

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 24, 2007

[LB1 LB2 LB11 LB17 LB21 LB24 LB25 LB26 LB28 LB35 LB43 LB63 LB44 LB64 LB74
LB79 LB84 LB95 LB110 LB111 LB115 LB148 LB150 LB161 LB178 LB181 LB186
LB206 LB207 LB215 LB341 LB403 LB414 LB482 LR22]

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning and welcome to the George W. Norris Legislative Chamber for the fifteenth day of the One Hundredth Legislature, First Session. Our chaplain for today is Pastor Paul Coen from the Luther Memorial Church in Syracuse, Nebraska, Senator Heidemann's district. Would you all please rise.

PASTOR COEN: (Prayer offered.)

PRESIDENT SHEEHY: Thank you, Pastor Coen. I call to order the fifteenth day of the One Hundredth Legislature, First Session. Senators, please record your presence through roll call. Please record, Mr. Clerk.

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

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

CLERK: I have no corrections, Mr. President.

PRESIDENT SHEEHY: Messages, reports, announcements on your desk?

CLERK: Mr. President, your Committee on Enrollment and Review reports LB25, LB79, LB161, LB111, and LB28 to Select File, some of those having Enrollment and Review amendments attached. Your Committee on Banking, Commerce, and Insurance, chaired by Senator Pahls, reports LB63 to General File. Your Committee on Agriculture, chaired by Senator Erdman, reports LB74 to General File, LB111 to General File, and LB110 to General File with amendments. Those reports were signed by Senator Erdman. (Legislative Journal pages 349-351.) [LB25 LB79 LB161 LB111 LB28 LB63 LB74 LB111 LB110]

Hearing notices: Executive Board for Thursday, February 8; from the Health and Human Services Committee for January 31, February 1, February 2; and the Judiciary Committee for Wednesday, January 31, Mr. President. (Legislative Journal page 350.)

A rereference of LB534 and a new resolution, LR22, offered by Senator Burling. That will be laid over. (Legislative Journal pages 351-352.) That's all that I had, Mr. President. [LR22]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We'll move to next item on the agenda, a

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 24, 2007

motion to withdraw. [LB215]

CLERK: Mr. President, Senator Ashford would move to withdraw LB215. (Legislative Journal page 352.) [LB215]

PRESIDENT SHEEHY: Senator Ashford, you are recognized. [LB215]

SENATOR ASHFORD: Thank you, Mr. President and members. I have a motion here that, as I was looking at my list to see whether or not, how many votes it actually takes to approve this, but this is a motion to withdraw my motion to withdraw. So hopefully everybody is able to support me on this. I think it's certainly a motion I had never filed before, so I urge the body's support for my motion to withdraw my motion to withdraw. Is that debatable? [LB215]

PRESIDENT SHEEHY: No, it's not. If you are withdrawing your motion to withdraw, then LB215 does not appear as withdrawn. [LB215]

SENATOR ASHFORD: All right, and that's 25 votes is what it takes then? No votes. [LB215]

PRESIDENT SHEEHY: No vote; no need for a vote. [LB215]

SENATOR ASHFORD: No votes at all and no discussion? [LB215]

PRESIDENT SHEEHY: No needs. Just your request. [LB215]

SENATOR ASHFORD: All right. Thank you. [LB215]

PRESIDENT SHEEHY: So the motion to withdraw LB215 is withdrawn. Next item under Select File, Mr. Clerk. [LB215]

CLERK: Mr. President, on LB1. Senator McGill, I have no amendments to the bill. [LB1]

SENATOR MCGILL: I move for the advancement of LB1 to Enrollment and Review for engrossing. [LB1]

PRESIDENT SHEEHY: Thank you, Senator McGill. The question before the body is, shall LB1 advance to E&R for engrossing? All in favor say aye. Opposed nay. LB1 advances. Next item, Mr. Clerk. [LB1]

CLERK: Mr. President, LB2. Senator McGill, I have no amendments to the bill. [LB2]

PRESIDENT SHEEHY: Senator McGill. [LB2]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 24, 2007

SENATOR MCGILL: I move for LB2 to E&R for engrossing. [LB2]

PRESIDENT SHEEHY: The question before the body is, shall LB2 advance to E&R for engrossing? All those in favor say aye. Opposed nay. LB2 advances. Next item, Mr. Clerk. [LB2]

CLERK: Mr. President, LB26. Senator McGill, I have no amendments to the bill. [LB26]

SENATOR MCGILL: I move LB26 to E&R for engrossing. [LB26]

PRESIDENT SHEEHY: The question before the body is, shall LB26 advance to E&R for engrossing? All those in favor say aye. Opposed nay. LB26 advances. Next item, Mr. Clerk. [LB26]

CLERK: LB21. Senator McGill, I have no amendments to the bill. [LB21]

SENATOR MCGILL: I move LB21 to E&R for engrossing. [LB21]

PRESIDENT SHEEHY: The question before the body is, shall LB21 advance to E&R for engrossing? All those in favor say aye. Opposed nay. LB21 advances. Next item, Mr. Clerk. [LB21]

CLERK: LB24. Senator McGill, no amendments to the bill. [LB24]

SENATOR MCGILL: I move LB24 to E&R for engrossing. [LB24]

PRESIDENT SHEEHY: The question before the body is, shall LB24 advance to E&R for engrossing? All those in favor say aye. Opposed nay. LB24 advances. Item under General File, Mr. Clerk. [LB24]

CLERK: Mr. President, the first bill to General File. Senator Mines offers LB17. (Read title.) The bill was discussed yesterday. At that time Senator Langemeier offered an amendment to the bill that was adopted. I do have a motion to reconsider that vote, Mr. President. [LB17]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Mines, would you like to give us a summary on this legislation. [LB17]

SENATOR MINES: Yes, I will, Mr. President. Thank you. Colleagues, again LB17 would restrict officeholders from holding more than one high office. And high office is defined in statute as a constitutional officer, including...and Legislature, a member of a county board, a city council or village board, and a school district elective office. And this LB17

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 24, 2007

would merely add natural resources board members to the list of high elected offices. Thank you, Mr. President. [LB17]

PRESIDENT SHEEHY: Thank you, Senator Mines. We do have a motion to reconsider by Senator Chambers. Mr. Clerk. [LB17]

CLERK: Mr. President, Senator Chambers would move to reconsider the vote taken on AM71 adopted yesterday. Senator Chambers filed his motion yesterday, Mr. President, found on Journal page 348. [LB17]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Chambers, you are recognized to open on the motion to reconsider. Senator Chambers. [LB17]

SENATOR CHAMBERS: Thank you, Mr. President. You sure know how to make a guy get old bones to moving rapidly. And let me tell you all why I've offered this motion to reconsider. The thrust of the bill is to say that dual office holding should not occur. Is that based on a principle or is it based on convenience? If it a principle, the amendment that was adopted should not have been adopted. The theory behind the bill is that a person holding these two particular types of offices run the risk of getting involved in serious conflicts. Let me give an analogy which is not perfect. We have a person who is a thief, and we say thieving is wrong. However, since this guy was hired by the bank to work four years, we're going to allow him to stay in that role as a thief for four years. If the principle behind Senator Mines' bill is that you should not have the dual office holding, why are you going to say, but it's all right for the remainder of the terms of both of these offices? If the theory that the person holding both offices may not be reliable, cannot be trusted to do the right thing, then you should bring that to a halt right now. On the other hand, if after all of the pontificating, all of the pious declarations and pronouncements about principle, you are going to say, but we don't really mean it for these people who are in this position. They are somehow, Senator Carlson, of a higher moral value, higher moral standard than everybody else, so we're going to let these people continue in that position, but anybody after them will be less reliable, less moral, so we're going to cut this off. There are some things where you might use this process known as grandfathering. But if what you are talking about is a principle--and I don't think that's what's at stake here--then this talk of grandfathering is preposterous. Senator Carlson did not like the idea that seemed to be floating around--and I'm not sure that it was, but he perceived it to be that way--that rural people lack certain capabilities and competencies. Now we're saying they are of a higher moral order. And I see that Senator Schimek is in the Chamber. I'd like to ask her a question or two. [LB17]

PRESIDENT SHEEHY: Senator Schimek, would you yield? [LB17]

SENATOR SCHIMEK: Yes, I will. Thank you. [LB17]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 24, 2007

SENATOR CHAMBERS: Senator Schimek, if you can think back to when you were Chair of the Government Committee... [LB17]

SENATOR SCHIMEK: Oh, lo those many years ago? [LB17]

SENATOR CHAMBERS: Yes. [LB17]

SENATOR SCHIMEK: Okay. [LB17]

SENATOR CHAMBERS: Are there provisions in the law that would allow people in certain parts of the state to hold more than one office at the same time? [LB17]

SENATOR SCHIMEK: As I recall, and I'd have to double-check this, Senator Chambers, there are offices in villages and towns that are not major kinds of offices, but I need to check on that. [LB17]

SENATOR CHAMBERS: But those decisions were made because it was felt that you may not have enough people in those locations to run for these various offices, so if one person were willing to hold more than one, that person wouldn't be allowed to do so. I remember that as a rationale being given for... [LB17]

SENATOR SCHIMEK: I know that was the discussion, Senator Chambers, but whether that bill is still on the books or not, I'd have to double-check. [LB17]

SENATOR CHAMBERS: Thank you. Members, here's what I'm getting at. If the principle is that you ought to hold only one office, then that should be a principle. If you are not talking about principle, acknowledge that you are dealing with utilitarianism--what is convenient. But either the principle is valid or it's not. That amendment should not have been adopted yesterday because, as some people said, this softens the impact of the bill. In other words, you are putting the principle in abeyance until it's convenient to call it into operation. That should not be, and I'm not going to support the underlying bill. I'm not. But sometimes people need to be allowed to go ahead and do what they're going to be persuaded to do. How many people, whether you are new here or old here, have actually thought about this issue from the standpoint of a principle? And when I sit down, somebody is going to be able to tell me how my reasoning is incorrect. I don't know how much time remains on these various terms that people are serving, but we were told that there are six people situated in that fashion. Do these people have documentary evidence that they are of a higher moral order than everybody else? Have there been studies undertaken or even surveys to show why the conclusion is drawn by this Legislature that they ought to be given this prerogative that nobody else is to have? Did anybody show us that any person, situated as those will be under this bill, has done something which constituted a conflict? Something which showed that carrying out the duties of one office conflicted with the duties of the other

Floor Debate
January 24, 2007

so that in order to carry out the duties of office A you simultaneously undermine the duties of office B? We were not shown that. Everything was speculative. And I can speculate about anything that we bring up here. Maybe we shouldn't let people over 65 hold certain offices because many people after they get beyond that age slow down mentally, and we can show studies to that effect. But the first thing everybody would say, well, you can't say that everybody over 65 is going to fall into that category and we cannot cut off opportunities, and on and on. I've heard all the arguments. And they are like wash-and-wear garments; they are washed out and worn for this particular activity. Then when another contrary activity comes on, you engage in that one too. Then you wash it out, hang it up, and it's as good as new. That amendment ought not to have been adopted yesterday. You may stick by your decision because you made it, but this is the question I'm going to ask again, again, and yet again. If the principle involved is that a person should not hold these two offices, that should be the Legislature's position. You are the policymakers. The public relies on you. And can you give them a good rationale for saying, yeah, we're acting on principle but not right now; we don't think the principle ought to be applied right now. Well, why not? Well, because there are some people who would be affected negatively by the principle. How will they be affected negatively by this principle? Are they...well, just tell me how they would be. Well, they would have to give up one office or the other. Well, isn't that what your principle is about; they can't hold two offices? Er, well, yes, but you don't understand legislating. [LB17]

PRESIDENT SHEEHY: One minute. [LB17]

SENATOR CHAMBERS: See, legislators say a lot of things that sound one way but they mean something else. You cannot trust the Legislature. So I'm going to listen to the discussion. My motion is to reconsider the adoption of that amendment. If my motion is voted on, then we can undo something that I think was unwise. But if you think that it's wise, stick with it. But I'm listening to hear the rationale, and maybe you'll change my mind. Thank you, Mr. President. [LB17]

PRESIDENT SHEEHY: Thank you, Senator Chambers. I do have two announcements. (Visitors and doctor of the day introduced.) The floor is now open for discussion on reconsideration of AM71. We have Senator Schimek, followed by Senator Langemeier, White, and others. Senator Schimek. [LB17]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members of the body. I rise to, first of all, say that I think there is a rationale for doing the underlying bill, and I'd like to go into that shortly. But what I wanted to first ask, and I'd like to see if Senator Langemeier would yield, I'd like to ask a little bit about the impact of his amendment. So, Mr. President, I... [LB17]

PRESIDENT SHEEHY: Senator Langemeier, would you yield? [LB17]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 24, 2007

SENATOR LANGEMEIER: Yes. [LB17]

SENATOR SCHIMEK: Thank you, Senator Langemeier. In some ways what Senator Chambers is saying is persuasive, but I want to know about your amendment. How many people...as a guesstimate we heard, I think, six yesterday, might be impacted by this, but there could be more. Is that correct? [LB17]

SENATOR LANGEMEIER: My understanding, there are six NRDs that have a board member that would sit in this capacity. Correct. [LB17]

SENATOR SCHIMEK: And that is it, so it's six. [LB17]

SENATOR LANGEMEIER: To my knowledge. [LB17]

SENATOR SCHIMEK: And some of those board members would probably have a year left on their term? [LB17]

SENATOR LANGEMEIER: It would range from a year to two years to three years, depending on where they are. [LB17]

SENATOR SCHIMEK: Because they are elected at the same time that we elect legislators, is that not correct? [LB17]

SENATOR LANGEMEIER: Correct. And they're staggered throughout the district to a four-year term. [LB17]

SENATOR SCHIMEK: Yes. So either they would have one year left, basically, or...well, a little over one year or a little over three years, but the bill or the amendment talks about the effective date of this act, the amendment does, and that would be 90 days after the session ends, correct? [LB17]

SENATOR LANGEMEIER: Correct. [LB17]

SENATOR SCHIMEK: So, the... [LB17]

SENATOR LANGEMEIER: And not knowing that date for sure, that's why we put in the effective date. [LB17]

SENATOR SCHIMEK: Right. So that would approximately be July, August, September 1, so at that point it is almost a year or almost three years. [LB17]

SENATOR LANGEMEIER: Correct. [LB17]

Floor Debate
January 24, 2007

SENATOR SCHIMEK: And we have no idea what that mix is. We're not talking about a lot of people here. These people did run for public office, ran campaigns just like...well, maybe not just like the rest of us did, but they have put some effort into serving. And so in some ways your amendment is acknowledgement of that and in fairness to them. So I just want people to think about that. It would be, it seems to me, maybe an unreasonable thing to do to all of a sudden take these people out of office when over the years we've allowed them to serve. The other thing I'd like to say to Senator Chambers, I think there is an underlying philosophy to this bill and it's already in statute. It already says that they can't serve if they're on the county the city council or the school district. We're just adding natural resources district to this list. And I think it's an acknowledgement of the fact that natural resource districts are becoming more and more involved in the political fray. And their issues are becoming more and more important to the state, as a whole, not even just to their own local districts. And being a taxing body...I think it was Senator Fulton, a new senator, yesterday, who pointed this out during the discussion...they are a taxing authority and so there needs to be some thought given to the powers that they do have. I'm supportive of the bill, the underlying bill. [LB17]

PRESIDENT SHEEHY: One minute. [LB17]

SENATOR SCHIMEK: I think it's an important step for us to take. I'm going to continue to listen to the discussion on the amendment. I could go either way on the amendment. Senator Chambers, I understand what you are saying but I also think that there's so few people involved that in all fairness to them we'd let them serve out their one remaining year or in some cases maybe three remaining years. So having said that, I thank you for your time. [LB17]

PRESIDENT SHEEHY: Thank you, Senator Schimek. Senator Langemeier. [LB17]

SENATOR LANGEMEIER: Thank you, Lieutenant Governor and members of the body. I would agree with a lot of the comments Senator Chambers has made. I don't personally know what the intent is of this bill, and at the start of this I announced that I don't plan to vote for this bill. But I did offer the amendment to allow those people to finish their term, and that's all it does is it's a decision whether we want to allow them to serve their term if this bill should happen to go forward. And at this point that may be questionable, too. With that, I'd return my time back to the Chair. [LB17]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. Senator White. [LB17]

SENATOR WHITE: Thank you, Mr. President. I would speak against striking out existing officeholders who hold two positions for the following reason: The voters voted for these officeholders on the understanding, under existing law, that they were eligible

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 24, 2007

for office. The officeholders themselves and their supporters ran campaigns. Issues were joined. Political decisions were made based on the existing laws of this body. I do not think it is appropriate to upset the democratic process in hindsight by throwing people out of office who won elected office, retrospectively. Therefore I oppose this amendment. [LB17]

PRESIDENT SHEEHY: Thank you, Senator White. Senator Adams, followed by Senator Chambers. Senator Adams. [LB17]

SENATOR ADAMS: Thank you, Mr. President. Yesterday, as I listened to the discussion and the debate, and I was very appreciative of it because it was all very thought provoking, in fact so much so that I found myself maybe devoting too much of yesterday and last evening thinking about this very issue. And oftentimes it's just my way of doing things, I guess. When I start reading what if, what if, what if, into things, I have to step back and look at the more simplistic picture. And I said to myself, why is it that we don't allow a mayor to also serve on a school board, or a county commissioner to also serve on a city council? It's conflict of interest. It's simply conflict of interest. I heard good arguments about, well, we have a shortage of people to run for these positions. Yeah, we do. Good arguments about if you have talented people, why shouldn't they be there? Well, if those arguments are all valid, then I said to myself, why don't we go back and repeal all the statutes that say that people can't hold two offices? Let the mayor also be on the school board; let the county commissioner also serve on the city council. We don't, and we don't for a reason, and that's because of conflict of interest. Now the issue is about the NRD board. Why they were exempted from the statute in the first place, I don't know. But my perception of things has been that this body over the last several sessions has, primarily because of water issues, put a lot of responsibility on NRD board members. And they do have levying authority. And in my opinion, intentionally or not, an NRD board member has been elevated to a position of a high elective office and shouldn't be able to serve in two of them because of conflict of interest. Now yesterday, when the amendment came up, Senator Langemeier's amendment, I voted in favor of it, and I gave that a lot of thought too. I was wrong. I was wrong. And because of that I find myself in a very uncomfortable situation because one of the six examples of a person serving on a county board and serving on an NRD is from York, Nebraska, and he's a personal friend of mine. But if it's a conflict of interest, then the conflict of interest doesn't begin a year from now or two years from now or four years from now; it begins with the passage of this legislation if that's what the body agrees to. Thank you, Mr. President. [LB17]

PRESIDENT SHEEHY: Thank you, Senator Adams. Senator Chambers. [LB17]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, people have said legislating is like making sausage, whatever they're talking about, but whenever that statement is made, everybody nods as though they understand it, so I

Floor Debate
January 24, 2007

will say it. Sometimes a position may be taken or be advocated, and somebody will say, I like that but if I agree to that it starts me on a slippery slope and then I must do this, that, and the other. No. You must not do anything more than that. You take these issues one at the time. Nobody could start out with no laws in the state whatsoever, and sit down and, by taking thought, arrive at all of the various statutes that we have on the books and write it out. Statutes are drafted in response to perceived evils that need to be addressed, and they cannot be addressed any way other than through the court or the criminal justice system, so a law is passed to deal with that situation. Sometimes wise laws are enacted; other times unwise laws. Some laws are part good and part bad, and that's why we can amend, not only when the law is being considered but after it takes effect on the books. We can see that its actual operation is different from what we anticipated, so we either repeal it or we modify it. What we're dealing with here is a new departure. We are going into other territory. And usually when a bill like this is brought, dealing with an issue that has not been an issue, there is a specific situation that somebody has in mind. Anybody who went to law school has heard the expression, hard cases make bad law. You are looking with tunnel vision at this one incident, and rather than deal with it, you are going to change all of the law that affects everything and everybody else, and you still may not get at the one you want to get at. If a person is on the county board and also a member of an NRD, and engages in some kind of activity which is felt to be inappropriate, hold that person up to the public's scrutiny and deal with that situation and let it be dealt with by the people who are involved. You know why I'm not going to be able to run for the Legislature again if the Nebraska Supreme Court does not throw out term limits? Because white people in other parts of the state don't want me in the Legislature. So rather than just waiting me out, letting nature take its course, even I probably--notice I say probably--won't live forever. And if I start approaching that, I know that I'm not going to want to spend all of those years in the Legislature. But they got so focused on me that they're willing to throw everybody out of the Legislature. They're willing to decimate a branch of government. Never again will the Legislature as an institution have the amount of experience, knowledge, institutional memory, that it needs to function as one of the three branches of government in this state. The courts have not been affected; the Governor or the executive branch has not been affected. But the Legislature, which is the only branch that represents the people, has been decimated. The courts don't represent the people. They're not elected to represent the people. Their job is to interpret and apply the laws enacted by the Legislature. The Governor does not represent the people. The Governor's job under the constitution... [LB17]

PRESIDENT SHEEHY: One minute. [LB17]

SENATOR CHAMBERS: ...is to see that the laws are effectively and efficiently carried out. The only branch that represents the people is the Legislature, and you have one house. But to get one man that they fear or hate so much, they changed the constitution and will decimate this body of government. But while I'm here I'm still going to raise

Floor Debate
January 24, 2007

these issues that I think go to the integrity of lawmaking, the laws, and the Legislature as an institution. I'm going to put my light on one more time. [LB17]

PRESIDENT SHEEHY: You may continue, Senator Chambers. [LB17]

SENATOR CHAMBERS: Thank you, Mr. President. Now I'm going to come right back to this issue. If the six people who are in office now are good and we don't have a problem with them, we can pass a law, maybe, and say anybody currently serving will not be affected by this law, period. Not allowed to serve out this term in one or both of the offices, but Senator White, if what you are saying is true and we follow that as a principle, let them who have demonstrated their integrity continue to serve and serve and serve in two positions if the electorate where they are serving want them there. I have often said that if people in any part of this state want to send a mule skinner to the Legislature, that is their prerogative. If they want to send somebody who does not believe in washing and using deodorant and make it rough on some of us, but that's their prerogative. They are the ones to determine who can best represent them and their interests in this representative assembly. Something happened somewhere that caused this bill to be brought to us. Personally, I have not heard anybody talk about any conflict that has occurred because somebody is on an NRD and holding another office. I don't think the case has been made. You all may feel that it has been made. But even those who have spoken this morning have not given a compelling reason, in my mind, for the adoption of that amendment. You're going to be nice to somebody who is there now; you don't want to hurt their feelings. Those people become elevated above the principle? They're elevated above the law? And their personal political fortunes are more important than the issue that we stand here pontificating about? I think the adoption of that amendment was a mistake; that's why I made the motion. Whether you adopt my motion and we strip that amendment from the bill, I want you to know that I'm still not going to support the bill. I haven't been persuaded that there is a need for it. The Legislature can, meaning has the ability, the power, the authority under the constitution to enact any law on any subject we choose that is not prohibited by the Nebraska Constitution, by the U.S. Constitution or federal law, from enacting. We have plenary authority to pass any and every kind of bill. But if we're a wise, thoughtful, deliberative Legislature, we will not enact every kind of imaginable bill simply because we have the power and the authority to do so. There are many insane bills that would not be unconstitutional which we nevertheless ought not to enact. We enact, I think, too many bills into law. I think the committees don't do enough work in winnowing out these bills. They advance things as favors to people. Then when it gets on the floor, they can't defend it; they cannot justify it; but they can tell whoever that constituent or that special interest group is, I did what I could. And in the meantime the Legislature must deal with these things, and I will deal with whatever comes on the floor that I think I should, and this is one of those issues. Thank you, Mr. President. [LB17]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator White. [LB17]

Floor Debate
January 24, 2007

SENATOR WHITE: Thank you, Mr. President. This is in response largely to Senator Chambers' and Senator Adams' concern. In the law there is a concept, malum in se versus malum prohibitum: Some things are evil in themselves. Holding two offices is not evil in itself, as Senator Chambers clearly makes the case. People can do so honorably. Malum prohibitum is that which is illegal because we prohibit it. This is important only with regard to this amendment. Senator Adams says that the conflict exists at all times. I do not agree that that means we should make it active now, not grandfathering, because we are the ones who say it is now a conflict. It is malum prohibitum; it's a problem when we prohibit it. If we do nothing, it's not a problem. Therefore it's appropriate in this situation to grandfather people rather than act immediately. Thank you. [LB17]

PRESIDENT SHEEHY: Thank you, Senator White. Further discussion on the motion to reconsider. Senator Chambers, you are recognized to close. [LB17]

SENATOR CHAMBERS: Thank you, Mr. President. Senator White, Senator White, Senator White. Senator White told us, correctly, that some things exist in law because we put it there. And if we say a certain thing is wrong, it's wrong only because we said it; it was not wrong prior to that. This is why if a criminal statute is enacted, it cannot apply to anything that was done before that because prior to the enactment of that criminal statute the conduct was not illegal, it was not wrong. So you cannot, by statute, after the fact, make something a crime punishable by the state which was not a crime at the time it was committed. There are other areas dealing with what are called procedures, and I'm not going to get all off into stuff that will lose people, where you can say this will apply retroactively. It will apply to things that took place before the passage of the law because you are not punishing anybody, you are not fining anybody, you are not depriving them of any substantive right. And that's a simplification. Senator White dropped his money purse by failing to distinguish between what is appropriate for the Legislature to do and what is within the Legislature's power to do. I stated that it's within the Legislature's power not only to do this but to do crazier things. Why do I say it's inappropriate? Because in the process of this discussion we are establishing what we call a principle. We are saying that the bill may have validity because people should not serve in two offices. That is what we're saying. But Senator White says it's appropriate that we say, that is our principle but we don't want to apply it right now to these people, which is our way of saying that the principle is not necessary for them because the evil to be avoided will not be engaged in by them. That's because they're better. So I want to extend that, quote, principle, unquote. If these six people are so good, why don't we say, by way of a grandfather principle, anybody currently serving in two offices will not be affected by this bill. If somebody is a barber and new rules are adopted governing barbering, the law that puts those rules in place can say they do not apply to those who currently are licensed to be barbers. And those kind of things have been done. But do you notice the terminology? Grandfather; never grandmother. Because women, minority

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 24, 2007

groups, and other marginalized individuals are never going to be given that special consideration, unless it came to slavery. What they would liked to have said is, people are no longer to be enslaved in America except those who are enslaved now and their descendents. That's the way they would like to grandfather it for minority groups. But when it comes to white people, because a lot of them did not know how to read, could not pass literacy or any other kind of tests when it came to voting, were as ignorant as a post when there were black people with degrees and could not vote. They said, you must be able to write; you must pay this poll tax; you must do all of these things unless your granddaddy was legally voting in 18- whatever the year was. That would make sure all the white people's forebears were allowed to vote. That means this dumb, ignorant white man can vote even though he does not meet the requirements that I'm required to meet. See, I've got to be able to say how many bubbles there are in a bar of soap, but not the white man. The registrar doesn't need to know. I have to say... [LB17]

PRESIDENT SHEEHY: One minute. [LB17]

SENATOR CHAMBERS: ...how many windows are there on the west side of the courthouse. I do, but not the white man. That's grandfathered. But you don't see where it happen...anything redounds to the benefit of women, minority groups, or the marginalized groups. So that's a side issue. I want to come back to this. The only thing before us is whether or not you ought to vote to reconsider the adoption of that amendment. I think that decision should be undone. But whether you adopt my amendment or not, I'm going to be able to discuss that issue on and on. You'll have an opportunity to see what extended debate is about. And this is an important principle, even though the office involved may not be deemed by some people to be that significant. But we know that NRDs do a lot of things that are very significant. [LB17]

PRESIDENT SHEEHY: Time, Senator Chambers. [LB17]

SENATOR CHAMBERS: Thank you, Mr. President, and I will ask for a call of the house. [LB17]

PRESIDENT SHEEHY: The question before the body is, shall the house be placed under call? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB17]

CLERK: 36 ayes, 1 nay, Mr. President, to place the house under call. [LB17]

PRESIDENT SHEEHY: The house is under call. All absent senators please return to the Chambers. All unauthorized personnel please step from the floor. Senators, the house is under call. All unexcused senators please return to the Chambers. Senator Johnson, Senator Hudkins, the house is under call. All members are present. Senator Chambers, how do you wish to proceed? [LB17]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 24, 2007

SENATOR CHAMBERS: I'll take a machine vote. [LB17]

PRESIDENT SHEEHY: Thank you, Senator Chambers. The question before the body is the reconsideration of the vote on AM71. All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB17]

CLERK: 19 ayes, 23 nays, Mr. President, on the motion to reconsider. [LB17]

PRESIDENT SHEEHY: The motion to reconsider is not adopted. The call is raised. [LB17]

CLERK: Mr. President, at this time I have nothing further pending on the bill. [LB17]

PRESIDENT SHEEHY: The floor is now open for discussion on LB17. Senator Kopplin. [LB17]

SENATOR KOPPLIN: Thank you, Mr. Lieutenant Governor. I was wondering if Senator Mines would yield to a question. [LB17]

PRESIDENT SHEEHY: Senator Mines, would you yield to Senator Kopplin? [LB17]

SENATOR MINES: Yes, I will, Mr. President. [LB17]

SENATOR KOPPLIN: Thank you, Senator. I've been trying to understand this bill the last few days, but you've got to recall I'm just that old guy that sits up front, and it takes me a little longer. But I'm curious, would you consider a metropolitan community board a highly elected office? [LB17]

SENATOR MINES: Metropolitan community, as in college? [LB17]

SENATOR KOPPLIN: Yes. [LB17]

SENATOR MINES: Oh. It's not considered in statute as a high elected office, and... [LB17]

SENATOR KOPPLIN: So if someone could serve on an NRD and on that. [LB17]

SENATOR MINES: Absolutely. [LB17]

SENATOR KOPPLIN: Even though they're both taxing entities? [LB17]

SENATOR MINES: Absolutely. It's not considered in this legislation; it's not considered

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 24, 2007

in any amendment that I've heard. [LB17]

SENATOR KOPPLIN: Okay. So they could serve both on NRD and the ESU board. [LB17]

SENATOR MINES: Yes, sir. [LB17]

SENATOR KOPPLIN: Even though they're both taxing entities. [LB17]

SENATOR MINES: Yes, sir. [LB17]

SENATOR KOPPLIN: Okay, so we're just moving one taxing entity into the highly category. [LB17]

SENATOR MINES: Yes. Again, this isn't difficult to understand. [LB17]

SENATOR KOPPLIN: Okay. [LB17]

SENATOR MINES: This is simply the natural resource districts' members would be considered high elected office. [LB17]

SENATOR KOPPLIN: Okay. It just takes me awhile to understand, you see. I've got it now. Thank you. [LB17]

PRESIDENT SHEEHY: Thank you, Senator Kopplin. Mr. Clerk, do you have an amendment on your desk? [LB17]

CLERK: Mr. President, I do. Senator Chambers would move to indefinitely postpone LB17. Senator Mines, as principal introducer, you have the option to take the motion up or lay it over at this time, Senator. [LB17]

SENATOR MINES: I'll lay it over at this time, Mr. Clerk. [LB17]

PRESIDENT SHEEHY: LB17 is laid over. Next item, Mr. Clerk. [LB17]

CLERK: Mr. President, on LB44. It's a bill by Senator Gay. (Read title.) The bill was introduced on January 4 of this year, at that time referred to the Government, Military and Veterans Affairs Committee. The bill was advanced to General File. I do have Government Committee amendments pending, Mr. President. (AM42, Legislative Journal page 328.) [LB44]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Gay, you are recognized to open on LB44. [LB44]

Floor Debate
January 24, 2007

SENATOR GAY: Thank you, Mr. President and members of the Legislature. I rise today to seek your support for LB44. What this legislation does is this bill would clarify that the election commissioners have the authority to combine a sign-in register and a list of the precincts of registered voters. Currently, both documents are maintained at each polling place during an election. However, by allowing the voters to sign just the voter registration list as opposed to the separate sign-in register, many counties could save time and money in decreasing the time of all of the duplicate records they must keep. This minor change would also help the receiving boards at the various polling places by having this less paperwork to manage. I want to clarify: LB44 does not require election commissioners to change their current practice but merely gives them the discretion of combining these two lists. Now, the reason I wanted to bring this to you is a convenience factor. Only seven counties right now in this state...I'll explain the situation as I know it...only seven counties have a full-time election commissioner to run these elections. So, many of these, the smaller counties in your district, the clerk acts as the clerk, the register of deeds. They wear many hats. They may be the county board secretary. They do a lot of things. Well, elections sometimes with all the election law and as they get more contentious, this is just one more thing they have to do. So if they are educating their poll workers and doing things like this, this could simplify the task. Many counties right now, many of the clerks are already doing this practice. And what this bill is, the intent of it, is to clarify the language that was in the existing law that says you can combine this one list. So when you come in to vote, you would sign a list just one time instead of signing this list and signing the other list. Now, in our county, we currently, the practice in Sarpy County is to sign the two lists, so I will speak of that. They may take this up; they may not. It's the prerogative of the election commissioner or the clerk to decide if they want to do this. But the intent of this bill, like I say, is to help the duplication of the paperwork. In today's day and age, we don't really need that. Now what they do to make sure, some people say, well, is it used to clarify that this voter voted? Well, we'll have another, just a quick roster to keep track of how many people are voting in that particular precinct. But it gets very confusing for people when they're in this process to keep the duplicate records. So like I say, the intent of this is to basically take an issue that's already being done in practice and make sure that they're not breaking any law. Because in the long term, if somebody comes in and wants to contend any tough election that they didn't agree with or the results didn't turn out the way I wanted, this is one more opportunity where they could come up and say, well, I want to contest this election. So we would remove any obstacle, make sure that what they're doing currently is legal. Thank you. [LB44]

PRESIDENT SHEEHY: Thank you, Senator Gay. (Visitors introduced.) We'll now move to the committee amendment, AM42. Senator Aguilar. [LB44]

SENATOR AGUILAR: Thank you, Mr. President and members. The committee amendment on page 2, line 13, strikes "shall" and insert "may." The committee

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 24, 2007

amendment allows the clerk of the election to list the names of the registered voters in a separate book in the order they voted when a combined list is used. The original bill mandated the clerk to perform this task. Thank you. [LB44]

PRESIDENT SHEEHY: Thank you, Senator Aguilar. The floor is now open for discussion on committee amendment. Anyone wishing to discuss this item? Senator Aguilar, you are recognized to close. Senator Aguilar waives closing. The question before the body is, shall AM42 be adopted to LB44? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB44]

CLERK: 41 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB44]

PRESIDENT SHEEHY: The committee amendment is adopted. The floor is now open for discussion on LB44. Anyone wishing to speak on this item? Seeing none, Senator Gay, you are recognized to close. Senator Gay waives closing. The question before the body is, shall LB44 advance to E&R Initial? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB44]

CLERK: 40 ayes, 0 nays, Mr. President, on the advancement of LB44. [LB44]

PRESIDENT SHEEHY: LB44 does advance. Next item, Mr. Clerk. [LB44]

CLERK: LB115 offered by Senator Pahls. (Read title.) The bill was introduced on January 8 of this year, referred to the Banking, Commerce and Insurance Committee. The bill was advanced to General File. I have no amendments at this time, Mr. President. [LB115]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Pahls, you are recognized to open on LB115. [LB115]

SENATOR PAHLS: Thank you, Mr. President and members of the body. LB115, this bill would repeal and replace provisions which have been interpreted as imposing a limit of four automobiles which may be written on one personal automobile liability insurance policy. Simply by clearing up this confusion, we would allow auto insurance underwriters to place more than four autos on the same policy for families who own that many or more vehicles. This has nothing to do with the commercial; this is just private. This basically is to help alleviate some of the confusion that is out there in the insurance world. Thank you. [LB115]

PRESIDENT SHEEHY: Thank you, Senator Pahls. You've heard the opening on LB115. The floor is now open for discussion. Senator Fulton, followed by Senator Stuthman and Loudon. [LB115]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 24, 2007

SENATOR FULTON: Thank you, Mr. President. May I ask, may the senator yield for questions? [LB115]

PRESIDENT SHEEHY: Senator Pahls, would you yield? [LB115]

SENATOR PAHLS: Yes. [LB115]

SENATOR FULTON: I was reading this over, and the question I have is, why did the law make mention specifically of four automobiles in the first place? [LB115]

SENATOR PAHLS: It was my understanding, a number of years ago when they talked about fleet vehicles, that was a total of five or more. And that...it does no longer apply to personal automobiles. That's why the confusion was there. That should have been eliminated a number of years ago. [LB115]

SENATOR FULTON: Okay, so this is the distinguishing points of fleets versus an individual owner. [LB115]

SENATOR PAHLS: Right. That is totally a separate set of statutes than the personal. [LB115]

SENATOR FULTON: No further questions. I'll yield my time. [LB115]

PRESIDENT SHEEHY: Senator Stuthman. [LB115]

SENATOR STUTHMAN: Thank you, Lieutenant Governor and members of the body. I would like to engage in a little conversation with Senator Pahls if he will... [LB115]

PRESIDENT SHEEHY: Senator Pahls, would you yield? [LB115]

SENATOR PAHLS: Yes. [LB115]

SENATOR STUTHMAN: Senator Pahls, this applies to just the four personal vehicles? That would be the limit as far as on your liability insurance policy? [LB115]

SENATOR PAHLS: No. This eliminates the number four. Right now, there's some confusion whether four is the limit. There are some insurance agents out there who sell more. That's why there's confusion between the different agencies. And this would eliminate the number four. No (inaudible)... [LB115]

SENATOR STUTHMAN: That takes that number out so then you could have any number... [LB115]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 24, 2007

SENATOR PAHLS: Right. [LB115]

SENATOR STUTHMAN: ...on that liability policy, so you had six or seven or anything? So what you are trying to do is take out that number four, identifying that number four? [LB115]

SENATOR PAHLS: Yes. And it would apply to somebody like me; I have five cars. For those of you who have teenagers, you know what I'm talking about. And in the long run this would cut down paperwork and would make things more effective. [LB115]

SENATOR STUTHMAN: Okay, thank you, and I'll give the balance of my time back to the Chair. [LB115]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. Senator Louden. [LB115]

SENATOR LOUDEN: Thank you, Lieutenant Governor and members of the body. I guess some of my questions have been answered but I would like to ask Senator Pahls questions if I may? [LB115]

PRESIDENT SHEEHY: Senator Pahls, would you yield? [LB115]

SENATOR PAHLS: Yes. [LB115]

SENATOR LOUDEN: Senator Pahls, is this actually just some type of cleanup language that's obsolete in there and to do away with...so any amount of automobiles can be on a liability policy? [LB115]

SENATOR PAHLS: Right. This is an example of something that was left in a number of years ago; probably should have been removed. It's simply...it is cleanup. It is like four words. [LB115]

SENATOR LOUDEN: And at the present time then it would have no effect on anybody's automobile policies or anything like that. [LB115]

SENATOR PAHLS: No. Right now, there probably are some companies who write more because there is a confusion with the people out in that industry. [LB115]

SENATOR LOUDEN: Okay, and it has no effect on any fleet policy or something like that. [LB115]

SENATOR PAHLS: No, no. No. [LB115]

SENATOR LOUDEN: Okay, thank you, Senator Pahls. [LB115]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 24, 2007

PRESIDENT SHEEHY: Thank you, Senator Loudon. Further discussion on LB115. Seeing none, Senator Pahls, you are recognized to close. [LB115]

SENATOR PAHLS: Waive. [LB115]

PRESIDENT SHEEHY: Senator Pahls waives closing. The question before the body is for the advancement to E&R of LB115. All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB115]

CLERK: 42 ayes, 0 nays, Mr. President, on the advancement of LB115. [LB115]

PRESIDENT SHEEHY: LB115 does advance. Next item. [LB115]

CLERK: LB186 introduced by Senator Langemeier. (Read title.) The bill was introduced on January 9, referred to Banking, Commerce, and Insurance. The bill was advanced to General File. I do have Banking Committee amendments, Mr. President. (AM57, Legislative Journal page 338.) [LB186]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Langemeier, you are recognized to open on LB186. [LB186]

SENATOR LANGEMEIER: Mr. Lieutenant Governor and members of the body, this bill is brought to you on behalf of the Nebraska Appraiser Board. This is a cleanup bill which we will see every year as the Uniform Standards of Appraisal Practices gets updated every year, so we're going to come back with this same bill. You'll get familiar with it. The big bill went last year; it was LB778. And we need to update the bill from the statute of the Uniform Standards of Appraisal Practices which currently says January 1, 2006. We need to move that to January 1, 2007. The committee also has a number of...we found a couple other corrections you'll see in the amendments. We used, when we did the bill last year and I take responsibility for that, is we used the word "National" in front of Uniform Standards of Appraisals, and that was an inappropriate term, however it was not a big negative but we have to go back and remove that. So you are going to see a second amendment which is AM66 here in a moment, that if you look at it, it goes back and pulls the word "National" out of a lot of places and scratches that. So you'll see that amendment in a minute. And with that, I would return my time to the Chair as I'll get to talk about some of these amendments momentarily. [LB186]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. We'll now move to AM57 which is a committee amendment. Senator Pahls. [LB186]

SENATOR PAHLS: Thank you, Mr. President and members of the body. The committee amendment was brought by the introducer, Senator Langemeier. This amendment will

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 24, 2007

remove the restrictions of a registered appraiser to do appraisals for lending purposes. And I think since we have Senator Langemeier who is a certified appraiser, I would like to give my time to him to further explain that amendment. [LB186]

PRESIDENT SHEEHY: Thank you, Senator Pahls. We'll now move to the amendment to the committee amendment, which is AM66 offered by Senator Langemeier. Senator Langemeier. (Legislative Journal pages 353-356.) [LB186]

SENATOR LANGEMEIER: Thank you, Lieutenant Governor. And again, members of the body, if you look at the amendment, we go through and take out the capital word "National" from National Uniform Appraisal Practices. We didn't quite get this due to the fact they had to go all over the statutes to pull that word out. We did not have it available at committee, otherwise it would have been part of the committee amendment. Previously you heard the committee amendment. It was inadvertently in the bill under the scope of practice for a registered appraisal, we got in there that they could not do appraisals for lending transactions; they could only do a state's or evaluations or planning, and that was unintentional. We need the registered appraiser to be able to do lending appraisals for our banking industry, especially as you get out to the western end of the state where there's very few appraisers in the first place. And so the committee amendment takes that one out. My amendment AM66 works on the word "National" and adds a little...corrects a definition wording in the bill. And with that, I would ask for your adoption of AM66, then the committee amendment, and then LB186. Thank you. [LB186]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You've heard the opening to AM66 as an amendment to the committee amendment. The floor is now open for discussion. Anyone wishing to speak on this item? Senator Langemeier, you are recognized to close on AM66. Senator Langemeier waives closing. The question before the body is, shall AM66 be adopted to the committee amendment? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB186]

CLERK: 40 ayes, 0 nays, Mr. President, on the adoption of Senator Langemeier's amendment to the committee amendments. [LB186]

PRESIDENT SHEEHY: AM66 is adopted. The floor is now open for discussion on the committee amendment to LB186. Anyone wishing to speak on this item? Senator Pahls, you are recognized to close on the committee amendment. Senator Pahls waives closing. The question before the body is, shall AM57 be adopted to LB186? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB186]

CLERK: 34 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB186]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 24, 2007

PRESIDENT SHEEHY: AM57 is adopted. The floor is now open for discussion on LB186. Anyone wishing to speak on this item? Senator Langemeier, you are recognized to close on LB186. [LB186]

SENATOR LANGEMEIER: Thank you, Lieutenant Governor and members of the body. I would ask that you adopt LB186. Thank you. [LB186]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. The question before the body is, shall LB186 advance to E&R Initial? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB186]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB186. [LB186]

PRESIDENT SHEEHY: LB186 does advance. Next item, Mr. Clerk. [LB186]

CLERK: LB95, introduced by Senator Flood. (Read title.) The bill was introduced on January 5, referred to the Education Committee, advanced to General File. At this time I have no amendments to the bill, Mr. President. [LB95]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Flood, you are recognized to open on LB95. [LB95]

SPEAKER FLOOD: Thank you, Mr. President and members. This bill in front of you here is simply a cleanup bill to correct an apparent drafting error that has made its way into our statutes. It amends Section 79-862 which relates to the reimbursement of expenses for those appointed or retained by the Professional Practices Commission. Generally, the reimbursement of expenses for state administrative departments is governed by Section 81-1174 through 81-1177. However, you will see on page 2, line 17, of the green copy, that current law erroneously references 81-1174 and the word "and" instead of the word "through" which implies that two separate statutes only would govern the reimbursements instead of incorporating all inclusively in all of the statutes inclusive between the two. So this bill is simple. It takes the word "and" out and inserts the word "through." That is all I have. This is lacking all substance but certainly important to procedure and to the people that want to know what the law is here, and so I would appreciate your approval of LB95. Thank you, Mr. President. [LB95]

PRESIDENT SHEEHY: Thank you, Senator Flood. You've heard the opening on LB95. The floor is now open for discussion. Senator Chambers. [LB95]

SENATOR CHAMBERS: Mr. President and members of the Legislature, I just have to say this to the Speaker: Mr. Speaker, when you pay that kind of attention to legislation, I have to say these are indeed exciting times. This kind of thoroughness in dealing with

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 24, 2007

the statutes just gets my blood to flowing. This morning I thought I was on a roll. That was nothing. Now I don't want any young people to misunderstand this: I'm on a high now, intellectually speaking. What we should be doing whenever we get the opportunity is to draft laws in such a way that they are clear; that they say what we mean and they mean what they say. And we should keep in mind that the public is not going to be as sophisticated as we are or as we will become as lawmakers, so they should be able to pick up the statute book and read it and know what that statute means. And Senator Flood pointed out a very important point: the difference between the words "and" and "through" when you are dealing with statutory construction. So Senator Flood, you've made my day. Thank you. [LB95]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Further discussion on LB95. Seeing none, Senator Flood, you are recognized to close on LB95. Senator Flood waives closing. The question before the body is, shall LB95 advance to E&R Initial? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB95]

CLERK: 40 ayes, 0 nays, Mr. President, on the advancement of LB95. [LB95]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. (Visitors introduced.) Next item, Mr. Clerk. [LB95]

CLERK: Mr. President, on LB150. It is a bill by Senator Adams. (Read title.) Introduced on January 8 of this year, at that time referred to the Education Committee. The bill was advanced to General File. At this time I have no amendments pending, Mr. President. [LB150]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Adams, you are recognized to open on LB150. [LB150]

SENATOR ADAMS: Thank you, Mr. President. Well, a month ago I left the teaching profession and now I stand before the body asking you to raise their permit fees. (Laugh) What LB150 would do would be to raise the certification fee that public school as well as private school teachers would pay, by \$10. The fee was originally set, that is being paid right now, it was set in 1991. So 16 years have transpired; the fee has not changed. The fee needs to be raised because of the cost of issuing, the cost of monitoring, salaries, fringe benefits (inaudible) involved with those people that take care of that. And as a matter of fact, at the conclusion of this last year, total operating costs for certification stood at \$438,000, whereas revenues were at \$394,000. Hence, the \$10 addition to the fees. It would bring a public school's teachers' fees from \$45 to \$55 and a private school teacher from \$30 to \$40. And this \$10 increase was arrived in conjunction with the Nebraska Council for Teacher Education, the Nebraska Department of Education, and I just received a letter today of endorsement from the

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 24, 2007

NSEA for this increase. Thank you, Mr. President. [LB150]

PRESIDENT SHEEHY: Thank you, Senator Adams. You've heard the opening to LB150. The floor is now open for discussion. Senator Raikes. [LB150]

SENATOR RAIKES: Thank you, Mr. President and members of the Legislature. There is no committee amendment so I'm not going to bring that to you, but I did...this came before the Education Committee. It was advanced on a unanimous vote. Actually Senator Adams is picking up a little bit for the committee. This has been in a tech bill for the committee for a couple three years. We just simply haven't gotten it done. I think he has explained that the people who support it and why. I would just add that we did look in a little bit to where this money, how it could be used, and so on. And it does seem that the statute pretty tightly construes that it has to be used for certification purposes. And so I am convinced that this is something that is appropriate and needed, and therefore I would urge your support. Thank you. [LB150]

PRESIDENT SHEEHY: Thank you, Senator Raikes. Senator Fulton. [LB150]

SENATOR FULTON: Thank you, Mr. President. I'd like to ask a question of Senator Adams, if I may? [LB150]

PRESIDENT SHEEHY: Senator Adams, would you yield? [LB150]

SENATOR ADAMS: Yes. [LB150]

SENATOR FULTON: Just to be certain, this is Cash Fund? This isn't General Fund, this is all Cash Fund. [LB150]

SENATOR ADAMS: Yes. [LB150]

SENATOR FULTON: Okay. I've learned in our committee work on Appropriations, there is a big difference, and so that clarification may serve useful to other senators, so thank you for that. [LB150]

SENATOR ADAMS: Good question. [LB150]

SENATOR FULTON: And I yield the rest of my time. [LB150]

PRESIDENT SHEEHY: Thank you, Senator. Further discussion on LB150. Senator Adams, you are recognized to close. [LB150]

SENATOR ADAMS: I waive closing. [LB150]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 24, 2007

PRESIDENT SHEEHY: Senator Adams waives closing. The question before the body is, shall LB150 advance to E&R Initial? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB150]

CLERK: 39 ayes, 0 nays, Mr. President, on the advancement of LB150. [LB150]

PRESIDENT SHEEHY: LB150 does advance. Speaker Flood, you are recognized for announcements. [LB150]

SPEAKER FLOOD: Thank you, Mr. President and members. Given the fact we have nine bills that will be placed on General File tomorrow, we're going to start at 9 a.m. as opposed to 10:00. So we'll have our regular 9:00 start tomorrow morning. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Mr. Speaker. Next item.

CLERK: Mr. President, on LB64, a bill by Senator Schimek. (Read title.) The bill was introduced on January 5 of this year; at that time referred to the General Affairs Committee. The bill was advanced to General File. I have no amendments at this time, Mr. President. [LB64]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Schimek, you are recognized to open on LB64. [LB64]

SENATOR SCHIMEK: Yes, thank you. Mr. President and members, I rise to encourage your positive vote on LB64. I would like to say at the outset that Senator Kruse actually introduced the same exact bill, and both of these bills were heard by the committee, and so I'm sure that he will probably have his light on at some point to speak, as well. LB64 should be a no-brainer, but I hesitate to say that because about the time I say that, there will be a thousand questions on this bill. LB64 strikes four sections of statute that were created statutorily by the initiative process in 2004. This was actually Initiative 419. There was also 417, 418, and 420. These statutes, as you know, deal with the defining of terms related to gaming and the establishment of tax rates and licensing fees for casinos. And I'm going to call your attention to all four sections that we're repealing here. The first one is 9-901 which contains the definitions for terms such as casinos, dollar amount, and gross gaming revenue. Simply put, these aren't necessary because gaming is not legal in this state. The second section is 9-902, and that states that the first \$15 million of gross gaming revenue will be taxed at a rate of 36 percent, which may sound reasonable at first, however any remaining casino profits will be taxed at only 20 percent. This recessive taxation is inexplicable. Most states do the complete opposite and increase the tax rate as adjusted gross receipts also increase. For example, the state of Illinois progressively taxes the first \$25 million at 15 percent, and it gradually increases the rate from 35 to 50 percent as you go up the scale in receipts.

Floor Debate
January 24, 2007

Indiana does much the same thing, and so does Iowa, Louisiana, and Mississippi, just to name a few. For this reason, it appears that the group responsible for this tax rate language was most concerned with profits and not necessarily improving Nebraska's infrastructure--schools, roads, services, etcetera. Perhaps the better plan for our state would be to negotiate tax rates and licensing and fees with these establishments, based on current practice in other states. And I know that Senator Kruse has some information on what Pennsylvania has done. There, just a quick scurrying look, also found information about Rhode Island. You might be interested to know that Rhode Island's gaming license fee was \$100 million. So we need to be careful what we put into statute here. Of course, it depends on the type of establishment that you might have, but the point is we don't have...we don't have the authorization, so why do we even need this in statute? It's superfluous, and if we were going to have it, it's wrongheaded. The third section, 9-903: establish an annual gaming license fee of \$100. That's what this did, \$100 instead of \$100 million. And then you did see the Omaha World-Herald editorial which said that this fee was paltry in comparison to fees in other states. The final section, 9-904, states that taxes and fees established in the previous two sections are in lieu of all other taxes, fees, franchise payments, occupation taxes, or excise taxes levied or imposed by the state, but shall not be in lieu of other fees, income taxes, sales taxes, or property taxes levied or imposed against the public generally. This section, like the other three, is unnecessary as long as there are no casinos in existence. So what we're asking you to do is to repeal this section or this initiative that was passed by the voters. I want you to all think about that. It was passed by the voters. At the same time, the voters passed a constitutional amendment that was part of this package that said it would take a two-thirds vote of the Legislature to repeal anything like the voters passed in 419. In other words, it's statutory. If we come back and try to overturn it then it takes a two-thirds vote, which would be 33 votes, of course. So what I'm asking you to do is overturn something that the voters did pass, but I think, without a doubt, you can justify it to your constituents. There's no need for this language. It's redundant. And if we were to have language, for heaven sakes, wouldn't we want to provide for the kinds of fees and licensing that skilled negotiators for the state would negotiate with any establishment, and not only the state, but cities or whatever entity housed any of these kinds of establishments? The bottom line is that we should...we should make our laws meaningful, and this is not a meaningful law. I ask you to repeal it. It takes 33 votes to do so. Thank you, Mr. President. [LB64]

PRESIDENT SHEEHY: Thank you, Senator Schimek. You've heard the opening to LB64. The floor is now open for discussion. We have Senator Kruse, McDonald, followed by Loudon. Senator Kruse. [LB64]

SENATOR KRUSE: Mr. President and colleagues, thank you. As Senator Schimek has indicated, this is a duplicate of my bill, LB181, so you get two for the price of one. Such a deal. Better take it before it goes away. I appreciate that the committee has put it up quickly because that's...it should be passed quickly and we should take care of it, but it's

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 24, 2007

an important item to do. In 2004, when the petition and the various pieces of the casino advocacy came on, the voters turned down the casinos. The promotional group had divided it into various groups, as we've been taught, so that there's not double subjects. The public passed this part. Now please, I don't explain these things. (Laugh) Our assumption is that it looked like it was putting up some fees for some licenses and so we might be getting some money. I don't think they understood that. And certainly it is full of mischief for us now. If we have another casino push, that should start with a clean slate and not the confusion of this. The two-thirds vote was put along side of this, I assume, to try to keep us from amending it, which we surely would have wanted to do, because \$100 per license is ridiculous. In Pennsylvania, it's \$50 million and, you know, we can tell the difference between \$50 million and \$100, and plus the licensing structure, the payment of tax on it is also that way. So we need to get rid of it. It serves no purpose at all now. Some have said, well, you are opposed to casinos so that's why you are doing this. No, that doesn't have anything to do with it. In fact, I would suggest to you that leaving it in there would be an anticasinio move because when they come along with another promotion, as they may someday, this thing would be hanging over them. It certainly was used in the last...in this fall when those opposing the bill before us...or the proposal, the initiative before us, pointed out that the fees were extremely low and would not serve the public. Again, it will take 33 votes on final passage to make this happen. I urge that you do it. I don't know of any problems or any negatives, and there's certainly was no opposition to this. Thank you. [LB64 LB181]

PRESIDENT SHEEHY: Thank you, Senator Kruse. Senator McDonald. [LB64]

SENATOR McDONALD: Mr. Lieutenant Governor and members of the body, I rise on behalf of the Government--or, excuse me, not the Government--the General Affairs Committee, asking you to support this bill. We had two wise senators that came to our committee with the exact same bill with the exact same wording, and there was no reason that we chose Senator Schimek's over Senator Kruse's. It was just kind of a draw of the hands. And so Senator Schimek will have her name on LB64, and Senator Kruse, though he supports it, his bill will not get the notoriety of passing. But we do think that this is great legislation because there's no reason to keep this information in state statutes. And if we ever do...the state realizes that if they do pass casino language, we need to update that state statute at that point in time. So I would hope that you would support this. We do need those 33 votes, but that doesn't necessarily have to be until Final Reading. But if we can get it now that would be great too. So thank you. [LB64]

PRESIDENT SHEEHY: Thank you, Senator McDonald. Senator Louden, followed by Senator Fulton. Senator Louden. [LB64]

SENATOR LOUDEN: Thank you, Lieutenant Governor and members of the body. I would like to ask Senator Schimek a question, if I may. [LB64]

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 24, 2007

PRESIDENT SHEEHY: Senator Schimek, would you yield? [LB64]

SENATOR SCHIMEK: Certainly. Thank you. [LB64]

SENATOR LOUDEN: On this, this is all or none, right? I mean Initiative 418 and Initiative 419 are both in this bill together? [LB64]

SENATOR SCHIMEK: No. No, this is... [LB64]

SENATOR LOUDEN: Will one or the other be? [LB64]

SENATOR SCHIMEK: This is just 419, which had four provisions in it. We're repealing all four provisions. Initiative 418 was the constitutional amendment which said it would take 33 votes of this body to pass a...or to repeal an initiative that was statutory in nature, which is what we're trying to do here today. [LB64]

SENATOR LOUDEN: Okay. But this is just on the tax, how the tax dollars would be spent and at that time. [LB64]

SENATOR SCHIMEK: That is correct. [LB64]

SENATOR LOUDEN: Okay. And this was my concern, whether we were working onto that constitutional amendment to change that 33 votes, which the voters had brought for us, and went... [LB64]

SENATOR SCHIMEK: Well, we'd have to actually do another constitutional amendment and put that back on the ballot. We cannot do that. [LB64]

SENATOR LOUDEN: Okay. Thank you. As Senator Schimek has answered my questions, then I can support this because I think the provision, the way it was put in statute to levy taxes against these casinos, should be an open-ended deal. I think that should be negotiated if and when we ever do something like that. I don't think we should have in statutes how we're going to charge these casinos because who knows in the future, ten years from now or eight, if something like this comes up again it may be altogether a different kind of ball game and different ways of doing business. So with that, I would support the bill. Thank you, Mr. President. [LB64]

PRESIDENT SHEEHY: Thank you, Senator Louden. Senator Fulton, followed by Senator Lathrop. Senator Fulton. [LB64]

SENATOR FULTON: Thank you, Mr. President and members of the body. I probably will support this, but I have a...I was reading through this last night and I'm confused, and so I'm hopeful that there may be someone of a legal background that might be able

Floor Debate
January 24, 2007

to clarify this. I remember voting on these initiatives. We also voted on Initiative 417, and I did pull up the language on the Internet here, but, what's on the Secretary of State's web site, 417 read this is "...to provide a constitutional amendment to provide that the people may enact laws by initiative measure to provide for the authorization, operation, regulation, and taxation of all forms of games of chance." And so 417 was to amend the constitution, Article III, Section 24, to allow people to put, by initiative process, games of chance, casinos in this case. Well, 417 got voted down, 51-49, so as I understand it, initiative that we're seeking to repeal doesn't exist. Am I correct about that? Are there any others that noticed this? Initiative 417 disallowed or did not give permission to the people of the state of Nebraska to, by initiative process, put this on the statute anyway. So I...I mean, we may be repealing something that doesn't exist anyway. We may be undoing a redundant redundancy. So I guess that's where I'm confused. I just...I want to know what it is precisely that we're doing. So can anyone speak to that, Initiative 417? What exactly did we accomplish? I'll yield the rest of my time to anyone who will respond. [LB64]

PRESIDENT SHEEHY: Senator Schimek. [LB64]

SENATOR SCHIMEK: I'm sorry, I guess...I thought he was calling on me, but maybe he wasn't. Oh, I would be happy to try to respond. You are right in pointing out that 417 was not passed. It was a constitutional amendment to provide for the authorization, as you said, and the operation, regulation, and taxation of all forms of gambling. That doesn't mean that the voters couldn't pass something statutorily if they wanted to, but I...but, you are right, it's meaningless in a way because they didn't authorize games of chance, and that's what we're just trying to do here today, is to take that off the books because it is meaningless. One was statutory; one was constitutional. So we do have some forms of gambling in this state, as you know, and they...I don't know if any of the provisions of 419 would apply to any of those particular forms of gambling or not. You might be able to make the argument that they are. But your question is good and you are doing your homework. Thank you. [LB64]

PRESIDENT SHEEHY: Thank you, Senator Schimek. Mr. Clerk, do you have a message on your desk? [LB64]

ASSISTANT CLERK: Mr. President, an announcement: The Health Committee will meet in Executive Session under the north balcony now; that's Health Committee under the north balcony now. [LB64]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Lathrop, followed by Senator Schimek. Senator Lathrop. [LB64]

SENATOR LATHROP: Thank you, Mr. President and members of the body. I'd like to begin by addressing Senator Fulton's question. I believe that once this initiative is on the

Floor Debate
January 24, 2007

books, it remains the law unless we repeal it. And so the net effect of having these remain on the books is that it's made Nebraska an attractive place to come and again try to bring gambling to Nebraska. To the bill or the merits of the bill before us, I think what we're dealing with today is a proposal that suggests that the electorate was hoodwinked into voting for an initiative. And I think if you look at the fees that are found in the initiative that was enacted by the people, they're a giveaway. We've made...we can make an awful lot more money on gambling if we allow it to come into the state, and so today to repeal this makes an awful lot of sense. I think it sounds like there's...instead of a \$100 fee, maybe we ought to be charging a casino \$50 million, and that makes good sense to me. But the concern I have and what I'd like to address today is the fact that this comes to us by way of an initiative. The voters did two things. One is they enacted a law and they went around the Legislature and exercised their own judgment. And now we may agree that it was poor judgment, perhaps they were tricked into doing it in some fashion or another with marketing, but they passed this initiative and they also passed an amendment to our constitution requiring that two-thirds of us get together to repeal an initiative of the people. And what I'd like to do this morning, if I can, is have someone who's been here longer than me, which is only a couple of weeks, tell me if we've ever taken something away from the voters, if we've ever repealed an initiative, because I don't think we should do it like we're repealing a statute. We're not. This isn't some judgment exercised by the same body just a few years ago that we find inconvenient or troublesome, but it is an initiative. And if there are people that have been here longer than me, and most of you have since I'm probably the last guy here, I'd like to hear what we've done with other initiatives, if we've repealed them before, and if there isn't something else we should be looking at besides the wisdom of the merits of this initiative. Thank you, Mr. President. [LB64]

PRESIDENT SHEEHY: Thank you, Senator Lathrop. Senator Schimek, would you like to respond to his question or speak on your time? [LB64]

SENATOR SCHIMEK: I would like to respond to him on my own time, but I could use this as my closing, unless...I don't know what to do. I guess I'll just respond on my own time, and then if there are no further questions we can also take this as my closing. I will waive closing then. I'd like to thank Senator Lathrop for saying what he did because it's something I should have said, Senator Lathrop, and that is we are leaving ourselves wide open to all of the gambling interests to come in here and be able to establish something at the \$100 fee level. So I think that was an important point to make. And, yes, this Legislature has indeed overturned a decision by the people. I don't know how many of you remember the seat belt law. This was before I came into the Legislature, but a seat belt law was passed by this Legislature, and the people took out a referendum and overturned it. And so it was a matter of only a few years later, I think, Senator Chambers, I'm not sure exactly how much later it was, the Legislature came back and overturned what the people had done through that referendum, and they didn't do that lightly and they didn't do that without some controversy. But they did it, in part,

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 24, 2007

for probably two good reasons. One, it truly was a safety issue. But even perhaps more compelling in making the argument back to their constituents is that we were going to lose a lot of highway funds if we didn't do that. The federal government was telling us we had to pass a seat belt law or we were going to lose federal funding. So we did it and I think eventually it was okay, but there was a lot of...lot of controversy about it at the time. I can't think of any others. Senator Chambers, I don't know, can you think of any other instances in which the Legislature overturned an initiative of the people? Would you like to respond? [LB64]

PRESIDENT SHEEHY: Senator Chambers, would you yield? [LB64]

SENATOR CHAMBERS: Yes, I will. Senator Schimek, I don't really recall. I thought it had something to do with the helmet bill, but I can't recall. But there have been instances where the Legislature took a position other than what the public had taken by way of a refer...I meant, an initiative. [LB64]

SENATOR SCHIMEK: Thank you. Mr. President, with that, I will waive closing, but I'm not going to consider this to be my closing if anybody else has a question. [LB64]

PRESIDENT SHEEHY: Thank you, Senator Schimek. Senator Chambers. [LB64]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I would like to get a clarification from Senator Lathrop, if I may. [LB64]

PRESIDENT SHEEHY: Senator Lathrop, would you yield? [LB64]

SENATOR LATHROP: Certainly. [LB64]

SENATOR CHAMBERS: Senator Lathrop, was it your suggestion that we not repeal these provisions because they were adopted by way of initiative petition? [LB64]

SENATOR LATHROP: Not necessarily. I just... [LB64]

SENATOR CHAMBERS: Okay. [LB64]

SENATOR LATHROP: ...I wanted to find out what the practice had been in the body, what the other considerations were because it was an initiative and we hadn't talked about that fact; that we were essentially approaching it like we were repealing something that had been passed by this body and now, on further consideration, we didn't care for. [LB64]

SENATOR CHAMBERS: Thank you for your clarification on your position. Members of the Legislature, the public has been referred to, when they utilized the initiative or the

Floor Debate
January 24, 2007

referendum, as the second house of the Legislature, and no enabling legislation is needed by us to allow the public to act pursuant to the constitution that allows them to initiate a law. And the initiative is when they want to put something into the statute and make it a law. The referendum comes into play when we have enacted a law already. The public doesn't like it so they want it referred to the public, by way of their petition, to see if the public is going to uphold it or nullify it. If the public, once something we pass is referred to the public by way of an initiative...I meant, a referendum petition, and the public votes against that law, then they can repeal it, but the Legislature is free to reenact it. Our judgment is not tied to what the public does by way of referendum or initiative. By it being referred to, these practices, as the second house of the Legislature, where you have two houses, they don't have to walk in lockstep. So I have no difficulty in taking each issue that is before us, whether the public has repealed a statute through referendum or have enacted one through initiative. If the public has acted in a way that I deem to be unwise, my job is not to reflect ignorance, and that's what I tell the people in my district. My job is to go down there, learn as much as I can about an issue, use my best judgment, and if it means going contrary to what you all tell me to do then your remedy is to put somebody else in office who's going to walk along and do everything you tell 'em to do. I will tell you all, frankly, that I know more about these issues than you all do. You all knew that I was going to know more about these issues than you do. That's why you sent me there. But if, for any reason, you dislike the judgment that I exercise, put somebody else in. When time comes to run for office, for those I have not explained this to, I didn't campaign. When people would send me money, I would write a courteous note and reject it and let them know I don't accept campaign contributions from anybody. I do a weekly program on cable, and when election time comes I would explain to people, I have no proprietary ownership of this office; it doesn't belong to me. I occupy it as long as you all want me to be here. But I'm not going to beg you to vote for me. I'm not going to ask you for anything. And if, after all these years, you don't know what I'm about, but you think you do and you don't like what it is you think you know, vote for somebody else. You're not going to make me unhappy. I'm not going to cry. You'll give this thankless job, which costs money, to somebody else. But I'll tell you this: If you lose me, you lose a good thing, baby,... [LB64]

PRESIDENT SHEEHY: One minute. [LB64]

SENATOR CHAMBERS: ...and nobody will do it better. But because of my philosophy of legislating, if I disagree with a Supreme Court decision--and we saw something being addressed the other day on that issue--I will try to put in legislation to undo what the court had done. So I have no qualms, when the public has put something into the statute books that I feel is unwise, to exercise my prerogative to try to get it off the statute books. Thank you, Mr. President. [LB64]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Further discussion on LB64?

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
January 24, 2007

Seeing none, Senator Schimek, you are recognized to close. Senator Schimek waives closing. The question before the body is, shall LB64 advance to E&R Initial? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk.
[LB64]

ASSISTANT CLERK: 44 ayes, 0 nays on the motion to advance the bill, Mr. President.
[LB64]

PRESIDENT SHEEHY: LB64 does advance. Any messages on the desk, Mr. Clerk?
[LB64]

ASSISTANT CLERK: Mr. President, I do. Your Committee on Transportation reports LB148 advanced to General File, and LB84 as indefinitely postponed. Your Committee on Urban Affairs reports LB206 to General File, LB207 to General File. Amendments to be printed: Senator Schimek to LB403. A report from Transportation Committee: LB35 advanced to General File with amendments; LB43, with amendments. Senator Flood would move to withdraw LB414. That will be laid over. Notice of committee hearing from Natural Resources, Transportation, General Affairs, and Government Committee. Finally, a series of name adds: Senator Dubas to LB178; Senator Hudkins to LB341; Senator Cornett to LB341; Senator Schimek to LB482; Senator Dierks, LB482; and Senator Stuthman, LB482. (Legislative Journal pages 357-360.) [LB148 LB84 LB206 LB207 LB403 LB35 LB43 LB414 LB178 LB341 LB482]

Finally, Mr. President, priority motion: Senator Hansen would move to adjourn until Thursday, January 25, 2007, at 9:00 a.m.

PRESIDENT SHEEHY: You've heard the motion by Senator Hansen to adjourn until Thursday, January 25, 2007, at 9:00 a.m. All those in favor say yea. Opposed, nay. We're adjourned.