000. And here's the kicker. I would welcome you to turn to your fiscal note on this bill to our for year '10-11 fiscal year. Nine question marks, (laugh) we don't even know what this thing is going to cost. There's nine question marks, and if you look at the category where these nine question marks are, members, under the allowable growth rate expenditure, if you go to the narrative, let me read you what it says. Allowable growth rate exception...

SENATOR CUDABACK: One minute.

SENATOR SYNOWIECKI: ... "Major unknown significant impacts of the bill" are within this category. What do you tell your constituents, like they've called and asked me, Synowiecki, what's this bill going to cost us? Well, I could tell you, in for year '08-09 it's \$26 million, '09-10 it's \$28 million. But

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guess what? All I can give you is nine question marks. I have no idea. And as a responsible member of the Appropriations Committee of the Legislature, on that basis alone you can't support this bill. On that basis alone, I have seen the Chairman of our committee vote red on fiscal matters that are less than \$100,000, less than \$200,000 on A bills; on my bill, \$750,000. But yet, we will adopt a bill that will set in motion an expenditure beyond \$28 million in the next year biennium, and then in '10-11...

SENATOR CUDABACK: Time, Senator.

SENATOR SYNOWIECKI: ...we have no idea. Thank you.

SENATOR CUDABACK: Thank you, Senator Synowiecki. Senator Friend, followed by Senator Kruse, Cornett, Beutler, Raikes, Erdman, and others.

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. I'm always...I'm fascinated by, and I brought this up a couple times, I'm fascinated by the argument within, not just our Legislature, but other legislatures, that says we have to do something. Failure is not an option, that type of thing. This isn't the Apollo 13. We don't have, you know, Haise, Swigert, and Lovell on the dark side of the moon and leaking oxygen like a sieve. They got home. The sun will come up and the birds will sing tomorrow if this bill doesn't pass, folks. We know that. Failure, by the standards of people outside of this body, is an option here. I don't think it's failure. I think you look at this bill and you say there are complications that normal legislators and normal legislatures shouldn't have to deal with in the time frame that we've had to deal with them. There are questions, we've raised legitimate ones, amendments all over the board, 20 of them, and we are rushing to judgment. We've been down that road. And I've been down the bicameral/unicameral road, too, and I'm not going to go down that road too hard. But I'll tell you what. Anybody that's still here next year--I could be, I guess, and anybody else that is--we are going to go down that road. That is the significant issue here. We are the only unicameral in the country and that has played a part in what we're doing. We all know that. And

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we're going to address that, I swear it. God as my witness, we are going to address that and I've already talked to folks about that. Senator Erdman brought this up to me earlier. Look Mike, nobody has come up to us with any alternatives. Nobody came up on Select File. Nobody said, all right Mike, if not this, then that. Well, guilty as charged. I did think that an alternative was to remove the Chambers language from the original bill and I probably could've skated with LB 1024. But I don't know if that's...clearly, that's not an option now. So guilty as charged. But what I would say is this. Here are our alternatives. We can come back for a special session. I signed that sheet that Pat Bourne had. I signed it...I didn't ask my employer, I didn't ask my wife, but I signed it...to either get rid of the superfluous language that we have a problem with during that time frame or to create other types of framework or whatever we want to deal with this issue. That is an alternative, that's an option. Here is, again, a viable second option. This bill dies. Legislatures all over the country do it all the time. The federal government does it all the time. It is a viable option. Kill this bill. It's available to us. I believe this. I believe if we're going to pass this based on the constraints and the tools that we have as a Unicameral that I talked about, it should take 33 votes to pass this. That's what we have, and I firmly believe that this is the type of reform and a serious enough issue that we should have to go out and get 33 votes. We should have to go get that supermajority, and if we don't, the answer is always this. If the bill fails...if we get the 33 votes, the bill passes, we're going to get sued. If we kill the bill, we're going to get sued. If we leave here and walk out to our car and it's locked, we're going to get sued.

SENATOR CUDABACK: One minute.

SENATOR FRIEND: If we fall down walking out of here, maybe we could sue somebody. I'm tired of the talk of the lawsuits. Bring them on. But the facts of the matter is, Senator Brashear was right. We make the decisions and one of the decisions right now available to us is to go to 33 votes and make a determination as to whether we want legislation like this out there for 20 new people that we know of coming in to have, to

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take their hands to it and try to work through that piece of clay. I'm troubled by the unknown. And you can't tell me I knew what I had when this bill came out of committee, because I finally got done reading it. I just finally got done, last night when we got home, reading the amendment that we put in on Tuesday night.

SENATOR CUDABACK: Time, Senator Friend.

SENATOR FRIEND: I'm troubled by the unknown.

SENATOR CUDABACK: Thank you, Senator Friend.

SENATOR FRIEND: Thank you, Mr. President.

SENATOR CUDABACK: On with discussion, the motion to return. Senator Kruse, followed by Senator Cornett.

SENATOR KRUSE: Mr. President and members, thank you. I will be opposing Senator Howard's amendment and you'll understand why shortly, but I certainly commend it. This is a good thing to talk about. Do we want to go for 15,000? And if we do, it should be all across the state. I've been challenged by several people to file that amendment. I'm glad somebody did. But I stand in support of the base bill, LB 1024, and that's the real question before us right now. Are we supporting LB 1024 or do we stop? What will happen down the road has been asked by several on and off the floor. Well, we'll not know unless we get started on that road, and that's exactly where we are. We have to start down that road. If we wait a year, we still won't have started, we'll have all kinds of questions we won't be able to fine-tune because, friends, the fine-tuning depends upon what happens after we start. That's where we are. Getting started is precisely what we're doing. It's really no more than that. We're ordering a start to the discussions. And number two, we're freezing the boundaries so that the discussion will be on education. We need, in Omaha, a discussion on education. We've not had it and we won't have it until we have a bill like this. The learning community of 11 districts is a wonderful concept. I'm more entranced with it and impressed with it as we go along. That's what we need, 11 districts looking at it. This step, I

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would remind all of us, is hard on every district. We've been focusing on OPS but it's a tough go for the other districts and we need to acknowledge that. I would like to correct the record for the public. I don't think we're confused on this floor but some have accused us of that. I have my own set of e-mails this morning. We have, correcting the record of some things that have been said, we have excellent education in the Omaha metro area by these 11 districts. Many persons are dedicated to that education. I will speak specifically to OPS. Many of the statements made on the floor have not been true. I've been asked why I didn't challenge them. It's because we're trying to deal with other things. But many have not been true. One man did not ask for neighborhood schools. We did, we voted on it. We set up a united district, voted a huge bond to build and add to low-income schools. Six of those schools are in my district and it's happening. We do not short fund low-income schools in their operation. That's been implied, that they can't get copies and stuff. That is ridiculous. And I'm quoting a principal who called back from another school and said, any of us can get all of the copying we need done free by going to the district office, and all of us have copiers in our schools. That is not the question before us. There is a principal responding in this morning's paper, and I quote: the efforts of OPS to fight for the future of schools are genuine and for the right reasons. I say amen. We have good education, we have good people working. Now many have spoken of the arrogance of OPS and I've acknowledged that on the floor. I hope no one misunderstands that I...

SENATOR CUDABACK: One minute.

SENATOR KRUSE: ...agree with that. I have had no experience of arrogance with any individual, teacher or administrative, in OPS. But I acknowledge that others have felt it that way. The three-way split that we are considering, in my opinion, is punitive and not needed. But it is there. It is there, and I am accepting it on a condition that every one of us here knows about, that somebody needs to say out loud. We will stand right here and are, and we will continue to stand here unless, unless OPS comes to the table as a full participant. If they come there as a full participant, then we have a learning community

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that says, ask questions with us and we have to respond to them. This is not a promise of any kind.

SENATOR CUDABACK: Time, Senator Kruse.

SENATOR KRUSE: It's just the reality we all know that we examine this each year...

SENATOR CUDABACK: Time, Senator.

SENATOR KRUSE: ...it is not...did you speak?

SENATOR CUDABACK: I did, Senator, sorry.

SENATOR KRUSE: Time? Thank you.

SENATOR CUDABACK: It is time. Thank you. Senator Cornett, followed by Senator Beutler.

SENATOR CORNETT: Thank you, Mr. President and members of the body. I am not going to stand here today and recite my objections to LB 1024. Everyone in this body has heard them repeatedly and heard the objections of the people against LB 1024 repeatedly. I am going to ask each and every member of this body to stop for a moment and to think: to think why are they voting for this bill, to ask themselves why they are supporting LB 1024 and why they're opposed to it, to look into their hearts and to ask themselves if they are voting for this bill because they are angry at OPS. I'm angry at OPS. I'm angry that this was brought to the Legislature in this manner. But I'm asking you, are you looking at this because you are angry and with a desire to punish? I'm asking them to ask themselves, are they doing the right thing for the right reasons, those reasons being the welfare of the children, not the children in their districts but the children in all districts; to ask themselves if they are doing this out of anger because we did it to them when we as a body enacted LB 126. I ask them if they are doing this because it will help their district at the expense of the metro area and the metro area's children. I understand the difficulty the rural districts have in financing. I stand here to remind you, we were elected to

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enact laws based on impartiality, to remind you we are passing law. We cannot, I repeat, cannot pass laws punitively. We are not the enforcement branch of government. We are here to pass laws to make our state a better place to live, a place where people want to live, and a place where people want to relocate. This is about perception. How are we as a state going to be perceived by the nation and by the world? Is this the image that we wish to present? Already, a major convention has cancelled in the metro area because of the perception of this bill. I want to ask you if you really understand the full impact of LB 1024 to the state as a whole. What are its long-range implications? What is it going to cost? How are we going to force districts, when they reach that magic number of 25,000, to sit down at the table and discuss boundaries? Senator Raikes says there's nothing in here to force them to do that. The boundary issue is why we are here today. Has this bill in its current form had a public hearing? Have we heard from the people it will affect, or are we moving forward as a body without the will of the people? Have we answered the questions? Are we state sanctioning segregation? The Attorney General doesn't believe this question has been answered. No one has had time to fully digest the bill and its ramifications, neither do a majority of civil rights attorneys I have spoke to since Monday. Will this bill cause us to be sued? This body seems to be afraid of being sued. That's what keeps being brought up. OPS is going to sue, Millard is going to sue. We are going to be sued. We can't be afraid of that. The question is, do we wish to be sued by a school district or do we wish to be sued by a national organization based on what is perceived as segregation? This body needs to understand that...

SENATOR CUDABACK: One minute.

SENATOR CORNETT: ...whatever we do, we will be...we're drawing national attention to our state. I'm going to ask one last time. Please stop, think. Why are you voting? Analyze your reasons. Look into your heart one last time and ask, is this the right thing to do for all of the children? Thank you.

SENATOR CUDABACK: Thank you, Senator Cornett. (Visitors introduced.) On with discussion, Senator Beutler.

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SENATOR BEUTLER: Senator Cudaback, members of the Legislature, I have struggled with this bill as all of you have, and I'm going to stick with the bill. And I just want to explain very briefly why. I don't think there are but a handful of people in this Legislature that can claim to have acted more substantively and more often on behalf of low-income people or low-income, at-risk kids. I care deeply about them. The question is, how are they best served? And the way I see this plan is that we are actually going to put into place and operate with both models--the old model, the old integration model that relied heavily on transportation and free transportation and trying to encourage people to mix in that way, plus a very strong integration plan now incorporated into that, which has some heavy penalties for not cooperating with that old integration model. And that thing is going to go on in this bill at the same time that we're trying and experimenting with the new model of closer governance, better governance, a governance more akin to the population that is being served. And who is to say that that model may not work also, and who is to say that the two models working together may not be the best model of all? But we are at this point now that we have to take into account, I think, yet another factor, and that is that we are an initiative and referendum state. We are a populist state. The people, at any point in time, can choose to act if we don't act or if we act inappropriately. They are there and they have options and we always have to be looking over our shoulder. And this bill, this issue is indelibly imprinted on the minds of people by virtue of the traumatic series of events of the last week. So I think that initiative, in this instance, represents a danger to us all. I think it represents the danger of an oversimplified solution. I think the people may be inclined, without a deep and long experience with a complex issue, to adopt an oversimplified action or scheme or set of statutes that may, in the end, be worse for low-income, at-risk kids than we can ever imagine. Who knows what would happen? But if you pass this bill, you keep it in your hands here, and I trust this Legislature more than I trust the people on a complex issue of this nature. And I think that they will continue to trust us if we continue to work at it. But if we throw this all aside, you can bet on the fact that there will be an initiative and then

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you can only hope that it's something that represents a superior solution to what is before you today. I don't want to bet on that. And notwithstanding that there will be 20 new people in here, I think that, with this model in place,...

SENATOR CUDABACK: One minute.

SENATOR BEUTLER: ...there will be modifications. There could be a special session anyway, even if we pass this bill. Maybe we'd want to do that. But absent that, there will be next year to work on it before anything happens. And as with all complex legislation, through a series of work year by year, we will polish and finish and refine and make it better. And I don't think anybody in this body has any other objective than to make it better for all students and, most importantly, low-income, at-risk kids. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. Mr. Clerk, items for the record please.

ASSISTANT CLERK: Mr. President, I do. New resolution, LR 454 offered by Senator Engel. The following bills were delivered to the Governor this morning: LB 1175, LB 1227, LB 1248, LB 1248A, LB 1249, LB 1256, LB 1256A. LR 272CA was delivered to the Office of the Secretary of State. Name adds: Senator Price to LB 1006 and to LB 965. (Legislative Journal pages 1661-1662.)

Mr. President, I do have a priority motion. Senator Preister would move to recess until 1:30 p.m.

SENATOR CUDABACK: You've heard the motion to recess. All in favor. All opposed, nay. We are recessed until 1:30.

RECESS

SENATOR CUDABACK PRESIDING

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SENATOR CUDABACK: Good afternoon. Welcome to the George W. Norris Legislative Chamber. Senators, the afternoon session is about to reconvene. Please record your presence. Record please, Mr. Clerk.

CLERK: I have a quorum present, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Do you have any items?

CLERK: I do, Mr. President. A communication from the Clerk, served upon the Chief Justice this...over the noonhour, the articles of impeachment, pursuant to Article III, Section 17, Mr. President. I received, pursuant to that action, proof of service and receipt of resolution (re LR 449), acknowledged by the Chief Justice of the Nebraska Supreme Court. That's all that I have at this time. (Legislative Journal pages 1663-1664.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Mr. Clerk, please inform the body where we were when we recessed for lunch.

CLERK: Mr. President, Senator Howard had pending a motion to return LB 1024 to Select File for a specific amendment, AM3261.

SENATOR CUDABACK: Okay. There are about 12 lights to address the motion to return to Select File. The first five are Senators Raikes, Erdman, Connealy, Schrock, and Bourne. Senator Raikes.

SENATOR RAIKES: Thank you, Mr. President, members of the Legislature. LB 1024 says the discussion will continue. This gives us a new starting point. It gives new incentives for both sides to participate. But the message is, the discussion will continue. As I've mentioned several times, I won't repeat, only four things happen as a result of this...passing this bill, before the Legislature meets next time. What are we requiring with LB 1024? These things: cooperation among school districts, sharing resources between school districts, mutual effort to enhance educational opportunities for students, and address of diversity issues. I don't think anyone can say that any of those is a wrong direction. What LB 1024 does is sets

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the direction and says we will continue the discussion. This body has not been one to refuse to address difficult issues, and this one is absolutely a difficult issue. It's not one we took on ourselves. It's one that was brought to us. But nonetheless, this body has a very firmly established reputation of being willing to take on these kinds of issues. There are opponents, and those opponents have made their case admirably. They've been dignified, they've been respectful, they've been competent, a little more competent than I'd really like, but that's the case. The majority of this body believes that LB 1024, as I do, is the thing to do. We need to go forward. We need to establish a direction and continue the discussion, and that's what LB 1024 is about. Thank you.

SENATOR CUDABACK: Thank you, Senator Raikes. Further discussion? Senator Erdman, followed by Senator Connealy.

SENATOR ERDMAN: Thank you, Mr. President, members of the Legislature. I had a great idea, and I think it's a little too late, but I'm going to give it to you anyways, and then we can decide. But I would...based on what I know, I don't know that it is viable. What's before us is an opportunity to hold everyone's feet to the fire, and that's fantastic, because frankly, up until this point and up until probably Select File or late in General File, we probably only had the attention of some. I think we have the attention of all. And an idea such as holding the boundaries in place, repealing the 1891 law, and repealing LB 126 as an amendment to LB 1024, to bring the bill back, adopt the amendment, have a resolution shortly after that to extend the session for two days, and to vote on that and go home and allow the special session or the next session to deal with this issue, was what I was thinking. Now, a lot of things have to happen. Senator Kremer tells me that's a bad thought because he wants to go home and plant corn. Great. I understand all that, and I understand this process, and I understand that that may not be a workable solution. But it is an alternative. It's one that I would support. I have supported LB 1024 to this point. It was because I had hoped that we would come to a resolution in which those that are opposed to LB 1024 would be able to stand up and say, this is the alternative to what is going forward, and that we could get

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behind. And I will be flat out honest, and Senator Friend, you are not guilty as charged, you actually presented an alternative that you could support, and I appreciate that. But at where we stand today, and just, candidly, with the amendment before us, I will not be voting for Senator Howard's amendment. And it is not because that, had we had a discussion about this proposal, that I may not have supported. It's because this idea was filed on April 10, the substitute amendment was filed today; that's within seven days of the adjournment of session, which is an unconstitutional amendment, because it is a new idea introduced to the Legislature, and the fact that this would be adopted would kill the bill. But if the amendment was adopted, it would bring constitutional questions under the underlying bill, in addition to what some may argue are already there. So to take this to a vote and to read into that vote what it means, I'm letting you know why my vote will be what it will be, and it won't be because of the underlying issue, but because of the issues that surround the law behind that. But we did have the opportunity. We've discussed it. We've actually debated LB 1024 many more hours than we debated LB 126 last year, contrary to popular belief. I know that last year, LB 126 seemed like forever, and it did. And some may say that this has only seemed like forever for the last few weeks, and it probably has. But again, a viable option that I would have supported and I had offered to those that oppose LB 1024, prior to today, and we went through this process, was what I have outlined to you today. And we wouldn't have had to extend the session at that time, but we would have had to have cooperation and a unity of thought to get there. So where we stand today is a realistic up or down vote. And I could go for the cloture motion, in order to be fair to those that had to overcome that hurdle prior to this vote on this bill; and I could probably support the motion to suspend, because it's a rule of 25 that passes laws, and that's what we should be about. And there are members in this body that have voted for cloture on bills that they opposed, so that we could have an up or down vote. But it's Day 60, and we have worked hard. And there would be a viable option. I've shared this with Senator Bourne and others. It would require the commitment of other members to be here beyond today, but I don't know that we're willing to do that. But I'll throw that out there for your thoughts. Like I said, I'd be willing to

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support that effort. But I think that at the end of the day, when we have weighed the effort, what we have done is we have held feet to the fire, we have done it in a way that is...

SENATOR CUDABACK: One minute.

SENATOR ERDMAN: ...balanced. I don't like the position that I'm in. I don't like the position of being forced to vote yes or no on something where there is not complete agreement, knowing what happened last year. And that is why I'm sensitive to that, and that is why that I tried to bring an idea. And again, I would be willing to support that. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Erdman. (Visitors introduced.) On with discussion. Senator Connealy, followed by Senator Schrock. Senator Connealy.

SENATOR CONNEALY: Thank you, Mr. President, members. And we had the Governor make a statement on this bill, and in his statement yesterday, he had a seven-paragraph statement, and in the sixth paragraph he said, it's clear to me that the motivation behind this proposal is neither segregation nor separation. But we know...we all know that that's not true. We were all here at the beginning of this debate. With the addition of the Chambers amendment, this bill is about separation and segregation. No matter what all the other good things are in this bill, locking up borders, and the learning community, and the Heidemann amendment that helped the schools, we are tied now to separation and segregation with this bill. Unless we pull that out, it's just going too far. It's farther than I can go. To divide up on the lines of race, which this bill does, is too far for us to go, no matter what the good things are in the bill. And I believe that we need to step back and say, we cannot do this, we can't turn the clock back years of planning. Like, we could offer control and curriculum and advice and things like that for local schools in Omaha and other places. But to divide up into different districts I think is a major step backwards for this state, and it's something that I just can't do. Thank you, Mr. President.

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SENATOR CUDABACK:      Thank you, Senator Connealy.      Senator Schrock.

SENATOR SCHROCK:      Mr. President, and good friend, Senator Cudaback, I will speak once on this.      I have not spoken on General or Select.      When we adjourned last year, there was turmoil in rural Nebraska.      Some of us got over it; some of us haven't.      That's okay.      Things were quiet in Omaha, until the bomb dropped.      And we've been seeing them tossing grenades all year long, and the Education Committee be playing the spear-catcher, to throw spears to.      What did you think, from Omaha, that you could come down here, we would throw a little fairy dust on this, and you could go home and everybody would be happy?      I wish it was that way, but it's not that way.      No matter what we did, we couldn't satisfy people.      That's why I delayed voting the bill out as long as I did, because I thought maybe there could be some agreement.      But there isn't.      So now we have LB 1024.      I have some advice.      Move forward.      You've got two years to come back with your own plan.      If you as a metro area can come to an agreement, I am sure this legislative body, who I will not be a part of, will embrace it and go with it.      There's about 30 people in here that says, you know, as long as those of you in the Omaha area can get along with this, they'll vote it for you.      You've got two years to do that.      What's so bad about this?      I know you didn't get what you want, but grow up and move on and quit your whining.      Thank you for your time.

SENATOR CUDABACK:      Thank you, Senator Schrock.      Senator Bourne, followed by Senator Flood.      Senator Bourne, Senator Flood, Senator Synowiecki, and Senator Friend, Senator Price, Senator Kruse, Senator Redfield, Senator Jensen.      First up, Senator Bourne.

SENATOR BOURNE:      Thank you, Mr. President, members.      I was talking to Senator Raikes when Senator Schrock got up.      I'm not sure exactly what he was referring to, but if he's read the material that I handed out this morning, the letter from the Attorney General, I would respectfully suggest, Senator Schrock, that this is a lot more than whining.      What we're being asked to do, in my opinion, and in the Attorney General's opinion, is advance a bill that's not constitutional.      I mentioned earlier

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when I spoke that yesterday we used the Oath of Office to impeach an individual who happens to be a Regent for our university. That very oath prohibits us from passing a bill that is unconstitutional. I've said this before, that the bill is unconstitutional. You've had distributed to you a letter from the Attorney General. I would urge you to read it. The bill, in his mind--and I'm not going to go through the whole letter--in sum, while this is a cursory analysis, because I asked him for this yesterday, we feel that LB 1024 raises serious constitutional issues for your consideration. Sincerely, Jon Bruning, Attorney General for the state of Nebraska. Just so you know, the Attorney General has an obligation, if he or she determines that we pass a law that is, in their opinion, unconstitutional, they have an obligation to sue on behalf of the citizens of the state of Nebraska to prohibit that law from going into effect. Now, nowhere in this letter does Attorney General Bruning say he is going to sue. But he says his cursory analysis of the issue makes him think that there is great pause...or, great cause for concern. So again, I want to reiterate, we impeached someone yesterday, relying on the Oath of Office. That very Oath of Office says we shouldn't pass a bill that we suspect is unconstitutional. That, to me, is as clear as day. I don't think this is whining. I think this is a legitimate discussion. I voted LB 1024 out of committee, and I would do so again today, although I would ask for a little bit of a commitment that it didn't get substantially changed on the floor. But I do support the concept of LB 1024. I just am adamantly, with every fiber of my being, am opposed to the Chambers amendment that will split the Omaha school district into three minority districts...or, excuse me, into three racially divided districts. I challenge each of you to go to the map that was handed out on the floor, that was...that illustrates the Omaha Public School District. If you look at the language in the bill, it says, contiguous with two or three high schools within it. I challenge each of you to draw a map where there is not segregation. You cannot do it. You cannot physically divide up the Omaha Public School District in a manner other than a segregated manner, under the language of the Chambers amendment. Even segregation with the best of intentions is unconstitutional. There is no doubt in my mind that this bill is unconstitutional. We have had newspaper

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articles distributed to you, we've had Attorney General Opinions...or, letters, given out to you, that indicate there's a great concern. And yet, this is whining? It doesn't make any sense to me. I gave Senator Raikes this analogy, in the hallway. LB 1024 was referred out of the Education Committee on March 29. Here we are, April 13. That's somewhere around 14 or 15 days. In 14 or 15 days, this Legislature literally has taken OPS, has them by the ankles upside-down over a 15-story building, and we're holding them right there. Now, you think about this. Everybody says, we need to do something to get OPS up to the table. Think about this carefully. Think about this very carefully. In less than 15 days, this Legislature has turned OPS upside-down,...

SENATOR CUDABACK: One minute.

SENATOR BOURNE: ...divided their district, and next year, when there's 20 new legislators, OPS is going to be even further disadvantaged. So if you don't think that you can't get to this same spot in January in 5 days, I suggest you're wrong. To say that this is not the ultimate wake-up call to OPS is to ignore the facts. In less than 15 days, you have turned OPS upside-down, divided their district into racially divided areas. To say that this isn't going to get their attention and make them come to the table is beyond comprehension. If this isn't a slap upside the head that will get them at the table, assuming they weren't there to begin with, I don't know what is. How can we, in good conscience, pass a bill that by every indication is unconstitutional? I know Senator Chambers got up and he wrinkled up the paper about the Attorney General's Opinion.

SENATOR CUDABACK: Time, Senator Bourne.

SENATOR BOURNE: But I suggest that you take a read, you read this Opinion.

SENATOR CUDABACK: Thank you, Senator Bourne. Senator Flood, followed by Senator Synowiecki.

SENATOR FLOOD: Thank you, Mr. President, members. I remain opposed to LB 1024. And I appreciate what Senator Bourne said

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about talking about our duties as legislators. And I can't tell you with certainty that this is constitutional. The Attorney General raised some important questions, but said that he had not had the time to make a full analysis of whether or not this was constitutional. But I haven't voted on...I chose not to vote on the Chambers-Raikes amendment, because I had serious questions about its constitutionality. At every turn since then, General, Select, and now today, I am steadfastly opposed to this, not just because this has all come about in the last ten days, but also because I'm not going to attach my vote to something that I have serious questions about constitutional issues. And it's a hard position to be in, because I came down here to represent the 19th Legislative District, and if LB 1024 went through, I'd see \$500,000-plus come to my school district in the city of Norfolk, because of a stabilization...because of the number of minority and English language learners. And that's hard not to vote for. If this bill went through, because of the stabilization component that was placed in the bill thanks to Senator Heidemann, which I have voted for and applaud, Elkhorn-Valley Schools in the western end of my district would see another \$100,000, and they need that desperately. They're losing students, but they can't afford to keep fourth grade teachers. And so I have a \$600,000 reason to vote for this bill, but I'm not going to do it, because I'm going to rely on my legal instinct rather than my political instinct, to do something that is constitutionally sound. And if it is constitutional, then let's research it for the next nine months and make sure that it is, before we recklessly begin down a path of dissolving school districts, the state's largest. I'm not the only rural senator here that stands to benefit from this bill. But don't put money in front of what is right. I can hold my head high when I go home tonight for the rest of the year, and say, you know what, I didn't vote for that; I'll work as hard as I can to get you a stabilization factor next year. I'll look the superintendent from Norfolk in the eye, and I'll say, I had to do what was right, Randy, but you know what, you're going to lose kids because the Tyson plant closed down; we're going to find a way to lessen the burden and the pain. And I would hope that the folks from Omaha and Lincoln and across the state would help us address those types of issues. But I'm not going to do it at the cost of doing something that I

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think is wrong. And I wish some of the folks in the rural areas would put that interest in an immediate check behind you and vote for something that does not make sense. We did not like it last year when they closed down our Class I schools. We do not like getting the phone calls from people that are having problems because of unintended consequences. Let's not do it to somebody else, because, I'll repeat it again, where does it stop? Does Lincoln Public Schools make us mad next year, and we dissolve them? And then Millard, and then Westside, and then Grand Island, and then...what's next? This isn't the right way to create policy in Nebraska. And we have issues in education, and I can tell you Madison County needs more money in the rural areas, and I can tell you the city of Norfolk and our public school system needs more money. But I'm a state senator, and I'm going to vote for what I think is best on a statewide level. Please do not vote for this bill. We can come back. We can do it next year. I don't like the fact that OPS has behaved in the way it has. And on one level,...

SENATOR CUDABACK: One minute.

SENATOR FLOOD: ...I wish we could punish that type of unilateral behavior. I don't want people in Millard to go to bed tonight worried that Omaha is going to come in and invade their...and take over their school district. But I don't like that for the same reason I don't like the idea of dissolving Omaha's districts either. There is an element of fairness here. We're Nebraskans. We should be able to put things on hold and think about this and work through it. But we're about advantage and passing a bill. For what good? Let's come back at this. I don't care if it's a special session. I would like a special session, because I don't want to lose the experience we have in the room today. I don't want to lose a Senator Landis or a Senator Brashear or a Senator Bourne. Some of my rural friends would ask why we want to keep Senator Raikes around. But we do like him. (Laughter) And he's not going anywhere. We do need the experience in this room, and that's why I think, if we're going to do it, let's do a special session.

SENATOR CUDABACK: Time, Senator Flood.

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SENATOR FLOOD: Thank you.

SENATOR CUDABACK: Senator Synowiecki, followed by Senator Friend.

SENATOR SYNOWIECKI: Thank you, Senator Cudaback. Thank you, Senator Flood, for your remarks. I'm kind of going in a little bit different direction. Again, when I got up this morning, I was kind of in my capacity as a member of the Appropriations Committee. And I'd like to kind of reiterate what we're looking at here with regard to LB 1024. And a lot of people...there has not been a lot of discussion relative to the appropriation side of this bill. What happens immediately is an almost \$500,000 expansion of the bureaucracy at the Nebraska Department of Education. For the for year '07-08, you're looking at a \$500,000 expansion of the bureaucracy, new administrators. And then we move to the real expenditure under LB 1024: for year '08-09, \$26 million; \$28 million in '09-10. And the fiscal sheet you have in front of you has about nine question marks for the following out year. Now, I know the political persuasion of a lot of my colleagues is a little bit different than mine. I know...you know, I don't think Senator Fischer, Senator Langemeier, Senator Heidemann, I don't think you ran for this office in a competitive election promising your constituency that you're going to add \$500,000 to the bureaucracy at the Nebraska Department of Education. I doubt, Senator Fischer, that was your platform during your election. I doubt that you ran on the promise to your constituency that you would send \$24 million to the Omaha metropolitan area in increased, in increased expenditure for their school system. Senator Langemeier, I doubt if that was part of your political platform when you came to the Legislature. Your constituents are watching, and that's what you're going to vote on. You're going to set in motion, with an affirmative vote on LB 1024, you're going to set in motion these expenditures: a \$500,000 addition to the Nebraska Department of Education almost immediately, \$24 million additional expenditure to the Omaha metropolitan area for schools. Again, I wasn't involved in any of your campaigns, and I doubt, though, I doubt, though, that that's what your constituencies sent you down here to do, quite frankly. I doubt that they wanted you, knowing the geographical

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srea that you guys represent, I doubt that they wanted you to expand the bureaucracy at the Nebraska Department of Education by \$500,000. I doubt that they wanted you to send \$24 million additional dollars to the Omaha metropolitan area for additional expenditures for the school system. Your constituencies are watching. We need to know what's really in this bill, and as a member of the Appropriations Committee, I'm identifying what's in this bill. Senator Cudaback, I'd yield the remainder of my time to Senator Bourne.

SENATOR CUDABACK: Senator Bourne.

SENATOR BOURNE: Thank you, Mr. President, members. Thank you, Senator Synowiecki. I just kind of want to reiterate all the reasons that we're laying out for you to not vote for the rules suspension, or the cloture. We've got issues with the fiscal note. Nobody really knows what it is. We think it's twenty-some million dollars. Senator Synowiecki has outlined those pretty well. We've got...frankly, the Governor, I know he supports the bill, and I...that's fine, but he's vetoed bills that are tens of thousands of dollars, you know, so that...you might not want to put the Governor in that spot. I don't know. There are some constitutionality issues. We've talked about that. I offered a solution the other night. I don't know what people thought of it. I don't know if they thought it couldn't happen.

SENATOR CUDABACK: One minute.

SENATOR BOURNE: But I had ten of my colleagues that committed to me that they would sign a letter going into a special session. And I'll be totally up-front with you, that is the last thing that Omaha Public Schools wants, is a special session. Right now...or, excuse me, if we were in a special session, that's the only issue that can be dealt with. There's time limits. They would be at a significant disadvantage if we were to have a special session. I'm not saying this with their blessing or anything. Quite honestly, it doesn't matter. But I'm offering us a way out. You're being asked to vote on a bill that's constitutionally suspect. You've read newspaper articles; our own Attorney General has said that. You're being

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asked to vote on a bill that has question marks regarding the fiscal analysis. You're asking to vote on a bill that most of us can't even identify exactly what the bill does and its implications and ramifications. I'm offering you a way out. I told you the other night the names of those folks that would sign on to a letter requesting a special session. I'm still willing to do that. And I know...

SENATOR CUDABACK: Time, Senator Bourne.

SENATOR BOURNE: ...those ten people, ten of my colleagues, said they would as well. That's a way out, if you're looking for that.

SENATOR CUDABACK: Thank you, Senator Bourne and Senator Synowiecki. On with discussion. Senator Friend, followed by Senator Price.

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. Senator Bourne dropped the Attorney General's Opinion on us earlier, and quite honestly, I didn't...a lot of my...a lot of the debate that I've been, I guess, engaged in, or trying to focus on, and my ideas, the things that I was trying to encompass into an argument, have not been associated with this. But I think this is interesting, because Senator Bourne says, hey, look at it, read it, I mean, figure this thing out. The interesting part...the most interesting part of the letter, to me, and I guess I just wanted to point it out, is that, where in Brown v. Board of Education, that the court held, in the field of public education, the doctrine of separate but equal has no place, obviously. The essence of Brown, the essence of Brown is the prohibition on intentional segregation by government action of children for schooling on the basis of race. If such action is taken, it violates the Fourteenth Amendment of the United States Constitution, and does so even if the state believes that separate but equal is superior for minority children. Okay, and to me, that does speak volumes. The section that includes the amendment that we've talked about over and over again, that took the framework of LB 1024, which I supported as well, fundamentally and significantly changed the discussion. And that's why we...that's why this is a legitimate

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debate in regard to where we're going with what we had as framework and now with what we have as specific instructions to take specific action. The amendment still includes that, like I said. I mean, it's very specific in regard to laying out contiguous boundaries and the whole bit. So I, like Senator Bourne, I don't consider this whining. I mean, I...debate, to me, is debate. I mean, I grew up with three brothers, and that's almost like a call to arms: quit whining. All right. They're pretty tough. They're tougher than me. And the point is, I think that this is a legitimate debate. We're on the sixtieth day. I think it's worth talking about. And I pointed out earlier, I just think that this is something that we need to be sure about. This is part of the discussion. And in the long run, at the end, I think that this should require a supermajority to provide those checks and balances. Mr. President, I...that's all I'd have. Thank you.

SENATOR CUDABACK: Thank you, Senator Friend.      Senator Price, followed by Senator Kruse.      Senator Price.

SENATOR PRICE: Thank you, Mr. President and members. I am supportive of LB 1024, but I am opposing Senator Howard's amendment. Prior to the hearing on this bill, the Lincoln Public Schools had indicated to all school districts involved in this bill that the Lincoln schools would watch the process of the bill, but not get involved. Now it appears that there is an attempt to pull LPS into the fight with this amendment. It appears to be an indication to discuss the size of school districts. Senator Chambers' amendment addressed the involvement and control parents have in influencing their schools that their children attend. I served on the Lincoln Board of Education in Lincoln for 14 years, and I'm very familiar with the management style of this district. Lincoln Public Schools is a decentralized school district. What does that mean, to be decentralized? It means that individual building principals have the ability and responsibility to make decisions about staffing the school they lead, what supplies are needed for the students of that school, and what equipment is needed for that school. In Lincoln, building principals make decisions about their school, and parents have immediate access to building principals. Part of a principal's evaluation is

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done by the parents of the school the principal serves. Because principals have the ability to select the teachers in their school, the range of experience and degrees that teachers have is widespread. Because a new teacher and a teacher with 20 years of experience have equal value in the points they are used for staffing, principals may select the best teacher to meet the needs of the students attending that school. The citizens of Lincoln approve of the educational experiences their children are getting in Lincoln Public Schools. On February 14 of this year, 63 percent of the people voting approved a \$250 million bond issue. A plan to improve the schools' buildings that schools (sic) attend in all areas of the school district was one major factor in passing the bond issue. The Omaha area debate is a serious issue involving education. Bring another school district into this discussion at this time diverts the necessary attention that needs to apply to the issue at hand. And again, I encourage you to vote no on this amendment. Thank you.

SENATOR CUDABACK: Thank you, Senator Price. Senator Kruse.

SENATOR KRUSE: Mr. President and members, thank you. First, I'd like to give a word of appreciation for this discussion. I don't resent at all that this is happening. I welcome it. We do need that extra time, and there have just been a number of profound statements of conscience made. I really do appreciate that. I appreciate my colleagues. Second, a word to Senator Bourne, and anybody that was resonating with the Oath of Office thing. The Oath of Office of Mr. Hergert had no effect on my vote. And since I was one of the 25 that was necessary for the vote, please get off the thought that the Oath of Office did it, or late filing, or misleading filing. None of that played in my decision, so get off that. And I'm speaking more to the public than to this body, of course, at that point. Third, this is not segregation. The...and the Attorney General did not say it was. He said it raised questions. Well, it raises questions. But there's no way that I have to defend my conscience that this body is intending to segregate any part of our state. There may be individuals who have been challenged in the press, but no one in conscience can say that this body is intent on segregation, or that this body would not resist segregation. I voted my conscience, and I'll be voting my conscience here as I support

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LB 1024.      It is not a popularity contest in my district, I assure you.      (Laugh)      I'm getting all kinds of advice, people that say I'm flip-flopping and so on, between these issues of conscience.      Not in my mind.      I have said from the beginning, when you've got a fight in the room, it's time to stop the fight.      That's priority.      That's where I've been from the beginning.      We've got to stop the fight.      There is no evidence--and I'm not talking to just OPS--there is no evidence that any of the districts in this fuss would come to the table unless we direct them to do so.      We've been asked to stop and think.      I welcome the chance to stop and think.      And what I'm thinking, genuinely trying to rethink it all, is that it is a reality that many changes will come down the road as we get responses.      I do not expect this to raise the state budget, but if it does, the figures that we've been talking about is .5 percent of what we give in TEEOSA aid.      I do not expect that to happen, because I expect OPS to come to the table in a very open and willing fashion and welcoming those other districts who are trying to help us and are willing to help us solve a huge problem that we and OPS cannot do on ourselves.      It is, to me, unreal that we would consider fussing with the details, at this point, on factors we do not know.      We have to wait for this...we've got to get it started and then see how it plays out, and that learning community will give us a good education.      They, I hope, would discuss what the proper size of a district would be.      And if they discuss that carefully, especially in tune with Senator Redfield's thoughts,...

SENATOR CUDABACK:      One minute.

SENATOR KRUSE:      ...I would guess that they will find things to do there.      So in closing, we have a negotiated starting point.      I recognize the districts that did...that wanted to stay out of this fight are coming to the fight.      It's not fun.      We're making a promise here, we in the Legislature.      To those districts I say, we are not coming...you are not coming to our fight.      You are coming to our discussion and helping us in planning for excellent education.      We the Legislature, we promise to listen and respond as you share your vision for a metro learning community that carries vision and promise for the future.      I thank you.

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SENATOR CUDABACK: Thank you, Senator Kruse. Senator Redfield, followed by Senator Jensen.

SENATOR REDFIELD: Thank you, Mr. President, members of the body. I respect a great deal the colleagues that have spoken on the constitutionality of the issue, their concerns over the Brown decision and whether in fact we were creating some type of segregation. And I will tell you that not for a moment do I think that that is what is occurring in LB 1024. What we're talking about is enlarging our district, our learning community throughout the metropolitan area. We're incorporating even more districts into that. Are we creating stand-alone districts, truly autonomous, with their own levy and authority, independent of any other board? No, we're not. No, we're not. We're not creating separate districts; we're creating interrelated districts. They will share a levy, they will share a board, they will share the responsibility for an integration plan, and they will be a community service delivery of education in the metropolitan area. I am absolutely comfortable that that is where we need to be. I think it's the next step. I think we're ahead of the nation. We're not going backwards; we're going ahead. We're trying to find a way to bring better delivery of services, to bring the benefits of local control and shared responsibilities in the larger group all together in one bill, and I think that's a good thing. Now, this seems to be the week when I'm sharing family experiences. I've always told people that parenthood is one of the best training grounds for the Legislature. And I can tell you that when you walk into an amusement park with six children, there is only one way that you're going to guarantee the safety of those children and make sure that they really have a good time and a broad range of experience, and that is, you divide up the responsibility, and one parent takes one or two children, another parent takes one or two children, an older child is responsible for another child. And then they can actually participate in more. They don't have to stand there while the little kids go on the little kiddie ride, and the big kids don't get to do anything. But I guaranteed their safety, I guaranteed a broader experience. It was good for everybody. But most important, we were one family having a good time. And I think LB 1024 is about the

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metropolitan area becoming one family of schools, one learning community, far larger than just one city, one school, but all of us together, working to solve the problems. I hope that none of you think that we are trying to go backwards, that we are trying to diminish the opportunity as far as students, the academic excellence that we provide for our students, the social integration of our students, because I think we're going the other direction. I think we're moving beyond our times. Thank you.

SENATOR CUDABACK: Thank you, Senator Redfield. Senator Jensen.

SENATOR JENSEN: Thank you, Mr. President, members of the Legislature. Twelve years I've been here. And some people have asked, what is the toughest vote of your career? Today. Today. It is a tough one. And thinking back, you know, my wife and I are both products of OPS. We met at Tech High, now the administration building. Had five kids; they all went to OPS, and would probably still be going there if we didn't have a fire that totally destroyed our home, and I went and bought a house and live in a house, the first one I never built, but we're still there. And I represent half of District 66, about 45 percent of OPS, and 5 percent of Millard, so man, I'm in the middle of all of it. And yes, I've got calls and I've got e-mails that really tear you apart. But we wouldn't be here, we would not be discussing this, if it hadn't happened on June 6 of 2005, OPS unanimously approved a resolution to claim 21 schools in Millard, 4 schools in Ralston, a large piece of ground and eventually a number of schools in Elkhorn, or to almost wipe out Elkhorn. And then everybody tried to sit down and negotiate. The mayor of Omaha tried that. The Governor of Nebraska tried that. The Education Committee tried that for a number of months, weeks, and then they brought it to us to make a decision. I don't like to make decisions like this. I've got five kids, and when they would argue, sometimes I'd grab them both by the hand, or by the head, and I'd say, I'm going to make the rules. Well, they've brought it here, and now we're to make the rules, and that's what we're doing here today. And we can look at this and say this is the end, or we can look at it and say this is the beginning. This is the beginning of a new chapter in schools in Nebraska, certainly in the metropolitan

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area. A learning community has been talked about, and then dividing up OPS into three different districts. By the way, District 66 has been confined for a number of years, a district within a city, functioned quite well. It's going to change, however, from a district that received no state aid, but because of the reconfiguration, to a district that will receive state aid. But we could look at this as the end, but I think it's better to look at it as a beginning, and how we move on from here. And if LB 1024 is passed, how can we ensure that we're going to end up with the best school system, not only in the state, but in the nation? That is the kind of vision that I have. That is where I'd like to go with this. And I think we can do that. I think that we can be a model. I think that we can have a board, a...that is made up of all of those districts within that learning community, and I think we can have competition, and I think that we can reward those who are doing a good job, and those that are not, we can help along. Every one of these districts, we're not saying that if you're a white district you can't have black or Latinos. Again, 66 has reached out and brought a number of those in, and they can...I think they're going to do more of that, as well as all the districts will. Some will have more than others, but we're all part of the same system. Our goal is to provide the best education for Nebraskans that we can. I think that we can do that.

**SPEAKER BRASHEAR PRESIDING**

**SPEAKER BRASHEAR:** One minute.

**SENATOR JENSEN:** I'm committed to LB 1024. I'm committed, after that, when I'm out of office, to ensure that we still have a good system. I'll attend meetings. I'll make my voice heard. I think that's our responsibility, whether in or out of the Legislature. So I'm going to vote for LB 1024. I'll stay the course. I'll listen to all those who are opposed to that position, and I'll take their voice, if necessary, and present it to the board, wherever that might be, whether it be within a learning community, or a small district, to help with that. If we can all be committed to that, I think we can all come up with a great system. Thank you, Mr. President.

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**SPEAKER BRASHEAR:** Thank you, Senator Jensen. Mr. Clerk, you have a motion on the desk?

**CLERK:** I do, Mr. President. Priority motion. Senator Raikes would move to invoke cloture, pursuant to Rule 7, Section 10, on LB 1024.

**SPEAKER BRASHEAR:** Thank you, Mr. Clerk. Senator Raikes, for what purpose do you rise?

**SENATOR RAIKES:** I'd like to have the members check in, please, Mr. Speaker.

**SPEAKER BRASHEAR:** There's been a request that all the members please check in. We are on Final Reading. Thank you. Senator Bourne, for what purpose do you rise?

**SENATOR BOURNE:** Mr. President, I'd like to request a roll call vote in regular order, please.

**SPEAKER BRASHEAR:** There's been a request for a roll call vote in regular order. Senator Baker, may we have your presence in the Chamber, please. Members, the first vote before the body is the motion to invoke cloture. We've had a request for a roll call vote in regular order. Mr. Clerk, please proceed.

**CLERK:** (Roll call vote taken, Legislative Journal pages 1664-1665.) 35 ayes, 10 nays, Mr. President, on the motion to invoke cloture.

**SPEAKER BRASHEAR:** Thank you, Mr. Clerk. The motion to invoke cloture is adopted. We will now proceed to dispose of all pending matters to the bill. The next vote is...the next vote is the motion to return to Select File for the adoption of the Howard amendment, AM3261. All those in favor vote aye; those opposed vote nay. Have you all voted? Mr. Clerk, please record.

**CLERK:** 9 ayes, 36 nays, Mr. President, on the motion to return the bill.

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**SPEAKER BRASHEAR:** The motion to return the bill fails. We will now proceed to the motion to dispense with the at-large reading. All those in favor signify by voting aye; those opposed vote nay. Have you all voted? Mr. Clerk, please record.

**CLERK:** 34 ayes, 11 nays to dispense with the at-large reading.

**SPEAKER BRASHEAR:** The motion to dispense with the at-large reading is adopted. Mr. Clerk, please read the title of the bill.

**CLERK:** (Read title of LB 1024.)

**SPEAKER BRASHEAR:** Thank you, Mr. Clerk. All provisions of law relative to procedure having been complied with, the question is, shall LB 1024 be advanced? All those in favor signify by saying...voting aye; those opposed vote nay. Mr. Clerk, please record.

**CLERK:** (Record vote read, Legislative Journal page 1666.) 31 ayes, 16 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

**SPEAKER BRASHEAR:** Thank you, Mr. Clerk. LB 1024 is adopted. Mr. Clerk, LB 1024A.

**CLERK:** (Read LB 1024A on Final Reading.)

**SPEAKER BRASHEAR:** All provisions of law relative to procedure having been complied with, the question before the body is the adoption of LB 1024A. Speaking to the bill, Senator Bourne. Senator Bourne waives off. The question is, shall LB 1024A be adopted? All those in favor signify by voting aye; those opposed vote nay. Have you all voted? Mr. Clerk, please record.

**CLERK:** (Record vote read, Legislative Journal pages 1666-1667.) 37 ayes, 10 nays, 1 present and not voting, 1 excused and not voting, Mr. President.

**SPEAKER BRASHEAR:** Thank you, Mr. Clerk. LB 1024A is adopted.

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Members, while the Legislature is in session and capable of transacting business, I propose to sign and do now sign LB 1024 and LB 1024A. Mr. Clerk.

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Mr. Clerk, do you have any items for the record?

CLERK: Not at this time, Mr. President.

SENATOR CUDABACK: Next agenda item, motions to override gubernatorial vetoes. Mr. Clerk.

CLERK: Mr. President, the first...excuse me, the first motion filed to be considered is one by Senator Chambers. Senator Chambers would move that LB 817 become law notwithstanding the objections of the Governor.

SENATOR CUDABACK: Senator Chambers, you're recognized to open.

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, governors traditionally veto bills that provide a salary increase for constitutional officers. What the Legislature has done in the past is to override. Last time we had a bill such as this that Senator Schimek and I collaborated on, there were some votes lacking when we came to the override because the amount had changed from when the bill was in committee to the time it got on the floor. This bill is in the form that the committee put it in, so I'm asking that you will vote to override. Keep in mind, as I always do when I offer these bills, or cosponsor them, the individual officeholder is not who we have in mind when we do this. We're trying to annex to the office an amount in keeping with the responsibilities of the office. We looked at salaries throughout the country, and based on that we feel that these amounts are very reasonable. And if we vote this in it will give these offices a raise; if we don't, it will wind up being a total of eight years since. So I'm asking that you vote to override this veto or, to put it in the formal language, that LB 817 be made law notwithstanding the action of the Governor. Thank you, Mr. President.

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SENATOR CUDABACK: Open for discussion. You've heard the motion. Senator Chambers, there are no lights on.

SENATOR CHAMBERS: I will ask for a call of the house, and then I will take a machine vote.

SENATOR CUDABACK: There's been a request for a call of the house. All in favor of the house going under call vote aye; those opposed, nay. Record please, Mr. Clerk.

CLERK: 30 ayes, 0 nays, Mr. President, to place the house under call.

SENATOR CUDABACK: The house is under call. All unauthorized personnel please leave the floor. Unexcused senators report to the Chamber. The house is under call. All unexcused members please check in. Senator Landis, please. Thank you. Senator Langemeier, Senator Schrock, Senator Brashear, Senator Heidemann. The house is under call. All members are present or accounted for. Request for machine vote. The question is, shall the bill pass notwithstanding the objection of the Governor? That would be LB 817. All in favor vote aye; opposed, nay. Have you all voted on the question to override who care to? Have you all voted who care to? Record please, Mr. Clerk.

CLERK: (Record vote read, Legislative Journal pages 1667-1668.) 33 ayes, 9 nays, 5 present and not voting, 2 excused and not voting, Mr. President.

SENATOR CUDABACK: The bill does pass. Mr. Clerk.

CLERK: Mr. President, next motion, Senator Chambers would move that LB 817A become law notwithstanding the objections of the Governor.

SENATOR CUDABACK: Senator Chambers, to open.

SENATOR CHAMBERS: Mr. President, this is the bill that funds the bill that we just voted for, and I will ask for your vote on

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this one also. Thank you, Mr. President.

SENATOR CUDABACK: Any discussion? There are no lights on. Senator Chambers, did you wish to close? The question before the body is, shall LB 817A pass notwithstanding the objections of the Governor? All in favor vote aye; all those opposed vote nay. Have you all voted on the motion to override who care to? Record please, Mr. Clerk.

CLERK: (Record vote read, Legislative Journal pages 1668-1669.) 38 ayes, 6 nays, 3 present and not voting, 2 excused and not voting, Mr. President.

SENATOR CUDABACK: The motion to override was successful. LB 817A passes. I do raise the call. Mr. Clerk, next motion, please.

CLERK: Mr. President, the next motion I have is by Senator Stuhr. She would move that LB 366 become law notwithstanding the objections of the Governor.

SENATOR CUDABACK: Senator Stuhr, to open.

SENATOR STUHR: Thank you, Mr. President and members of the body. I move to override the veto on LB 366 based upon the principles of fairness. LB 366 removes the discrimination between lower- and higher-paid state employees by going to a flat contribution rate of 4.8 percent, and also permits state and county employees to immediately contribute to their retirement upon hiring. Yesterday, during the rules discussion, I spoke to you about the importance of having a separate and independent Retirement Committee focused solely on public employee retirement issues. I also mentioned two goals for members on the Retirement Committee were to maintain adequate retirement plans for each public employee group, and to bring about uniformity among the state pension plans. Let me address the goal of uniformity. The judges, the State Patrol, and the school employees' plans each allow immediate participation of their plan members; the state and county plans do not. Currently, state and county employees, regardless of age, have to wait one year before being able to contribute to their

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retirement. Next, let me touch about the second goal, which is providing an adequate retirement for each public employee group. Six years ago we did a benefit adequacy study and that was released in August of 2000. The report recommended that state employees should contribute at least 12 percent of their annual salary towards retirement in order to receive adequate retirement savings. Currently, the state employee contribution rate is 4.33 percent for the first \$19,000, and 4.8 percent thereafter. Each employee dollar is matched by \$1.56 by the state employer. This two-tier rate level inequitably favors higher-paid employees, such as agency directors and upper management, because more of their salary is matched at the upper rate, than for employees who make less. By adopting this flat rate all will be contributing at the same rate with the same employer match. By overriding this veto and implementing the changes contained in LB 366, we will ensure that the state and county plans are able to adequately meet the retirement needs of its employee members. And it is, as I said earlier, a matter of fairness. When you compare the plans to the defined benefit plans for judges, State Patrol, and school employees, employees in these plans have contributed a minimum of 16.9, almost 17 percent, and we are talking about around 11 percent now for our state employees. I believe that these changes that we have contained in LB 366 will help to address some of these long-term structural problems in the state and county retirement plans, and I urge you to support in overriding the veto. I believe it is the right thing to do. Thank you.

SENATOR CUDABACK: Thank you, Senator Stuhr. You heard the opening, motion to override. Open for discussion. Senator Don Pederson.

SENATOR D. PEDERSON: Thank you, Mr. President, members of the Legislature. I'm on the Retirement Committee. I voted for this bill. I now think we need to understand why did the Governor veto this bill, and let me share with you my conversations with the legislative budget office. The effective date of LB 366 is January 1, 2007. The concern of the Governor's Office is the fact that this is being done in the midbiennium. And in the ordinary process, there will be a discussion of wages and benefits with the various employees, and that will take place

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this fall when they'll start to talk about it for the year 2007 and following. Now retirement benefits are not allowed to be one of the conditions of discussion, but they are allowed to consider those in light of salaries and things of that nature, so that the people who are bargaining for the state can have an understanding with the people with whom they are bargaining what the total package will be. And I think we always have a concern about that sort of thing and if it's going to be a question of salary or benefits, I think there needs to be probably, according to the Governor's Office, that open consideration so they can discuss, if you have so many dollars, how do you want to spend them; do you want to spend them in the retirement portion, do you want to spend them in the salary portion. So I think that the Governor's Office is concerned. I'm not speaking for the Governor's Office. I'm reporting to you what the conversation was and why they did it. It's to give them some versatility in the discussion with the various state employees as to the total economic package that would be involved. So it's not questioning the fairness or the unfairness of this particular legislative bill; it's the timing of this bill in conjunction with state negotiations. So it's for that reason that the Governor has asked that this be vetoed at this time, and I'm certain that it would be well considered during another regular biennial budget time. Thank you.

SENATOR CUDABACK: Thank you, Senator Pederson, Senator Don Pederson, that is. Senator Howard.

SENATOR HOWARD: Thank you, Mr. President and members of the Legislature. I stand in support of the override of the Governor's veto of LB 366. First, I want to make it very clear to my colleagues that as a former Health and Human Services employee, I am in no way impacted by this bill personally. It has been a privilege to have worked with some of the finest public servants in the country during my 34 years at the Department of Health and Human Services. I have also been fortunate, as a member of this body, to be here surrounded by another group of dedicated public servants. I want to reaffirm my vote for LB 366, which is the result of several years of work by the Retirement Systems Committee to deal with a longstanding systematic problem of inadequate and discriminatory pension

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system for our valued state workers. I sincerely thank Senator Stuhr for her leadership in this matter. I urge you to reaffirm your commitment to a fair and adequate retirement system by voting to override the Governor's veto of LB 366. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Howard. Senator Stuhr, followed by Senator Stuthman. Senator Stuhr.

SENATOR STUHR: Thank you, Mr. President and members. Just a couple comments: We know that timing is everything and we have, as I stated earlier, been working on this adequacy study since the year 2000. We know that in 2003, 2004, and 2005 we simply did not have the revenues to address this adequacy provision that we are trying to address in LB 366. Also, the bill does not take effect. The operative date is January 1, 2007. And it is my understanding that retirement issues are really not addressed in the collective bargaining process. So when we talk about timing, I do believe timing is important. As I said, we are not looking at the operative date until January of 2007. We are also talking about...there is no A bill attached to this bill because we are talking about 71 different agencies that will be looking at this plan. So I wanted to make those points. And if you look at your green sheets, with your schedules and agendas, on April 11 it does state the cost would be \$1.3 million in '06 and '07. Thank you, and I return the rest of my time to the Chair.

SENATOR CUDABACK: Thank you, Senator Stuhr. Senator Stuthman, followed by Senator Beutler. Members, it's getting a little "buzzy" in here. If you could, for the sake of the speakers, try to hold it down.

SENATOR STUTHMAN: Thank you. Thank you, Mr. President, members of the body. I'm going to give you a little bit information what another portion of this retirement is, and that's the portion that deals with the county retirement plan. What we have at the present time with the county retirement plan is that new employees on the county level, county supervisors, commissioners, elected officials have to wait one year before they can enter this retirement plan. This makes it so that when

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they are employed, on the onset, that they fill out the paperwork at the same time. There's been some problems with county officials, county clerks, of remembering when the individual had been hired a year ago. When one year passes, he must fill out the form. Sometimes it goes a year and a half, and then there's some back payment due. This would clear that up. There's going to be additional costs to the county, though, because there's going to be one year additional cost of their portion of the retirement for that fund, but that is the only thing. I think it realistically simplifies it, as far as the county is concerned, as far as employment. When a person is employed, when a supervisor is elected or a commissioner is elected, they can fill all the paperwork out on the onset of employment and then it's taken care of. You don't have to wait another year and then try to remember if you had contributed or not. So those are my comments. Thank you.

SENATOR CUDABACK: Senator Beutler, motion to override.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, I support the override. It's appropriate. You know, I not only, as you do, work with these people, but I live with them. I know them. I work with them on a day-to-day basis and they're a great bunch of people, and most all of them deserve to be called public servants and not bureaucrats. They're really dedicated to what they do. And I think what we're doing today is only fair. I would also point out, I'm not sure what Senator Pederson said, but if he connected this retirement question to negotiations, I don't think that's the case. I think they are entirely separate from negotiations. It's us who decides what's fair with regard to retirement and I tell you the benefits for these people are not as good as the benefits for others in many, many places in the local systems. So I hope you will see it as your responsibility to decide what's fair here and to vote according to your conscience on the matter. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. Senator Synowiecki, motion to override.

SENATOR SYNOWIECKI: Thank you, Senator Cudaback. Members of the Legislature, I support the override, kind of piggybacking

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off what Senator Beutler was discussing. And as you know, I was a state employee for quite a long time, and the number one issue that I hear from my former colleagues is the inadequacy relative to retirement benefits. And beyond that, there is a very demonstrated inadequacy or inequity, I should say. As Senator Stuhr kind of emphasized during her opening of this override, there is indeed a demonstrated inequity amongst the retirement plans available to various members of state employment, all the way from judges, State Patrol, and then county and state workers. There is no question in my mind that this addresses some of them inequities and would very much encourage you to support this motion to override. It is, without question in my mind, the right thing to do. Without any degree of hesitation whatsoever, I will vote to override in the sense of fairness, in the sense of fairness to our state employees. Thank you, Senator Cudaback.

SENATOR CUDABACK: Thank you, Senator Synowiecki. Further discussion on the motion to override? Senator Stuhr, there are no lights on. You're recognized to close.

SENATOR STUHR: Thank you, Mr. President and members of the body. I will call for a call of the house, please.

SENATOR CUDABACK: Been a request for call of the house. All in favor of the house going under call please vote aye; those not, nay. Please record, Mr. Clerk.

CLERK: 22 ayes, 1 nay, Mr. President, to place the house under call.

SENATOR CUDABACK: The house is under call. All unauthorized personnel please leave the floor. Unexcused senators report to the Chamber. The house is under call. The house is under call. Senators Dwite Pedersen, Jensen, Janssen, Landis, and Schimek. Senator Loudon, Senator Chambers, please. Thank you. Senator...Senator Stuhr, for what purpose do you rise?

SENATOR STUHR: Mr. President, I wondered if I had any time to make a closing statement during the call of the house? Or, no.

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SENATOR CUDABACK: You probably had about a minute and a half left.

SENATOR STUHR: Okay. Thank you, Mr. President and members of the body. I just wanted to remind you in closing that LB 366 removes the discrimination between lower- and higher-paid state employees by going to a flat contribution rate of 4.8, and it also permits both state and county employees to immediately contribute to their retirement upon hiring. And I ask for your support in this override. Thank you.

SENATOR CUDABACK: Thank you, Senator Stuhr. You've heard the closing. The house is under call, and the question before the body is, shall LB 366 pass notwithstanding the objections of the Governor? All in favor vote aye; opposed vote nay. Voting on the motion to override the Governor's veto on LB 366. We're voting on the motion to override. Have you all voted on the question who care to? Senator Stuhr, for what purpose do you rise?

SENATOR STUHR: Yes, I'd like to call for a roll call vote, please.

SENATOR CUDABACK: There's been a request for a roll call vote. Mr. Clerk, when you get time, please call the roll on the question.

CLERK: (Roll call vote begun, Legislative Journal page 1669.)

SENATOR CUDABACK: Members, please keep the noise down, if you can, please. Not only members.

CLERK: (Roll call vote taken, Legislative Journal page 1669.) 30 ayes, 14 nays, Mr. President, on the motion that LB 366 become law notwithstanding the objections of the Governor.

SENATOR CUDABACK: You've heard the Clerk. The bill does pass. Raise the call, please. You may read some items, if you have some, Mr. Clerk.

CLERK: Mr. President, a few items for the record before the

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1256, 1256A

next item. Bills read earlier this afternoon have been presented to the Governor. (Re LB 1024 and LB 1024A.) (Legislative Journal page 1670.)

SENATOR CUDABACK: Mr. Clerk, items, please.

CLERK: Mr. President, communication from the Governor to the Clerk. (Read re LB 385, LB 385A, LB 489, LB 489A, LB 821, LB 845, LB 845A, LB 874, LB 924, LB 925, LB 940, LB 965, LB 1039, LB 1113, LB 1113A, LB 1175, LB 1227, LB 1248, LB 1249, LB 1256, and LB 1256A.) Other communications, Mr. President. (Read communications re LB 965A and LB 1248A.) (Legislative Journal pages 1670-1671.)

SENATOR CUDABACK: Senator Don Pederson, would you like a point of personal privilege? If you do, you may have it.

SENATOR D. PEDERSON: Thank you, Mr. President, members of the Legislature. Just to call your attention to the fact that I have had circulated among you a General Fund summary as of sine die 2006, as of today, and I would note for you that this assumes the passage of all pending A bills and no veto overrides as of the sixtieth day, so this is virtually hot off the press but not quite hot enough to take care of matters that we have discussed today. There are just a few items that I want to call your attention to, and you will be receiving later a complete rundown of the summary including the matters that we took care of today. But, just to call your attention to the fact that the increases in new General Fund appropriation in this budget is \$20.3 million over the two-year period. This equates to about a .4 percent increase over the original budget that was proposed. So, think in those terms. It was a .4 percent increase in what we had originally proposed as of last year. I would also call your attention to the fact that in A bills, that about 90 percent of the dollars involved in A bills is taken up in three bills. You will see those on page 1, and those three bills basically include the bill for instream appropriation for the ground water rights, the change of provision for the sex offender law, and the university and college capital construction proposal. So, if you will look over on page 3, you will also see what has been alluded to many times and that is

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the General Fund financial status as of this time. And you will see that currently we have a surplus for this year, but in the year 2008-2009 you will see that there proposes a deficit of \$270 million. This is not unusual. Usually we have this kind of a deficit in the out years. And if you will look down on the line that talks about, which is line--if I had my glasses I would tell you for sure--34; on 34 it talks about revenue growth projections. And as of now, as you see, last year it was 9.5 percent, 7.7 percent increase in gross revenue. Now using as they do the historic average criteria, you will see that the Fiscal Office is projecting 3.9 percent for the latter part of this year and early part of next year and then 2.3 percent of revenue growth, which means a very serious reduction in the amount of revenue that's anticipated. But this is the historic average. As I've told you before, the historic average over about a 25-year period has been growth of about 5.1 to 5.2 percent. We've been way above that, and the way the Fiscal Office takes care of this on the historic average criteria, is that they say if it's up now it's going to go down in order to meet that historic average. So they always project this in the future. So, I just want to call your attention to the fact that that succeeding \$270 million deficit two years from now is based upon that reduction in revenue which hasn't actually been shown in fact, but it is shown in history. So that's why they bear that in mind, and that's why we show that as an out-year projection of income loss. We will, as I said, have a current, complete story about this as soon as the Legislature has adjourned and the Fiscal Office has had a chance to complete that, and that will be mailed to you. But I just wanted you to have something to take with you as you leave to go home, and this will give you a current status of where we are now are, and hopefully, will bring it up to date completely within the next few days. But thank you very much for your attention.

SENATOR CUDABACK: Thank you, Senator Don Pederson. We will now proceed to resolutions. Mr. Clerk, please.

CLERK: Mr. President, the first resolution, LR 441, was originally introduced by Senator Kremer and a number of members. Pursuant to its introduction it was referred to Reference Committee who in turn referred it to the Committee on

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Agriculture for a public hearing. That committee has reported it back to the Legislature for further consideration.

SENATOR CUDABACK: Senator Kremer.

SENATOR KREMER: Thank you, Mr. President, and members of the body. This seems rather insignificant after we've been discussing some issues that are of great importance, but I think it is important to our state, and I will be very brief. I did pass out a brochure earlier that explained what "25 by 25" is, and I think it could be a significant thing for the state of Nebraska. We did hear this resolution in the Agriculture Committee on Monday. There was no opposition. It was all supporting those that testified before the committee and was voted out unanimously. The resolution recognizes the potential of renewable energy to stimulate rural economic development, environmental stewardship, and agriculture profitability in declaring the Legislature's endorsement of meeting 25 percent of the nation's energy needs from agriculture resources by the year of 2025. And I know you can read the brochure so I won't go into many details. But 2025 is part of an energy futures coalition which is a national group. The coalition is attempting to serve as an umbrella group to those members and alliances including agriculture, environmental, and other stakeholder groups as well as academic, industry, and scientific leaders to develop a strategy, to recognize energy goals, and to enlist the support of government, academic, and economic sectors to implement a strategy. Currently, the group is building relationships with individuals and organizations in each state and seeking to enhance the profile of "25 by 25" project by seeking state legislature endorsements of the "25 by 25" objectives. It's set out in three different stages. The first stage is in pretty well getting wrapped up, and that is to seek to get 50 percent of the endorsements from our congressional delegates, the national, throughout every state of the nation. Stage two is getting endorsement from at least 20 states, the agriculture states, and our Governor Heineman did have a news conference, I think about a week ago, supporting "25 by 25" concept and endorsed it. And there are about, I think, 75 different organizations nationwide that have signed on, from every agriculture group and environmental group that there is

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because of the great impact that can have. I will just read one statement in the resolution and then ask for your support. It says: Whereas American agriculture is well positioned to play an expanded role in the development and implementation of new energy solutions and, with appropriate technology innovation, incentives, and investments, America's farms and ranches can become the factories that produce a new generation of fuels to help meet the nation's energy needs. And then it goes on to say: Therefore, be it resolved by the members of the Ninety-Ninth Legislature of Nebraska, Second Session that the Legislature support the vision of "25 by 25" whereby agriculture will provide 25 percent of the total energy consumed in the United States by the year of 2025, while continuing to produce abundant, safe, and affordable food and fiber. With that, I ask your support. Thank you.

SENATOR CUDABACK: Thank you, Senator Kremer. You've heard the opening on LR 441. Open for discussion. Senator Kremer, there are no lights on. Senator Kremer waives closing. The question before the body is, shall LR 441 be adopted? All in favor vote aye; opposed vote nay. Have you all voted who care to? Record please, Mr. Clerk.

CLERK:      39 ayes,   0 nays,   Mr. President,   on the adoption of LR 441.

SENATOR CUDABACK: LR 441 is adopted. LR 454, Mr. Clerk.

CLERK:      Mr. President, LR 454 was introduced earlier today, offered by Senator Engel. Senator Engel would move to suspend Rule 7, Section 6, to permit consideration of LR 454 today.

SENATOR CUDABACK: Senator Engel, to open.

SENATOR ENGEL: Mr. President, members of the body, I have filed this motion to suspend the rules which says that resolutions shall not be considered on the same day as introduction. I introduced LR 454 this morning, and a copy is on all of your desks. LR 454 is necessary in light of yesterday's vote to impeach C. David Hergert. It addresses two procedural items. First, it authorizes attorney David Domina to represent the

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interests of the Legislature with respect to the impeachment of C. David Hergert. Second, it appoints the constitutionally required case managers. I would ask for your support of this motion so we may consider the resolution. Thank you.

SENATOR CUDABACK: Thank you, Senator Engel. It is debatable. Any discussion? Seeing no lights on, Senator Engel, you're recognized to close.

SENATOR ENGEL: I waive closing. Thank you.

SENATOR CUDABACK: Mr. Clerk. Read the motion before the body, Mr. Clerk, please.

CLERK: To suspend Rule 4, Section 6, to permit consideration of the resolution, Mr. President.

SENATOR CUDABACK: You've heard the motion before the body. All in favor vote aye; opposed, nay. Record please, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to suspend the rule.

SENATOR CUDABACK: The motion was successful. Senator Engel, you're recognized to open on the resolution.

SENATOR ENGEL: Mr. President, members of the body, LR 454 authorizes the law firm of Domina Law, specifically attorney David Domina, to represent the interests of the Legislature with respect to the impeachment of C. David Hergert. LR 454 also appoints two senators, Senator Beutler and Senator Chambers, to manage the case. This is necessary because the Nebraska Constitution provides that the case against an impeached civil officer shall be brought in the name of the Legislature and shall be managed by two senators appointed by the Legislature who may make technical or procedural amendments to the articles of impeachment as they deem necessary. With that, I would appreciate your vote for this resolution. Thank you.

SENATOR CUDABACK: You've heard the opening. Discussion? Seeing no lights on, Senator Engel, do you wish to close? He

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waives closing. The question before the body is adoption of the Engel LR 454. All in favor vote aye; opposed, nay. Have you all voted on the motion who care to? Please record, Mr. Clerk.

ASSISTANT CLERK: 31 ayes, 0 nays on the adoption of the resolution, Mr. President.

SENATOR CUDABACK: The motion was successful. Members, we will stand at ease for just a few minutes. Members, please stay close if you can. In my last minute in the chair, I'd hate to come and get you all.

EASE

SENATOR CUDABACK: Members, if everybody will come to attention. Mr. Clerk, please, resolutions.

CLERK: Mr. President, a series of resolutions as per, identified on the agenda, the first resolution is LR 445 offered by Senator Howard.

SENATOR CUDABACK: Each member will be authorized to open on the resolution, and we will take a vote on all of them as one group. Senator Howard.

SENATOR HOWARD: Thank you, Mr. President and members of the body. This resolution was offered to honor two individuals who are longtime foster parents for the state of Nebraska and Nebraska Children's Home. They have taken countless numbers of children who are wards of the state into their home and treated them as if they were their own. I worked with them for many, many years and they personally took children from my caseload who were handicapped, special needs. And again, I will say to you, they treated them as if they were their own. They have now retired from providing foster care, but I certainly recommend them as...

SENATOR CUDABACK: You may continue, Senator Howard.

SENATOR HOWARD: ...as foster parents and individuals who are

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worthy of a thank you. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Howard.

CLERK: Mr. President, LR 446 by Senator Howard.

SENATOR CUDABACK: Senator Howard, on LR 446.

SENATOR HOWARD: Thank you, Mr. President and members of the body. The individual named in this resolution, Rudy Srb, devoted many years of his life working for the Department of Health and Human Services in foster care and adoption. He was a driver, a position that's not often recognized or acknowledged or receives special awards. But he took children on holidays to visit their parents when no one else would drive them. He transported children to visitations, took them back to foster homes, fed them when they were hungry, bought them clothes when they needed them. He went above and beyond the call of duty for a transportation worker. He died a year ago after collapsing in his kitchen after returning from driving children home from Omaha to Lincoln for a holiday visit. I think of Rudy Srb often and he's certainly worthy of being acknowledged. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Howard. Mr. Clerk.

CLERK: Mr. President, LR 448 by Senator Johnson.

SENATOR CUDABACK: Did you wish to open, Senator Johnson? He waives opening. Thank you, Senator Johnson. Mr. Clerk, LR 451.

CLERK: LR 451 by Senator Flood.

SENATOR CUDABACK: Senator Flood.

SENATOR FLOOD: Thank you, Mr. President and members. This resolution here, LR 451, recognizes a true northeast Nebraskan that has dedicated his life, his business, and really everything he has to the community of Norfolk and to northeast Nebraska. This legislative resolution honors Mr. Jerry Hughes, who has owned and operated the Norfolk Daily News for many, many years

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and is a third-generation publisher of that newspaper. I would ask for your adoption of LR 451. Thank you.

SENATOR CUDABACK: Thank you, Senator Flood. Mr. Clerk, LR 453.

CLERK: LR 453 by Senator Foley.

SENATOR CUDABACK: Senator Foley, LR 453.

SENATOR FOLEY: Thank you, Mr. President and members. About seven years ago, I had the great pleasure of meeting Joseph Moylan. And I think I only met him personally one time, but we stayed in contact over the ensuing six years or so until his death this past summer. Joseph Moylan served as a juvenile court judge in Douglas County for about 21 years, and this resolution extends our condolences to his family. Thank you.

SENATOR CUDABACK: Thank you, Senator Foley. Members, we introduced them all as one group. You may address one or all of them, if you care to. You may turn your light on. Senator Howard, your light is on.

SENATOR HOWARD: Thank you, Mr. President and members of the body. I rise to thank Senator Foley for introducing the resolution regarding Judge Moylan. I had the privilege of going to his courtroom many, many times regarding foster children, children who are in adoptive placements, children who were wards of the state. He was always a fair and honorable judge. I was fortunate to be able to work with him and for him, and I am grateful that we can honor him. Thank you.

SENATOR CUDABACK: Thank you, Senator Howard. Open for discussion any of the five resolutions. Seeing no lights on, did anybody wish to close on any of the resolutions? Seeing no takers, the question before the body is, shall the five resolutions as read by the Clerk be adopted? All in favor vote aye; opposed vote nay. We are voting on all the resolutions presented as a group; LR 445, LR 446, LR 448, LR 451, and LR 453. Have you all voted who care to? Record, Mr. Clerk, please.

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CLERK:    38 ayes, 0 nays, Mr. President, on the adoption of LR 445, LR 446, LR 448, LR 451, and LR 453.

SENATOR CUDABACK: The resolutions as read have been adopted.

SENATOR CUDABACK: We're back at ease again, members. Thank you for keeping the noise down. I know it's tempting on the last minutes.

EASE

SENATOR CUDABACK: Speaker Brashear, you're recognized to speak. (Laughter)

SPEAKER BRASHEAR: Thank you, Mr. President, members of the body. Surely, this will be nearly the last time I'll have to ask for your patience and your indulgence, but bear with us. You know, in the fullness of time, sometimes complications arise and we simply need to stand at ease and await a return from the Governor's Office which is being processed, and then we will be able to dispatch our business and proceed to our ceremonies. Thank you.

SENATOR CUDABACK: Thank you, Speaker Brashear.

EASE

SENATOR CUDABACK: Mr. Clerk. We will come to attention. Members, come to attention, please. Mr. Clerk.

CLERK:    Mr. President, I have a veto message from the Governor. (Read re LB 239, Legislative Journal pages 1672-1673.) Mr. President, Senator Schimek would move that LB 239 become law notwithstanding the objections of the Governor.

SENATOR CUDABACK: Senator Schimek, to open on LB 239 on the motion to override.

SENATOR SCHIMEK: Yes, thank you, Mr. President and members, and thank you for your patience in waiting for this veto message.

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I'm not going to prolong this discussion, let me say that up front. I'm not going to give you a long oration here. I want to tell you why I filed this motion, and I'm not going to go over all the bill and do all that kind of thing. But this bill is not an overnight miracle by any chance, by any stretch of the imagination. It's something that's been worked on for five years. And, you know, I had a TV reporter ask me yesterday, is this bill in reaction to the rally that was held day before yesterday? And I said, how much do you know about our process? You know, the bills all have to be introduced in the first ten days and then after that, you have to set a hearing and you have to have a week's notice, and after the hearing you have to work on the bill and the committee decides whether to send it out to the floor or not, and then it gets in line with everything else. I said, no, this isn't something that you can do overnight. And furthermore, it isn't directly related to immigration policy which is what all the rallies have really been about that are, of course, all federal issues. I think it's really important that we do this for a number of reasons. First of all, there are a lot of young people that are watching what we do and they've been watching for some time, and they've been participating in the process. The second year of my efforts on this, there was an interim study hearing. There was a busload of 50 kids from Omaha that came down to testify at that interim study and they were fantastic. They did a beautiful job. That's why I'm bringing you this override motion. I think it is so important to the kids, and I think that we can't lose. I mean, Alan Greenspan, in an article that I read not too many years ago, said that immigrants don't cost us. They actually bring \$70 billion into the economy and we spend \$43 billion dealing with them. So there is really a net gain. They pay taxes; their parents pay taxes just like we all do. This isn't anything that we're giving to them as a special class. It's treating these students like all the other students who graduate from high school in Nebraska. They still have to come up with the tuition. So, I would plead with you to examine your hearts and to vote for the override that we have before us now. And with that, I would like to give the rest of my time to Senator Aguilar.

SENATOR CUDABACK: Senator Aguilar.

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SENATOR AGUILAR: Thank you, Mr. President and members. Thank you, Senator Schimek. I have in front of me three pages of comments that I've prepared over the last three days, knowing that this veto was coming. But we've been here a long time and I'm not going to put you through all that. I'm just going to share one quick story that Senator Johnson happened to share with me yesterday, and that was when a devastating hail storm struck Kearney, Nebraska. It took out a large percentage of the roofs in that city, and the people that replaced those roofs in what was 102-degree-plus temperatures were immigrant workers. Nobody questioned the status, whether or not they had a Social Security number. That's only questioned when a time comes that it's convenient for us, like if they're trying to get ahead in life, and we think we need to hold them down. I hope that's not really a true statement. They need to be lifted up. We have shortages of doctors, nurses, teachers. These people could fill those positions, these young students who have already contributed greatly on high school athletic teams and academic teams. Let's finish the job that we started with "No Child Left Behind." Give these people a chance. With that, I will close with just one sentence that's very important to me and I hope it's important to you. Give me your tired, your poor, your huddled masses yearning to breathe free. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Aguilar. Senator Schimek, there are five minutes left. Did you care to use any of the minutes?

SENATOR SCHIMEK: I just thought of one other thing I'd like to say, and I'm not going to use the whole five minutes. I remembered that I forgot to remind everybody about the letter that we got from all the education groups in this state, from the University of Nebraska, from the state colleges, from the community colleges, from the state teachers' association, from the school boards' association, from the school administrators' association, from the Commissioner of Education. Without exception, they feel that this is a good bill and that we should pass it, and I would very much encourage it. Thank you.

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SENATOR CUDABACK: Thank you, Senator Schimek. Those wishing to address the motion, Senator Erdman followed by Senators Schrock, Kruse, and Aguilar. Senator Erdman.

SENATOR ERDMAN: Thank you, Mr. President and members of the Legislature. And, Senator Schimek, I applaud your efforts. I just cannot agree with the underlying legislation, and that should not come as a surprise to you. For the last two weeks we have spent a great deal of time in this body arguing about a piece of legislation that affects our friends in Omaha. And there have been comments made about the intent of those that would support or oppose that bill or what the language in that law was. And it was clear in the course of the debate that it was necessary for the individual that placed the language in the bill to stand up and state what the clear intent of the introducer of that language was. And so, Senator Chambers admirably and effectively rose to his feet and explained why the language was added to LB 1024 which we, as a Legislature advanced and adopted, and it is awaiting the Governor's decision. People are watching what we do; they absolutely are. And there's probably not a speech going to be given this afternoon that is going to change anyone's opinion. You've made up your minds on what you're going to do on this bill. You've made up your mind once today, and the vote was cast as a majority vote to send the bill to the Governor under the idea that he possibly could veto the legislation, and he has done that. And so now we have the opportunity, as Senator Friend has pointed out, for a second shot to analyze whether or not we have acted in an appropriate manner and whether or not we have done the right thing. And I would argue just as the senior member of this body has stood on the floor and explained to us what his intent was with the language in LB 1024, I, again, will stand on the floor and read to you the intent of the United States Congress when enacting the section of law in question on whether or not the state of Nebraska or any state can proceed in the manner outlined in LB 239. These are not my words. These are from the congressional record, Section 507 (sic). "This section provides that illegal aliens are not eligible for in-state tuition rates at public institutions of higher education." I didn't make it up. The people who wrote the law made that up. I am not convinced I'm going to change any one of your mind, but

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I think it should be clear that when we proceed to pass laws in accordance to the policies and the rules and the laws that are before us, we should adhere to ours and others' governing our process. There is a conflict, Senator Schimek, and it is not a conflict with those who are here trying to make a living. It is not a conflict with those hardworking individuals that are currently in our state. It is a conflict in the law, and we have acted accordingly in this Legislature to deal with those who violate the law. Congress has failed us to act, but that does not mean that our actions should violate the federal law. Members of the Legislature, I would simply ask, as you consider your vote, that you would analyze the intent of the law, not as outlined by myself or any other attorney who would have you believe one way or another, but as the congressional record states. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Erdman. Further discussion? Senator Schrock, followed by Senator Kruse.

SENATOR SCHROCK: Mr. President, members of the Legislature, I'm on the Education Committee and I heard this bill in committee last year. I did not speak on General or Select File. You know, it's all right for these people to do our jobs. The bill says you have to have gone to public school or you have to have been in high school three years or a school for three years, public school for three years or private school. We have already spent a lot of money on them, probably for English as a Second Language and as poverty students. The bill also says they must be trying for citizenship. I would guess we're talking about 90 to 95 percent of these people are Hispanic. Senator Aguilar, would you agree with that? It's all right for them to do our meatpacking jobs. It's all right for them to do our road work and our construction jobs and the grunt work. I can't go there. My great great grandmother's last name is Sanchez. I have a feeling she's watching and for me not to vote for this override is racist, and I'm not going there.

SENATOR CUDABACK: Thank you, Senator Schrock. Senator Kruse.

SENATOR KRUSE: Mr. President and colleagues, thank you. I support the override and I have one point to make, not in terms

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of, as Senator Erdman has wisely recognized, to change anybody's mind, but that the record be a little clearer, and I didn't feel it was the other day. One of you, as our colleague, said the other day that it came down to one word, illegal. All of us have received an e-mail that says, what is it about illegal that you don't understand? Well, that's the right question because I don't understand how that word is being used, especially as a noun applied to some person. How can we use it that way for one group of people and not use it for somebody else? If a drunk driver comes down the street twice over the limit and permanently paralyzes one of your family members, we don't call that person an illegal. That person can go to court and all the rest of it and be condemned, but we don't call that person an illegal. Yet that person has done a terrible harm to our society. That person has piled up expenses on us as a state that won't stop. Our son's bill is \$2 million. That person has done something intentionally which is hurtful to all of us, but that person is still not an illegal. So, I'm not pleading for special sympathy for a group of persons. That's not where I'm at. I'm saying, we are unclear in our language and, therefore, unclear in our thinking because this kid is not breaking the law, and to our knowledge, has never broken the law. Their parents did. We have it on word from the feds that that person is not now breaking the law nor are her parents breaking the law by living here. They've not been charged; they've not been taken to court; they've not been judged guilty. They are our kids. And we have also from the federal government the word that we can provide benefits to these persons as long as they are not better benefits than the rest of our citizens in the state are receiving, so we're meeting that test. I simply would recognize that I'm not feeling to be threatening or challenging a law. Senator Erdman is quite correct. This is in somebody else's hands, and I am upset about their unwillingness to deal with it. But, at the same time, our kids are going to become our adults. So I'm not trying to be nice to them. I'm trying to be nice to us. Are we going to set up a section of our society that is on second-class work status because we--we didn't prevent them; we didn't prohibit them; many of them are going out-of-state and getting an education and coming back--but that we put a barrier in their way? I would hope we would not do that. Thank you.

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SENATOR CUDABACK: Thank you, Senator Kruse. Further discussion? Senator Aguilar.

SENATOR AGUILAR: Thank you, Mr. President. One last point. Again, we keep hearing this term, illegal. I'm not an attorney, but I've always heard that for something to be illegal, there must be a criminal intent. Someone please tell me where the criminal intent is with these high school students who had no choice, no say-so in coming here. I think we need to vote on this and I ask you to vote green. Thank you.

SENATOR CUDABACK: Thank you, Senator Aguilar. Senator Louden.

SENATOR LOUDEN: Thank you, Mr. President and members of the body. I guess I really don't have a problem with this bill if it was probably for children that were living in Nebraska. What I see with it is the holes that are in it that allows people to have short-term residency in Nebraska and can move in here and get resident tuition. I think there's problems with it when we come to how we're going to decide who is a resident and who isn't a nonresident. I don't think that has been established in the bill that well, and the way I understand it, some places you only have to be here for six months and you can get residency. Is that any different than anybody else? But we have to be very careful that people from neighboring states move in here and use our school system whether they're aliens or have their citizenship or whatever. This can happen from all kinds. It doesn't necessarily have to be a Latino or anything else; you can have people from other countries. So, I think the idea is all right and I'm sure Senator Schimek has brought this forward, but I still feel that the law isn't tight enough to set it up so that it's those people that we're trying to focus on that will have the benefit from it. I think we'll be leaving ourselves wide open and our education system wide open for abuses for residency tuition rates. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Louden. Senator Jensen followed by Senator Beutler.

SENATOR JENSEN: Thank you, Mr. President, members of the

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Legislature. Would Senator Landis reply to a question, please?

SENATOR CUDABACK: Senator Landis, would you yield?

SENATOR JENSEN: Could you tell me who said: Destiny is not a matter of chance, it's a matter of choice?

SENATOR LANDIS: Ooh, I hate to have my paper graded in public like this. (Laughter) I can't tell you...

SENATOR JENSEN: Someone that you have even played parts to.

SENATOR LANDIS: Oh, would it be, let's say, William Shakespeare?

SENATOR JENSEN: No,...

SENATOR LANDIS: Let's try again.

SENATOR JENSEN: The first name is right.

SENATOR LANDIS: Give me a chance.

SENATOR JENSEN: Let me help you.

SENATOR LANDIS: All right.

SENATOR JENSEN: William Jennings Bryan.

SENATOR LANDIS: Oh.

SENATOR JENSEN: Destiny is not a matter of chance, it's a matter of choice. Now here we have people that are trying to make a choice. Let's give them that right.

SENATOR CUDABACK: Thank you, Senator Jensen. Senator Beutler.

SENATOR BEUTLER: I don't know. This is such a peculiar situation where the federal government makes choices and seems to force choices on us that are totally unfair. Senator Erdman, let me ask you a question.

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SENATOR CUDABACK: Senator Erdman, would you yield?

SENATOR ERDMAN: I would, Mr. President.

SENATOR BEUTLER: Is the employment of an illegal alien against the federal law?

SENATOR ERDMAN: Senator Beutler, it's my understanding that is a felony act.

SENATOR BEUTLER: And does the federal government enforce that law?

SENATOR ERDMAN: It is my understanding that that law is not enforced as strictly as it could be.

SENATOR BEUTLER: So, we take the benefit of their labor and we ignore the situation. We ignore the fact that they are illegal; is that correct?

SENATOR ERDMAN: That could be one interpretation, Senator.

SENATOR BEUTLER: And are these adults innocent?

SENATOR ERDMAN: I'm sorry?

SENATOR BEUTLER: Pardon me?

SENATOR ERDMAN: Could you repeat your question? I'm sorry.

SENATOR BEUTLER: Are these adults, are these illegal alien adults innocent?

SENATOR ERDMAN: Innocent of the act of being employed or...?

SENATOR BEUTLER: Innocent of the act of violating our law.

SENATOR ERDMAN: It would be my understanding that the act that I am most familiar with makes the employer specifically responsible, and I have not read further in the act to know

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whether the individual themselves is also held to the same standard as the employer.

SENATOR BEUTLER: Okay. So, you think the federal government that will not enforce the law relating to the employment of the adult will come and enforce the law against giving their children, who are innocent, the right to an education?

SENATOR ERDMAN: Senator Beutler, I think it is clear nationwide that there are lawsuits that result out of this action, and whether it's a result of the federal government or others, there will be a challenge. But whether it is the federal government specifically, they have not shown the willingness at this point in order to sue those individuals under those scenarios.

SENATOR BEUTLER: Thank you, Senator Erdman. I submit to you all that the federal government is in no position to be enforcing any such law. It would be the height of hypocrisy to not enforce a law with respect to the employment of adults and then turn around and enforce the law with respect to the education of their children after they have benefited society with their work. We would take away the opportunity from their children to share in the benefits of our society. I think it's preposterous to even give weight to any sort of argument with regard to federal law. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. Senator Pahls, motion to override.

SENATOR PAHLS: Mr. President, members of the body, today I sat and listened to a lot of conversations or debate implying that if you are somebody living from the suburbs that you do not care about children other than your own. I did not say anything. There were a number of times I wanted to, but I did not want to make the debate seem endless. I hope by my vote that I show that I care about children in all sections of Omaha. I also care about those parents having the ability to control the destiny of their children. My intent is to empower all the people of Omaha so they feel like they belong, that there's a reason to enjoy this country. So, again, I will support Senator Schimek. Thank you.

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SENATOR CUDABACK: Thank you, Senator Pahls. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I first became acquainted with the Bible when I was very young. A verse that I didn't understand when I was little but I read it, "The fathers have eaten sour grapes, and the children's teeth are set on edge." It meant that children are punished for the sins of their parents. Children are innocent. Children do things that we say are bad. They are very impressionable. They reflect what they see in adults and they become what we are. When they do things of which we disapprove, we can be sure that an adult was somewhere in the picture, often an adult that the child respected. We do not help this society and we certainly do not help children when we narrow and restrict their outlook. We all will extol the values of education. We tell our children that through books they can visit faraway, strange, exotic places to which they will never travel in life. But in the process of reading about such places, they not only increase their store of knowledge, but they fire their imagination. The classroom is the place we should want as many children as possible to be. This bill does not say, one child is going to come into a classroom and take a seat at the expense of another child. There is space and I believe that today we ought to vote in such a way that people will not watch our actions and conclude that in the year 2006 the Nebraska Legislature, without justification, said there is no room in the inn for these children. I hope we will vote to override this veto. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Further discussion on the motion to override? Senator Thompson.

SENATOR THOMPSON: Thank you, Mr. President. You know, we're all asked quite frequently to give talks to groups and frequently we get asked the question, what's the high point of being a state senator? And I tell them that about 99 percent of the things that are brought to us are brought by organized groups, organized groups with lobbyists. We deal a lot with business regulation and we deal with taxation issues that impact a lot of people, and they have organized groups to be able to

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bring their voice forward and to help us make good decisions. But the real high point for me is when we can act on behalf of a group that doesn't have a voice, that doesn't have a fleet of lobbyists, that doesn't belong to an organization. We're acting on behalf of children who have graduated from our high schools. And I think that's probably the most important thing we can do here, and the thing that I believe is why we're here. Surely, we can work with all these organized groups and with the lobbyists and it's a good and fulfilling experience. But the real fulfillment is in doing the right thing for the people who don't have a voice here. We are the only ones who can be their voice and I urge you to override the veto.

SENATOR CUDABACK: Thank you, Senator Thompson. Further discussion on motion to override? Senator Schimek, there are no lights on. The Chair recognizes you to close on your motion to override the Governor's veto.

SENATOR SCHIMEK: You've all done this to me, you know. I'm very proud of being a member of this Legislature, and I appreciate everything that was said here today. I would like to respond to one issue that just keeps coming up, and you know, I think it's a side issue. I think it's a bogus issue in a lot of ways, because nine states have passed legislation exactly like this. And I know that the Kansas Attorney General has already defended their law in court successfully so far. But I remember that the Attorney General in Utah had issued an informal opinion in 2002 or whenever it was that Utah passed their law. And his informal opinion was that even though their law said that implementation would be dependent on the DREAM Act that they could go ahead and implement it anyway, and he went through all the reasons. Well, I went back and looked at that and discovered that the Attorney General of Utah had actually in 2006 issued a formal opinion, and I want to read to you just a couple of paragraphs from that opinion because I think it solidifies what some of us have been trying to say. He says: Therefore, for two separate reasons, either one of which represents a valid exception to the federal statutes, Utah's tuition law does not violate 8 USC Code 1623(d). First, high school attendance and graduation are not tied to residency requirements, so the eligibility for the exemption from resident

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tuition under HB 144, which was their bill, is not on the basis of residence. Second, even a Utah high school student who graduates and who, with or without his or her family, continues to maintain an out-of-state residence or moves from the state and establishes residence elsewhere is still eligible for this benefit if they otherwise meet the statutory criteria; in other words, graduated from high school. Therefore, as required by the federal statute, this benefit is available also to other citizens or nationals of the U.S. without regard to residency. And he goes on to talk about some other parts of the law, but this is the one I wanted to read to Senator Erdman. He says: But even taking a closer look at the few instances the congressional record makes reference to the subject, is not favorable to the opponents of House Bill 144. It only demonstrates the fallacy of trying to draw congressional intent from an incidental statement in a conference report or a floor speech by one senator or congressman. In literally thousands of pages of floor debate and the conference report, all about a bill that was itself approximately 200 pages long in printed form, we have been able to identify only the following references to this subject. And then they go through just very slight references, and I'm not going to bore you with that. But then he says: This demonstrates the fact that this legislation, like essentially all such complex, politically charged legislation, was subject to significant pressure on all sides including presidential pressure. And I'm going to skip a little because I want to finish. In the end, no single senator or representative or even select group has the right or power to interpret what the statute means. Now the statute speaks for itself in its own plain words.

SENATOR CUDABACK: One minute.

SENATOR SCHIMEK: I believe that that is the truth of the matter. And then he goes on to say that, yes, House Bill 144 is separate from federal statute and can stand on its own. And, Senator Loudon, I'm trying to recall exactly what you said, but these students have to have lived in the state for three years. Other students can come in and establish residency after one year. That's according to Board of Regent rules, so this is actually a tougher standard than for most people who come into

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the state to establish residency. So we're not giving these kids a break. Thank you all so much for your heartfelt words, and I hope that you will vote for the motion to override. Thank you.

SENATOR CUDABACK: Thank you, Senator Schimek. You've heard the closing on the motion to override. The question before the body is, shall LB 239 pass notwithstanding the objections of the Governor? All in favor of the motion vote aye; all opposed to the motion vote nay. Voting on the motion to override the Governor's veto. Have you all voted on the motion who care to? Senator Schimek, for what purpose do you rise?

SENATOR SCHIMEK: I'd like to request...I believe that everybody checked in, so I would like to request a roll call vote.

SENATOR CUDABACK: There is a request for a roll call vote on the question. Senator Schimek, are you under the impression that we are under call? We are not.

SENATOR SCHIMEK: Then I would like to be under call. Thank you very much.

SENATOR CUDABACK: It's your choice. You are requesting a house call.

SENATOR SCHIMEK: That's right.

SENATOR CUDABACK: Been a request for a call of the house. All in favor vote aye; opposed, nay. Record please, Mr. Clerk.

CLERK: 41 ayes, 0 nays, Mr. President, to place the house under call.

SENATOR CUDABACK: The motion was successful. The house is under call. All members, please check in, if you haven't already. Senator Brown, please. All members are present or accounted for. Been request for a roll call vote. Mr. Clerk, when you get time, please call the roll on the question.

CLERK: (Roll call vote taken, Legislative Journal

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pages 1673-1674.)      30 ayes, 16 nays, Mr. President, on the motion to override.

SENATOR CUDABACK:      The motion was successful. I do raise the call. Senator Byars, please.

SENATOR BYARS:      Mr. President, I would move that a committee of five be appointed to notify the Governor that the Ninety-Ninth Legislature, Second Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

SENATOR CUDABACK:      All in favor, say aye. Opposed, nay. Ayes have it. There will be a committee appointed and the committee is as follows: Senator Thompson, Senator Stuhr, Senator Baker, Senator Bourne, and Senator Landis. You may retire to the Governor's office and escort the Governor to the Chamber.

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY:      The Chair recognizes the Sergeant at Arms.

SERGEANT AT ARMS:      Mr. President, your committee, now escorting the Governor of the great state of Nebraska, Dave Heineman.

PRESIDENT SHEEHY:      Committee, please escort the Governor to the Chamber. (Applause) (Gavel) Senators, ladies and gentlemen, the Governor of the great state of Nebraska, Governor Dave Heineman. (Applause)

GOVERNOR HEINEMAN:      Thank you. Mr. President, Mr. Speaker, members of the Legislature, distinguished guests, friends, and fellow Nebraskans, thank you for the opportunity to address you at the conclusion of our second productive session together. This legislative session has tested friendships and tested alliances, and it has tested our resolve. You leave here today, having accomplished the task at hand. You have accomplished the people's business and no one who has followed the ups and downs of this short session can say that this body avoided making the tough decisions. This body was unafraid to tackle the difficult issues, and I commend each and every one of you for your

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commitment to pursuing an open debate. And I want to say how much I appreciate the relationship we shared the past two sessions. In this year's State of the State Address I set goals that sounded simple yet at times seemed unattainable. Among those were completing a budget that would set priorities and enacting legislation that addressed the need for tax relief for Nebraska families, the need to help address water issues, and the need to provide better, more effective protection against sexual predators for our youngest and most vulnerable citizens. While a consensus was not always within reach on this issue, the members of this Legislature stood together, and I want to express my great appreciation for sending LB 1199 to my desk without a single dissenting vote. This is one of the many examples of the professionalism seen throughout this session. It is a clear demonstration that while there can be sometimes...sometimes be great disagreement about the best course of action to take, that when presented with a comprehensive and realistic approach to a problem, we can put our differences aside. You have reminded Nebraskans that their leaders have their best interests at heart and can come together to do the right thing. We have also strengthened our efforts to help attract greater numbers of our young people to agricultural careers and encouraged the expansion of livestock operations. We have invested in early childhood education, roads constructions for economic development, and provided tax credits for long-term care insurance. The list goes on and on. You and your colleagues have achieved a great deal and chief among the accomplishments this session was the action taken to provide tax relief while exercising fiscal restraint in setting priorities. We took another step toward ensuring that our state maintains a viable supply of our most precious natural resource now and into the future. Water will continue to be an issue that this body and future members will need to address. And this year you took action that provides both resources to our producers and helps position our state for our future. We were successful in providing funding for distance education. With regard to the issue of school boundaries, you were given a difficult task, and I am pleased that we were able to work through the differences that divide us. The action taken today was a much needed first step towards resolution of this very, very difficult issue. The proposal endorsed today is by no means a perfect solution, but

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it provides a road map to begin the discussions of what the final solution should look like. You have created an opportunity to involve the leaders of Omaha and the surrounding communities in planning for the future. This is an area that has seen tremendous economic development, and every indication is that it will continue to grow. Without question, that growth impacts local school districts, and this is an opportunity to resolve the issues of the past and plan for the future growth of this dynamic region. You have done your part and for that I am grateful. In spite of the remaining differences, I have faith that each of the parties involved will come together to do what is best in order to secure a brighter future for the students of the Omaha metropolitan area. Nebraskans have always worked together, and I have every confidence that we can face this challenge. Today, we face the reality that this is the final time this group of legislators will be together. While we are saying good-bye to 20 members of this distinguished body, you can be very proud of your collective achievements. I've had the honor of working with each and every one of you. The expertise you've gained and the knowledge that you provided a great service to your constituents and to this state is a reward that you will always carry with you. You have my heartfelt thanks for your commitment and dedication to Nebraska. Today, we also say farewell to your leader and Speaker, a man who has organized the work of this body and who remains committed to a lively exchange of competing ideas during his two years of leadership. Mr. Speaker, thank you for your friendship, your professionalism, and your vision. Our state is losing a variety of leaders: from champions for the interests of farmers, ranchers, and the rural way of life, to senators committed to economic development and planning for a strong future, to advocates for open and honest debate, and a fixture in the presiding chair. I want you to know that I am proud to have served with each and every one of you. The spirited nature of this legislative chamber will lose some of its character when you go. But you should take pride in knowing that you have set the bar very high for those who will follow. My hope is that the legacy of leadership, of spirited debate, and respect for the rule of law you leave behind will be taken up by the next generation of lawmakers. As we look toward the centennial session of the Nebraska Legislature, what I will remember is

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that the 49 senators before me comprise the last, most-experienced Legislature Nebraska may ever know. It has been a privilege to work alongside a group of leaders committed to ensuring a strong future for our state. On behalf of the entire state of Nebraska, I say thank you, thank you, thank you. (Applause)

PRESIDENT SHEEHY: Thank you, Governor Heineman. Would the committee escort Governor Heineman from the Chamber. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR 441, LR 445, LR 446, LR 448, LR 451, LR 453, and LR 454. At this time, I will also be signing certificates of overrides. LB 366, having been returned by the Governor with his objections thereto and after reconsideration, having passed the Legislature by the constitutional majority, it has become law this 13th day of April, 2006. LB 817 and LB 817A, having been returned by the Governor with his objection thereto and after reconsideration, having passed the Legislature by the constitutional majority, have become law this 13th day of April, 2006. LB 239, having been returned by the Governor with his objection thereto and after reconsideration, having passed the Legislature by the constitutional majority, have become law this 13th day of April, 2006.

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Mr. Speaker Brashear, you are recognized.

SPEAKER BRASHEAR: Thank you, Mr. President, members of the body. At this point in our proceedings, it has been traditional to have one colleague introduce each and make remarks about each departing colleague. With vision and foresight--that's a joke (laughter)--I concluded that you didn't want to...I've always had to raise my hand whenever I tell a joke (laughter). It's a signal. I concluded that I didn't think you wanted to sit through, no matter how wonderful, 40 separate discussions. And so in consultation with many of you--and I think it actually sprang from a discussion with Senator Thompson--I came up with this idea that we'll have classes and classes will have a representative. And it just, it happened to work out and

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everybody I talked to thought it was a good idea. And so I will return the microphone to Mr. President, and we will proceed with regard to class representatives. And you can figure out how those were selected and I'll have a few other comments.

SENATOR CUDABACK: Thank you, Speaker Brashear. The class of 2000, Senator Doug Cunningham, would you please come forward. Senator Doug Cunningham.

SENATOR CUNNINGHAM: Well, thank you. I was going to tell you some jokes; I had a nice speech prepared. But with the late hour, I'm going to go by Senator Brashear's idea and get this over quick. I do want to just make a couple points. I am the only one in this class, so I don't have anyone to talk about, so. (Laughter) My colleagues that I was elected with, they're all still going to be here after me. So they're here for two more years and I wish them the best of luck. I'll probably come back on this day to watch them two years from now. But I would just tell you, it has been a true privilege and honor for me to serve this body and this state in this manner. I remember my first day. I sat where Senator Howard sits. I remember Deb sat with me, my parents, her parents. And as we come to this body every day, we don't pay much attention. But I remember that day. I remember looking around. Take a minute to look at this place and look at where we work. It's just truly an amazing place to work with, you know...amazing responsibility that we had. But I want to make just three or four very quick points. You all know the sacrifice that we all make to serve here. But it isn't just our sacrifice, it's our family's sacrifice. Deb, I think, I don't know where you're sitting, but I'd like to thank you back there somewhere. If it wouldn't be for Deb and her putting up with the sacrifice, it would have never been possible for me. So thank you, Deb, and all of the rest of the families of this body. We do appreciate it. (Applause) You know, I think that senators, male or female, we all get a big head or maybe an overly inflated ego. But if we're all honest about it, if we're truly honest about it, and you think of all the successes we've had, look at our staff members. We wouldn't have had those successes without them. So I'd like to thank all of you. (Applause) I also was a senator that came to this body with a general mistrust of government, state agencies,

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government employees. I will tell you that up-front. You've probably all seen right through me and seen that. But I can tell you that has pretty much disappeared. Occasionally, I will still have that. But the government workers, the people in this building, other government agencies, they have bent over backwards to help me and my staff when we'd have a legislative issue or a constituent issue. And since being Chair of the Business and Labor Committee, I've gotten to know the people in the Department of Labor and the Work Comp Court very, very well, and I cannot say enough good about them. So I thank them very, very much. And just in closing, I would like to say, even though some of you may not believe this, I am pretty stubborn, but all of you, all of you, having had the opportunity to work and serve with you, you have made me a better person leaving here today. So thank you. (Applause)

SENATOR CUDABACK: Senator Doug Cunningham. The class of 1998 will now come forward. We have Senator Tom Baker and all members will come forward in that class. Senator Tom Baker, Senator Pat Bourne, Senator Dennis Byars, Senator Matt Connealy, Senator Bob Kremer, Senator Marian Price, Senator Pam Redfield, Senator Adrian Smith who is not present, Senator Nancy Thompson.

SENATOR BOURNE: Are we all here? Well, I guess...

SENATOR CUDABACK: Just one second, Senator Bourne. We'll wait for Nancy to be on stage.

SENATOR BOURNE: Jim Cudaback...

SENATOR CUDABACK: We can't forget Nancy.

SENATOR THOMPSON: I'm not a (inaudible).

SENATOR CUDABACK: You are now. Senator Pat Bourne.

SENATOR BOURNE: All right. Thank you, Senator Cudaback. I drew the short straw and was elected to make a few comments about my colleagues. No words that I can express will articulate how much I have learned from each of them and how much...I knew this was going to happen, and how much respect

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each of them. Tom Baker, who kicked the hell out of me when I ran for my first chairmanship, who came up to me immediately after and said, let's go have a beer, he taught me that what we do here in the Legislature should never be personal. Adrian Smith used to sit up here, used to sit just in front of me. I remember how red he would turn when former Senator Hilgert and I would tell somewhat naughty jokes. (Laughter) He must have gotten tired of that as he moved back to the back of the room, sits now with the more dignified senators. Senator Marian Price, who works quietly on caring issues like ensuring we have an adequate number of nurses and tougher laws regarding treatment of animals, her caring nature won't be soon forgotten. Senator Matt Connealy, one of my best friends. Matt and his wife, Judy, have devoted their lives to public service and making Nebraska a better place. My only hope is that Matt will find a job so that Judy can come to the Legislature and serve. She'd do a much better job than Matt and take up a lot less space. (Laughter) Bob Kremer, a wonderful man who's worked tirelessly to make Nebraska more competitive in ethanol and value-added agriculture. Senator Redfield and her fantastic work on income tax and other business-related issues. Senator Thompson, who I have a tremendous amount of respect for, who I have made so angry at times I think she wanted to absolutely kill me. And yet, she would invite me to her house shortly after one of our blow-ups, and other than making me sit out and on her deck alone for dinner (laughter), treated me with the utmost graciousness. Senator Byars and his tireless work to make our Nebraska a healthier place and his work on the Health Committee. We'll all leave here richer because of our experiences here. But I'll tell you, I leave with the best of all. I leave with 40 extra pounds due to all the Cudaback-provided potato chips, Senator Combs' M&M's and all those luncheon meetings. But to me, I leave here with the best of all, my beautiful wife, Renee, who I met when she was legal counsel to the Speaker. It's been a great experience. I was going to tell you what my last official act was. The Governor kind of ruined it for me. My last official act was to steal the step stool that he uses to give his speech. (Laughter) But since he's already done that, I guess it kind of stole my thunder. It's been a great experience. I think the world of all of you and thank you very much. (Applause)

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SENATOR CUDABACK: Thank you, Senator Bourne. We have Senator Tom Baker, Senator Pat Bourne, Senator Dennis Byars, Senator Matt Connealy, Senator Bob Kremer, Senator Marian Price, Senator Adrian Smith who's not here, and Senator Nancy Thompson. I knew they would do that. I knew they would do that. Time. We now have class of 1996, and that would be Senator Don Pederson. Senator Pederson, would you please come forward?

SENATOR D. PEDERSON: I know each of us has thought we were in a class by ourselves. Now it's certified. I am in a class by myself. (Laughter) Doug and I, so I don't know how this happened exactly. But you know, ten years ago I came into the Legislature, and at that time I thought...ten years ago, and now the time has just gone. Well, alternately, it's gone just like lightning and like it was in tar. You know, we spent hours and hours and hours, and I can remember when I first got here, the first several years, I would go out in the lobby and I'd say, Don, what are you doing here? There are things that you could do at home. Why are you standing here doing this? And many of you, I'm sure, had that same feeling. Why are you even here? And then I got to thinking. As time has moved on, I realized why we're here. We are here to do really important things. We are here to pass laws and to help, hopefully, all of the people making up 1.7 million people of the state of Nebraska. We're in a representative capacity. We are...and I've said this before many times. I may be a senator from North Platte, but I'm a senator for the state of Nebraska. I think we all have to remember that at all times. We're representing the entire state. And as I was thinking about how we represent the state, I thought, you know, we're not appreciated, and I think many of us have had that feeling. People do not understand what we do in this body. And I thought, why is that do you suppose? And I really believe that it's for two main reasons. One is that we pass laws that restrict people's lives in some way. We've seen that the last few days. It changes the course of people's lives. And the other one is the dreaded word, t-a-x. We pass tax laws. And so these are two things that people can all have an opinion about. But unfortunately, they very seldom inform themselves as to what you're doing and why you're doing it. So I wish that the whole state could have been here to have heard

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the, I think, very intelligent, thoughtful discussion that has been taking place even this last week. And I think it's really important for people to know. I've watched Congress in action. It doesn't even hold a candle to this group, either intellectually or understanding of the people that they represent. And I'm very, very proud to have served with each one of you. I think each one of you have left your own mark on this state. And I truly am very concerned that our successors, we're going to have 20 or 21, depending on elections, 21 new members of this Legislature. And for those of you who are remaining, you have a real, real duty to make certain that they are assimilated into this body and that they recognize their responsibilities. But I just want to say that I feel a special concern about ten people that are sitting up there in the balcony over here. It's the Fiscal Office. And to do the work for a \$6 billion budget, they are the ones that are the architects for that. I'd like to have the Fiscal Office stand if you would, please. (Applause) Believe me, we're going to rely heavily on you in the next few years because it's a difficult job. I know Senator Synowiecki was talking about the Appropriations Committee and how hard we work. Sometimes he didn't agree with some of the things we did. But who does? But I think that we have been having the guiding hand of the Fiscal Office to show the fiscal impact of all the things that we do. So I'm just very proud to have served with you. It's been an experience that you can't forget. And I'm just pleased to have been here with you. Thank you. (Applause)

SENATOR CUDABACK: Senator Don Pederson. We now have the class of 1994. That would be Senator Kermit Brashear, Senator Pam Brown, Senator Jim Jensen, and Senator Elaine Stuhr. Senators, please come forward. Senator Kermit Brashear, Senator Pam Brown, Senator Jim Jensen, and Senator Elaine Stuhr. Senator Pam Brown, you are to talk about the rest of them. You have the floor.

SENATOR BROWN: Five of us came in together in 1994. And we sort of adopted Senator Schrock because he had been here and been kicked out and came back with us, and so we let him play with us sometimes. We have served with 91 different members since we've been here, some of the finest staff anywhere. Ours

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is a very outstanding class. We have a Speaker of the Legislature, we had a Lieutenant Governor, the Chair of Health and Human Services, the Chair of Retirement, and one other member. Elaine Stuhr, Jim Jensen, Kermit Brashear, and I have served here for 12 years. And when we were elected, we were not supposed to get along. That's what everybody said. Elaine Stuhr was outstate and the rest of us were urban. Jim Jensen had defeated an incumbent who was a really good friend of mine. Kermit Brashear was supposed to be wildly partisan and very pro-business. And the rap on me was that I would be very anti-business. We weren't supposed to get along but we are very fond of each other. We were the naughty kids then, particularly the three of us and Senator Schrock who all went on to the Appropriations Committee together. We thought we could and should run the train. Speaker Withem and Patrick O'Donnell, perhaps the best Clerk anywhere, and Senator Wehrbein eventually whipped us into shape. Reflecting on careers is not easy. Sometimes focusing on single acts say more. For Senator Stuhr, I would point to her support of LB 126. Now for those of you who hate it, suspend that feeling for just a moment and look at how brave it was for her. Senator Stuhr is almost iconically rural. She knew she would receive great criticism. But she did what she thought was right, in spite of that criticism. That is the very definition of courage. For Senator Jensen, it was the reorganization of the mental health system for which he has received much recognition already. And Jim, I really, really, really like you. (Laughter) It wasn't because of the size of the task or the difficulty of herding cats; it was, for me, his motivation. He did it for absolutely the right reasons. He did it because he believed that those of us who have mental illness deserve to be a part of our community. For Senator Brashear, and I expect that you expect that I'm going to cite his work as Speaker, but that's not it. For me it was his leadership on our discussions on the death penalty. His passion for fairness when we talked about studying the death penalty and his leadership during the special session on sentencing. The death penalty is the most solemn action of the state. And without his leadership, I don't know what I would have done on that issue. For me, it would be the Caterpillar Claas project, not that I did that much, because many people were involved and did a lot on it, and not because of my management of the legislation,

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which was pretty ugly. But it was my legislative position and my willingness to be involved that brought it all together and made it happen. And each day I drive down from Omaha past that facility knowing that after my legislative work is done and maybe even after I'm gone, there will still be people working there and contributing to the state of Nebraska. And that's very special. I want to share one more story. I was flying to Washington D.C. on September 11. I got as far as Chicago and when the tragedies in New York City and in Washington happened, began trying to get home. I took the "L" downtown from the airport, talked to one of the policemen that was standing on one of the corners, and there were policemen everywhere. And he said, the Sears Tower was to be the next target, they were afraid, and that they were trying to get everyone out of town, and that if I needed to get out of town, I'd better get out. I went to the train station where hundreds of other people were standing in line to get out of Chicago. And for all the horror and tragedy of that day, there was such a sense of community and humanity. When the people I was standing with found out that I was a state senator, and it was about the time that they were proposing that Congress might be evacuated, they asked the Amtrak agent to take me to the front of the line so that I could get one of the last seats out of Chicago that day. That day for those people, I symbolized the system of government, a system that they believed in and wanted to know was secure. We all represent that system, and it is an awesome thing. The members of my class--Senator Stuhr, Senator Jensen, Senator Brashear, and I--are honored to have been a part of it. (Applause)

**SENATOR CUDABACK:** We had Senator Kermit Brashear, our Speaker, Senator Pam Brown, Senator Jim Jensen, and Senator Elaine Stuhr. Senator Kermit Brashear, Senator Pam Brown, Senator Jim Jensen, and Senator Elaine Stuhr. Before we go to the class of 1990, which consists of the class of "dumber and dumber" (laughter), Speaker Brashear wants to be recognized. You pick the order.

**SPEAKER BRASHEAR:** Mr. President, members of the body, thank you. I just couldn't pass this up. You work on a procedure, you're told to make things orderly, you get everyone to agree, you think you've achieved consensus, and then you have to remember what it's like to be Speaker. Apparently, at 3:30 this

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morning, from their separate beds,...

SENATOR CUDABACK: Thank you. (Laughter)

SPEAKER BRASHEAR: ...Mr. President Cudaback and Senator Schrock began some sort of a dialogue about...do you sometimes get to know more than you want to know? (Laughter) Began a dialogue about who should represent their class. (Laughter) And they can't resolve it and so it comes back to me. You know, into every life a little rain must fall. I am greeted this morning...I always start with, what's our first problem? Senator Schrock and Senator Cudaback want to share the time. (Laughter) (Applause)

SENATOR SCHROCK: I've served 14 years and Jim has served 16 years but we came in together. And my wife is always apprehensive of what I'm going to say. You can't serve in a body like this without good family and spouse support. I want you to know a year ago, my granddaughter said to me, grandpa, do you and grandma still love each other even though you're old? (Laughter) And the answer was emphatically yes. And Judy, I hope that makes up for the time where I was quoted in the Unicameral Update as saying we've been married 35 years, we're in it to the bitter end. (Laughter) I want to thank Kay Orr for her appointment of me back in 1990. I want to thank my staff, especially Barb and Jody, who have been with me 12 years. You're the greatest. I want to thank the 49 senators. I have said it so many times back home, I serve with 49 of the greatest people in the state of Nebraska whose only agenda is to do what's best for this state. Senator Beutler, my former friends don't always understand when I tell them you're one of my best friends. I've enjoyed my neighborhood back there for the last ten years and you guys are great. I know you think I'm crazy from time to time, but when you serve in a body like this, you kind of bond. The rest of the state doesn't understand but it's almost like...it's like a fraternity. Nobody understands but us and I don't know how you explain it. You know, outside of my family, Jim is my best friend. (Laughter) And Senator Brashear, you're right. At 3:30 this morning, we had a conversation. I woke up and couldn't sleep. You all know how tight Jim can be, or at least perceived to be. He said to me,

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Senator Schrock...he didn't say Senator Schrock. He said Ed. (Laughter) He said...and you won't like this. He said, I hope the pay increase doesn't pass. He said, I would pay to serve here. Can you believe that? (Laughter) You know...

SENATOR CUDABACK: We weren't in the same bed, by the way. (Laughter)

SENATOR SCHROCK: If I have a legacy, and I don't think anybody cares, it's water. I sponsored the college savings plan bill but Senator Pederson passed it. Jim's legacy is probably the State Fair and cell phone issues. Thank you so much. It's been a great ride. (Applause)

SENATOR CUDABACK: I really don't know what to say. I'm lost for words. As Ed knows, I don't talk very much in the apartment. Ed does most of the talking. (Laughter) You know, in all honesty, it's been such a pleasure for me to serve. I woke up this morning hearing him think. He was on the couch thinking. He woke up nervously, he said. I woke up nervously. I couldn't, you know...this is our last day here. What can you say? It's a privilege. Just look at the building, as I look around, as I walk around, as I see the faces that used to be here, whether it be Doug, whether it be Jerry, whether it be Cap, or whether it be Stan, or whether it be George, or whether it be whomever. I can see the faces in the chairs. We think those are our last friends, no more friends. When they're gone, no other friends. Look who comes, look who comes. LeRoy comes, the Kopplins come, the Fischers come. I won't even name names. New friends come. We make new friends. Is the body going to fall apart because we're gone? I think not. I'd like to think so, but it will not. (Laughter) It will not. My friends here, what else do we have besides friends? You can think of the...I've passed probably 50 or 60 bills. So be it. They're never read. My friends are here. I appreciate being here and where would we be without people like...you know, behind this growl here, behind this growl, there is a good man here. (Laughter) You know, look at this man here. There really is. (Applause) Mr. Pat O'Donnell. (Applause) And we have Vicki, we have Diana, we have Carol, and we have...shucks, we have so many people here, Dick, I can't say enough. Anyway, if words

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were...how does that go? If words were worth...a picture is worth...how does that go? I don't know. (Laughter) I can't remember. But anyway, you know what I mean. We would have it. (Laughter) I love the place. Thank you. (Applause) He always has the last word.

SENATOR SCHROCK: Did I neglect to say that Sunday, Judy and I celebrate 41 years of marriage? When Jim and I leave the apartment in the morning, she embraces me and she shakes hands with Jim. (Laughter) (Applause)

SENATOR CUDABACK: Get our thoughts together here. We have now the class of 1986. Senator Roger Wehrbein. (Applause) Senator Roger Wehrbein. He'll be speaking for himself.

SENATOR WEHRBEIN: You're right. (Laughter) Well, thank you. I guess in a lot of ways I was dreading this day. But the first thing I want to say, if I would come back again, which I won't, I'm going to do anything I can to get my name in the middle of the alphabet. (Laughter) (Applause) I wanted to start out by maybe reminding you, for historical purposes, the ones who started out with me in my class, there was ten which, I understood, was an unusually large class back in 1986; "Cap" Dierks, Scott Moore, George Coordsen, Stan Schellpeper, Frank Korshoj, Lorraine Langford, John Weihing, Brad Ashford, myself, and Owen Elmer. Four of them are deceased already. But...and also, I want to express my appreciation for being able to serve with those and many of you knew them, many of you don't. Time goes on. The other thing I want to do before I get too far involved is to thank the staff, Clerk's staff, Legislative Research, Fiscal Office particularly, you've already been recognized. I want to especially thank the Fiscal Office for the years that we spent together. It's extraordinary. And that's support that I won't forget. Thank you. (Applause) The other thing I wanted to say is there's been a lot of talk about us 20 leaving. But there's going to be 28, 27 carryovers. You're going to be the new senior senators, if you will. And I have every confidence you're going to do a good job. Because there's so much time spent on us and missing the experience, I hope it isn't also thought that you aren't going to be able to carry on, because I really believe you will. You've been fast

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learners so far in my observation, the class coming in is going to have a particularly fast learning curve or steep learning curve. But I think that this body will move on. We've got 100 and some years history behind it. There's no reason to think that it won't carry on like it should. And I have every confidence and I wish you the best in the things that you do ahead. I may well be watching somewhere and I'll keep my mouth shut and I'll bite my tongue. But I have every confidence you'll do a good job and I appreciate the fact that...I really believe that. The only other thing I would say, I've enjoyed serving. Jeanene, my wife, has put up with that for 20 years. I figured out it's about 1,500 trips to Lincoln I've made, like all the rest of you, but it's quite a few. But it's been good to be here and to serve with all of you. It's been an honor and a privilege to serve with all of you. And I hope, like all of you hope, that we have left some small mark. And I will say, I still stand in awe of this tower on the plains as I come in every day and especially the Sower, which many of us have hugged. It's hard to believe, isn't it? But this is a magnificent building and I think we accomplish good things here, and I look for that to continue. And thank you for the opportunity to be part of this group. (Applause)

SENATOR CUDABACK: Senator Roger Wehrbein. Senator Roger Wehrbein. Speaker Brashear, you are recognized.

SPEAKER BRASHEAR: Thank you, Mr. President, members of the body. I...with regard to this last class, I just think it's appropriate to say that I'm very fond of the--and I don't want to get into the substance here--but I'm very fond of the Colin Powell saying: You break it, you fix it. So once I broke the format for Senators Cudaback and Schrock, I knew I wanted to break it for the next class and hear from them both, so Mr. President.

SENATOR CUDABACK: Thank you, Mr. Speaker. Senator Dave Landis and Senator Chris Beutler, please come forward. (Applause) Senator Dave Landis and Senator Chris Beutler.

SENATOR LANDIS: Thank you, thank you. Whoa. (Laugh) (Inaudible). Yesterday, we had the second impeachment in

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100 years and there were three people who have been at both of them and that's Ernie and Chris and myself. And at the end of that day, I went down to the YWCA and took my granddaughter out of day care a little early so we could spend some time together. And we went up to the gym and we improvised a game where she ran out of her shoe and I would chase her and find her and then I'd offer her the slipper and it would magically fit her perfectly and we'd do it again and again and again. And then my daughter Melissa showed up about half an hour later and swept off my granddaughter. And I went home to take a nap. (Laughter) And it struck me that my daughter Melissa, now a mother of 33, was exactly Naomi's age when I was elected to the Nebraska Legislature, that exactly an entire generation had passed in my family from my daughter to my granddaughter since I've been here. My son went from an eight-year-old soccer-playing boy to a 36-year-old soccer-playing man who makes a good deal more money than I do and gets all the best parts in the plays around town. (Laughter) When I first came, my conservative Republican father would call me up and critique the arguments that I was making on the floor of the Legislature. And then when he died a number of years later, I was allowed to read his poetry on the floor in a resolution honoring him. And then when my mother died, I shared the condolences of my colleagues because I've been here for half of my life, a generation. The one fixed point in that passing of time, however, is my beloved wife Melodee, without whom I could not have spent a day in this Chamber. When I was elected, she was a young, beautiful, vibrant, smart, funny woman. And today, she's a young, beautiful, vibrant, smart, funny woman with a Ph.D. and a better job. (Laughter) Why would you spend a generation of your life sitting in those seats? Part of it's the colleagues, part of it is the people that we do this with. Chris and I were elected with Don Wesely and Tom Vickers, Peter Hoagland, Vard Johnson, Rex Haberman, Carol Pirsch, several appointees, Don Wagner, Harry Chronister, Bill Barrett, Ray Powers--and then more than 300 people later, all colleagues over the space of 28 years. Interesting, charming, delightful, aggravating, maddening people to share time with. It made the time go quickly. And the second reason you come here is, over time you realize how important the staff is to you and what they've meant to you being there and helping you. And you look back, in my case,

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names that go back 20-some years: Linda Loftis and Leslie Kendrick and Charlie Petersen and Cynthia Johnson and Robin Kimbrough, Claudia Zanolli, Bill Marienau, Jan Foster, Erma James, George Kilpatrick, Laurel Marsh, and Carrie Lamphere. But most of all, it's the work. It's getting up in the morning and coming to a building like this and asking yourself, and then getting to answer, the question, "What should the law be?" A number of us have been to law school where we were taught what the law is. But here we get to ask, "What should the law be?" What do we owe each other? How much will we reach into one person's pocket and take money so that we can pass it along in some public good to another person? It is an awesome task and a wonderful responsibility. I have a source of vanity here. I'll leave here passing 391 bills, I think the largest number in the history of the state. And I'm thrilled by that accomplishment. But if not one of them had passed, just sitting in the Chamber and asking myself, "What's the right thing to do now," would have made every day worth it being in this body. And if I've brought credit to my class, to my district, to my family, and to this institution, I will be more than grateful for the time to have been here. I'd like to yield a little of my time to my colleague and good friend, Chris Beutler. (Laughter) (Applause)

SENATOR CUDABACK: Senator Chris Beutler.

SENATOR BEUTLER: This is a moment that I've known for a long time I would not get through easily because this institution and you are such powerful emotions in my life. Senator Landis spoke well for me. In fact, I couldn't think of a single amendment as I was standing up there. (Laughter) (Applause) But I just wanted to add one short thought, perhaps a curious thought to some of you. But it is a thought for those of us who are leaving. And I thought of it this morning as I was just looking out the window and being kind of sad about things. But I'm happy that we long-timers will pass from the scene in the springtime. In springtime, all nature promises renewal and rebirth. And I am inspired anew by the tulip and the daffodil and even by the dandelion. To all the great staff I've ever had, to all of you, to each of you, may God grant that we will pass, that you all will pass my way again many, many times. And

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finally thank you, Judy, for making this all so possible for me. Thank you. (Applause)

SENATOR CUDABACK: Senator Chris Beutler. Senator Erdman, would you please come forward? Senator Erdman.

SENATOR ERDMAN: I'm not retiring, in case you're wondering. We have talked about all the staff and folks around here that are necessary for work to be productive. And without the able staff of our E & R Chairman and his leadership, we would all stand around wondering who's going to make the motion. And on behalf of the Legislature for the past two years, Senator Flood, we have a small token of appreciation for your willingness to stand next to Senator Landis for hours on end and make motions. So would you please come forward? (Applause)

SENATOR CUDABACK: Senator Mike Flood. (Applause) Thank you, Senator Flood. You helped us out tremendously. Thank you, Senator Flood. You've helped me out also. Great to have you make the motions without wondering who's going to do it next.

SPEAKER BRASHEAR: I'm not going to attempt to top what Senator Jim Cudaback portrays at all times in all places around here, except to indicate that this award to him as the president pro tem of the senate is to recognize officially his wonderful humanity, his popularity in the body, the appreciation we all feel, and my public acknowledgement, which I try to affirm over and over again, and I say it to Jim almost daily. I could not have served as Speaker without him. And Mr. President, would you come forward?

SENATOR CUDABACK: I should say time. (Laughter) (Applause) That's enough, that is time. I really don't think we appreciate what a Speaker's job is. I think you do, I do, but we really don't say it enough. I've seen this man in action. I have seen him work. And with his graciousness, I feel such a privilege to be in that chair. I feel greedy. I feel like I've let you down by not letting some of you in there. I find it such a...that's the truth, such a privilege. I feel like I owe you. I'd almost pay you to do it. Almost, I said. (Laughter) And anyway, thank you. I should thank my staff, too, for letting me be

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there. (Applause) And of course, my mother.

SENATOR SCHROCK: Mr. President, point of personal privilege.

SENATOR CUDABACK: Senator Schrock, I think you have that right.

SENATOR SCHROCK: I want you to know I've served with five Speakers in my legislative career. And I'm not going to compare them. And I'm going to be brief because Senator Brashear would want me to be brief. I've seen him serve with personal sacrifice to his job and family. I've seen great acts of generosity. I will never forget the night when the campaign finance bill was up and Senator Beutler did not have enough votes because people were absent and he said, let's move this bill forward. Maybe the classiest act I've seen in my 14 years. He didn't let somebody's vote get in the way. He was fair. And when he lost, he didn't mope, he didn't grumble. There was no retribution. He was fair. He set his personal interests aside to serve this body. This body is not easy to serve. We are 49 mavericks. It may be the toughest job in the state of Nebraska. He has definitely served with honesty and integrity. And if this group would join me in honoring our Speaker, Kermit Brashear. I've been proud to know you. (Applause)

SENATOR CUDABACK: Speaker, stand up, please. Speaker Brashear has done a great job that we're going to reiterate this. So Senator Bourne?

SENATOR BOURNE: I'm going to piggyback on what Senator Schrock said. Senator Schrock, thank you. If a person is extremely fortunate, he happens upon an individual who has a profound impact on his or her life. I've had that good fortune in meeting Senator Kermit Brashear. Senator Aguilar and I take great delight in referring to Kermit as Denny Crane from the TV show "Boston Legal." Those of you who are fans of the show will recognize immediately the similarities. (Laughter) This of course is totally lost on Kermit as watching TV does not count as billable hours. (Laughter) Some of the memories I treasure most about Kermit are ones you'll recognize as well. Some might say that Kermit is wound kind of tight. Once I called him on his intercom. When he answered the phone, as I often do, I

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said, hey, Kermit, what's the good word? Kermit's response was total silence. (Laughter) I could hear him processing this. After a few seconds, he started to stammer around and he was trying to respond what the good word was. I finally said, Kermit, relax, it was just a prelude to conversation. Oh, oh, he says, okay. I recall the late nights working on the floor in the early spring when it's really hot and uncomfortable in the Chamber, my female colleagues, their makeup is running down their faces. The men all have their coats off and are still sweating up a storm. And there's Kermit with his jacket buttoned up, tie on, not a hair out of place, punching the air in one of his trademark speeches. Kermit is a man of integrity. The night he was working to stop Senator Beutler's campaign finance bill will always stand out, in my mind, as one of the Legislature's finest moments. Not because Kermit was trying to stop the bill but because of the character that he showed that night. Senator Schrock hit it right on the head. Senator Beutler realized he did not have the votes to advance the bill. Kermit stated he would assist Senator Beutler by voting to advance a bill that Kermit vehemently opposed. It was truly, as I said that night, the epitome of class. I also said that night that I hope my son was watching because that exchange was a historical example of how we should treat each other here in the Legislature and in general. Kermit is a man of great ideas. I don't always agree with them, but he's got the ideas. Nebraska is a better place because he is here. I hope he continues his life in public service because we need people like him. I have a lot of pride in having served here. But one of the things that I am most proud about is that I can say I served with Kermit Allen Brashear II. Kermit, come forward, we have a plaque for you.

SENATOR CUDABACK: Speaker Brashear, would you please come forward? (Applause) Speaker Brashear, you're not lost for words. You may address the crowd if you wish to. Speaker Brashear, you are recognized. And you don't need to be recognized.

SPEAKER BRASHEAR: Thank you, Mr. President, members of the body, and guests. I want to continue...well, the Fiscal Office managed to get more than its share. But...(laughter)...but I

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wanted to continue with something we began last year. I thank you for...this is getting more difficult. You were all just very nice and gracious to me. Thank you very much. But it is, I try to always say, you don't do anything here without 25. It's all about working together in terms of procedure, process, a lot of the other things, even when we disagree about the substance. And one of the things that I wanted to bring last year, we did it, I'll try and do better this year. I will make mistakes. I will not pronounce every name correctly. But it is just, we cannot adjourn, in my judgment, without, as we say in the law, spreading upon the record the names of all these people who make this institution work. Because I think everybody tries to be very gracious, very appreciative, and very thoughtful in amongst all the tension and hurry and everything else. But there are some people we just never say it to and we...I hope it becomes a tradition, because I think at least once every session we ought to spread upon the record the names of the people who make it work to the extent we can. And with apologies to the Pages individually, I want to start with Kitty Kearns and all of the Pages. Please rise and accept our thanks. (Applause) Next I'd like to recognize the Sergeants at Arms. Now what we might do in order to...we can do this individually. But I'm going to suggest that we will just have each group that I recognize stand and then we will rise and thank them, if that's all right. All right, the Sergeant at Arms, it's getting difficult for me to read, by the way; I have tears in my eyes, so bear with me. I don't have good vision anyway. (Laughter) Ron Witkowski, Dewey Foster, Sally Gordon, Bob Lohrberg, Richard Todd, and Lois VanDeventer. (Applause) Thank you, thank you. All right, now in the South Balcony, we have the Ombudsman's Office. Marshall Lux, the public counsel, James Davis, Carl Eskridge, Terry Ford, Marjorie Green, Oscar Harriott, Anna Hopkins, Carla Jones, Marilyn McNabb, Hong Pham, and Kris Stevenson. Thank you. (Applause) Again in the South Balcony, the Legislative Research division. Cynthia Johnson, the director, Donald Arp, Martha Carter, Nancy Cyr, Deb Emmons, Kate Gaul, Sandy Harman, Peg Jones, Lance Lambdin, Angie McClelland, Andre Mick, Stephen Moore, Cindy Nichols, Mary Rasmussen, and Bernard Scherr. (Applause) The Legislative Accounting and Budget Office in the South Balcony. Diane Nickolite, the business manager, Cindy Engel, Diane McLain, Cynthia Waldman, and Debbie Wilsey.

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(Applause) And the Fiscal Office is in the South Balcony, too. (Laughter) Mike Calvert, the director, Tom Bergquist, the deputy director, Scott Danigole, Jeanne Glenn, Phil Hovis, David Rippe, Elizabeth Hruska, Mike Lovelace, Doug Nichols, Sandy Sostad, Kathy Tenopir, Don Yelick, Susan Hayes, and Wanda McNally. Thank you. (Applause) To the Revisor of the Statutes, also in the South Balcony, Joanne Pepperl, the revisor, Krista Miller, Diane Carlson, Jeff Conway, Mary Fischer, Scott Harrison, Marcia McClurg, Neal Nelson, Edith Bottsford, Nancy Cherrington, Kathleen Eppens, Merv Karusnick, Mary Anne Linscott, Joyce Radabaugh, and Marcia Robinette. (Applause) To the Bill Room on the legislative floor, where? Are you...pardon me? They're gone. We're going to spread their names upon the record anyway. Donnabelle Millet, the supervisor, Gayle Beals, the assistant supervisor, Robert Bruhl, Ann Hart, Jim Lyons, Dennis Rohn, and Gaylan Suhr. (Applause) The Transcribers...

CLERK: They're still upstairs working on rushes, Mr. Speaker. (Laughter)

SPEAKER BRASHEAR: Let us thank them. Debbie Smith, the supervisor, Bess Ghormley, Kathleen Higley, Jody Hurbut, Rita Rohn, Geneva Kitching, and Tony Perkins. (Applause) Legislative Technology Center, all right, Mike Evans, Daren Gillespie, Ron Gerdes, Pam Huckins, Chris Leishman, Jennifer McDonald, Luke Jones, Steve Ramos, Gary Wieman, Teresa Alexander, and Kevin Lyons. (Applause) The Unicameral Information Office, this is the Unicameral Update, Mitch McCartney, director, Connie Pritchard, Heidi Uhing, and Lauren Adams. (Applause) Coordinator of Legislative Services, Chuck Hubka and Matt Rathje. (Applause) The Clerk of the Legislature's Office, those of you that we see every day and we thank you and it's fun and a delight to be with you. Patrick O'Donnell, the Clerk, Dick Brown, Carol Koranda, Vicki Buck, and Diana Bridges. (Applause) But there are more and we don't see them every day. Others in the Clerk's Office, Judy Backhaus, Jamie Kruse, Dallas Mehling, Cindy Wolfe, and Pat King. (Applause) I'm sorry, Brad. Brad Boesen is the lobby registration and journal clerk. Where are you? (Applause) What I am not going to do but I would like to do, but perfect

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being the enemy of good, we will not recognize every senator's staff. I know and hope that you're in a position to be thanked. None of us do it alone. You're all important and we thank you. (Applause) But I am going to recognize the four people without whom I literally could not function. And you know that. Dr. Jim Pieper, Laurie Weber, Jeanette Thiem, and my wife, Kathy, whose idea it was, 12 years ago, that I run for this office and serve to the best of my ability. Thank you. (Applause) I will tell you now that I am trusting, Mr. Clerk, that you're not going to let me make any errors. So if there's anything I don't have here, just speak up. It'll be like you usually do. They just may not have heard it. I am told that I am to...that I can make comments about the session. I've thought about it...I can't. I can only say that I hope, as I've served, you have known how wonderful it has been, what a privilege. I thank God for it. It's one of the great moments of my life. Thank you. (Applause)

SENATOR CUDABACK: Thank you, Speaker Brashear. We all appreciate you very much. Mr. Clerk, items please.

CLERK: Mr. President, communication from the Governor to the Clerk. (Read re LB 1024 and LB 1024A). (Also, communications from the Clerk regarding LB 542A, LB 1086A, LB 990A, LB 872A, LB 746A, LB 965A, and LB 1248A, Legislative Journal pages 1676-1679.)

SENATOR CUDABACK: Senator Redfield, for a motion, please.

SENATOR REDFIELD: Mr. President, as a member of the Revenue Committee, I have been asked to do what we do best. I move that all bills not otherwise disposed of excluding bills on Final Reading and vetoed or line-item vetoed bills on this date be indefinitely postponed.

SENATOR CUDABACK: You've heard the motion. All in favor say aye. Opposed, nay. Motion carries. Senator Kremer, you're now recognized.

SENATOR KREMER: Mr. President, I move that the Chairpersons of all the standing committees file with the Clerk of the

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Legislature all standing committee records so that a proper record may be made of the final disposition of all bills.

SENATOR CUDABACK: Thank you, Senator Kremer. You've heard the motion. All in favor of the motion say aye. Opposed, nay. Motion carries. Thank you, Senator Kremer. Senator Price, you're recognized for a motion.

SENATOR PRICE: Mr. President, I move that the Legislature approve the preparation and printing of the permanent Legislative Journal, session laws, and indexes by Patrick J. O'Donnell.

SENATOR CUDABACK: You've heard the motion by Senator Price. All in favor of the motion say aye. All opposed to the motion, nay. The motion carries. Senator Baker, for a motion.

SENATOR BAKER: Thank you, Mr. President. I move that the Clerk of the Legislature be directed to send to each member of the Legislature a copy of the loose-leaf session laws and of the permanent Journal and session laws.

SENATOR CUDABACK: You've heard the motion by Senator Baker. All in favor of that motion say aye. Opposed to the motion, nay. The motion carries. Thank you, Senator Baker. Senator Stuhr, you're recognized for a motion.

SENATOR STUHR: Thank you, Mr. President. I move that the Journal for the sixtieth day, as prepared by the Clerk of the Legislature, be approved.

SENATOR CUDABACK: You've heard the motion by Senator Stuhr. All in favor of that motion say aye. Opposed to the motion, nay. The ayes have it. The motion carries. Speaker Brashear, you are now recognized.

SPEAKER BRASHEAR: Mr. President, I move that the Ninety-Ninth Legislature, Second Session of the Nebraska Legislature, having finished all business before it, now at 5:54 p.m. adjourn sine die.

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SENATOR CUDABACK: You've heard the motion by Speaker Brashear. All in favor of that motion say aye. Opposed to the motion, nay. The ayes have it. Members, we are adjourned sine die. Members, have a great, great summer. I will miss you all. Thank you. (Applause)

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