

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

Floor Debate
February 08, 2007

[LB22 LB136 LB185 LB205 LB210 LB211 LB226 LB240 LB283 LB283A LB304 LB309
LB381 LB395 LB402 LB403 LB423 LB434 LB442 LB470A LB527 LB537 LR8CA]

SENATOR ERDMAN PRESIDING []

SENATOR ERDMAN: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. Our chaplain for today is Pastor Harold Bickford from the Peru Community Church and the Tecumseh Lutheran Church from Peru from Senator Heidemann's district. Please rise. []

PASTOR BICKFORD: (Prayer offered.) []

SENATOR ERDMAN: Thank you, Pastor. I call the twenty-sixth day of the One Hundredth Legislature, First Session, to order. Senators, please record your presence. Mr. Clerk, please record. []

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

SENATOR ERDMAN: Thank you, Mr. Clerk. Are there any corrections for the Journal? []

CLERK: I have no corrections this morning, Mr. President. []

SENATOR ERDMAN: Are there any messages, reports, or announcements? []

CLERK: Mr. President, your Committee on Enrollment and Review reports LB434 and LB527 to Select File. Enrollment and Review also reports LB185, LB283 as correctly engrossed, and LB283A. Your Committee on Banking, Commerce and Insurance, chaired by Senator Pahls, reports LB136 to General File, LB381 indefinitely postponed. I have a new A bill. Senator Chambers offers LB470A. (Read LB470A by title for the first time.) Senator Erdman, amendment to be printed to LB211. Report of registered lobbyists this week to be inserted, Mr. President, as per statute. And finally, received three reports, acknowledged in the Journal, be on file in the Clerk's office available for member review. That's all that I had, Mr. President. (Legislative Journal pages 499-502.) [LB434 LB527 LB185 LB283 LB283A LB136 LB381 LB470A LB211]

SENATOR ERDMAN: Thank you, Mr. Clerk. We will now proceed to the first item on the agenda. Mr. Clerk. []

CLERK: Mr. President, LR8CA, a proposal by Senator Avery proposing an amendment to Article III, Section 2 of the Nebraska Constitution. The resolution was heard by the Government, Military and Veterans Affairs Committee, advanced to General File without committee amendments, debated yesterday. At the time the Legislature recessed for

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

Floor Debate
February 08, 2007

the morning, Senator Nelson had pending AM258. (Legislative Journal page 495.)
[LR8CA]

SENATOR ERDMAN: Thank you, Mr. Clerk. Senator Avery, would you care to give us a brief update on the bill before us? [LR8CA]

SENATOR AVERY: Yes, I would. Thank you, Mr. Chair. Good morning, colleagues. Let's hope we don't kick up so much dust today and we can get to other matters after we finish with this. I can tell you I enjoyed the debate. I spent a lot of time in the classroom and it's a little bit like having a very exciting seminar. I kind of miss it, but now I realize I'm in it again, so that's good. I'll quickly summarize what LR8CA seeks to do. It would place before the voters a constitutional amendment to change the number of signatures required to amend the constitution and to enact laws by popular initiatives. Specifically, this resolution would increase the required number of signatures to put a constitutional amendment on the ballot from 10 to 15 percent of registered voters. It also would lower the required number of signatures to enact a law from 7 percent to 4 percent of registered voters. This resolution presents Nebraskans with the opportunity to give a measure of protection to our constitution by making it more difficult to amend it. Now this is where some of the opposition is, but I think this is a key point. We need to protect the constitution. Admittedly, this is aimed at outside interests who have targeted our state in numerous attempts to change our constitution to suit them. And they have no stake in the consequences of those amendments. Once they are adopted, if they are, they're ours. They belong to us whether we want them or not or whether they're good for us. I might add that the resolution combines the element of raising the threshold for amending the constitution with a provision to lower the threshold for enacting laws by petition, making it easier. I realize that many of you get a little heartburn from one or both of these features. But what I am proposing is the essence of compromise. If you want to restrain outside parties from amending our constitution, I'm asking you to give up something in order to get something. [LR8CA]

SENATOR ERDMAN: Senator Avery, we're going to ask you to stop. We just asked for a brief update and we're going to... [LR8CA]

SENATOR AVERY: I just have three more lines. [LR8CA]

SENATOR ERDMAN: We're going to ask you to stop at this point. You are not recognized. We just wanted a brief update. So we'll recognize you at your next opportunity to speak. Thank you for the update. [LR8CA]

SENATOR AVERY: It's not the first time I've been accused of not being brief. (Laughter)
[LR8CA]

SENATOR ERDMAN: Senator Nelson, you have an opportunity to give a brief update of

Floor Debate
February 08, 2007

the amendment that's pending as well. [LR8CA]

SENATOR NELSON: Thank you, Senator. I have distributed a sheet here. It's rather long but it does cover some of the arguments that we posed yesterday and discussed back and forth. And I too enjoyed the discussion. My amendment, AM258, simply lowers the requirement here for getting a constitutional amendment on the ballot by returning to what we used to do here in Nebraska and that was basing the number of signatures on the votes cast in the next last election for Governor. And this is what practically all of the states who have requirements do. They base it on the votes for Governor or perhaps some other constitutional officer because it makes a little more sense. It's not as stringent as using the measure of registered voters. I'm keeping this at 15 percent but it's going to be applied against a figure--basically 610,000 voters, for instance, in the last election--rather than 1,200,000 registered voters. And I think this makes more sense in light of the fact that of all...first of all, a third of our population, our residents don't bother to register at all and another half of them don't bother to go vote. So Senator Avery's 15 percent of registered voters imposes a very high requirement to get something on the constitution or on the ballot, rather, for consideration by those who do vote. I also have raised just slightly from the 7 percent former to 10 percent, rather than Senator Avery's 4 percent, because even with that it only would require a limited number of signatures to get a statutory change on the ballot. And that, I think, would refresh what my amendment does as far as the members of the body are concerned. Thank you. [LR8CA]

SENATOR ERDMAN: Thank you, Senator Nelson. Mr. Clerk, priority motion? [LR8CA]

CLERK: Mr. President, I do have a priority motion. Senator Chambers would move to bracket the resolution until February 12, 2007. [LR8CA]

SENATOR ERDMAN: Thank you, Mr. Clerk. (Doctor of the day introduced.) Senator Chambers, you're recognized to open on your motion. [LR8CA]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I've discussed what my intention is this morning with Senator Avery. This motion is going to be withdrawn, so nobody need get heartburn. But as the senior member of the Legislature, and were I not the senior member of the Legislature, I feel an obligation to address some very inartful, untoward comments made by the Governor yesterday in an attempt to dictate to the Legislature what it is we ought to do for his political convenience. He said that the Legislature, starting with the Education Committee, should send that atrocity known as the superintendents' bill to the floor of the Legislature because he wants it done that way. It is altogether fitting and proper that I should do what I'm doing at this time because we're discussing the Nebraska constitution, and one of the predominating items in that constitution is the provision for the separation of powers: the judiciary, the legislative, and the executive. Neither can do

Floor Debate
February 08, 2007

anything assigned to the other two unless specifically authorized by the constitution to do so. Now the Governor is not committing a crime by trying to put the Legislature under his thumb, but I think he's being very unwise and he invites a public response and I'm going to give it. Some of the senators may not be aware of the background of the dispute between OPS and the suburban districts. OPS argued, after they discovered an 1891 law that said in a city of the metropolitan class--which is Omaha--there should be one Class V school district. When OPS discovered that law, the superintendent got his rubber-stamp board of education to adopt a position saying that OPS would extend its boundaries to be the same as those of the city limits of Omaha, which meant that portions of suburban districts to the west of Omaha which intruded into the city limits of Omaha would be cut off and made a part of OPS. Their students, their buildings, their obligations, assets, everything would become a part of OPS. And along the way, they violated the open meetings law in order to do that. OPS, teaching equity, improving the minds and morals of our students, violated the law to take that position. Without being totally advised in the premises, as is said in court, the Governor immediately came out and took the side of the suburban districts. At that time, there was looming a primary which would involve the office of Governor. Well, to try to get the white suburban "Repelican" vote delivered to him, the Governor immediately took the side of the suburban schools. They had set up a coalition against OPS. Well, they delivered the vote so now the Governor is paying back without having read Senator Kopplin's bill, without taking note of the fact that Senator Kopplin himself was embarrassed and had to bring in a 13-page amendment, which still doesn't make things right. The Governor said, Legislature, send that bill out there because I told you to. Now I know there are some "Repelicans" who will feel compelled to do what the Governor dictated. But the big shots are calling the shots on the Governor. They told him to act and he's telling the Legislature to act. He said that he wants the Legislature to use that atrocity put together by the superintendents as a framework for resolving the school controversy. I would offer, as a member of the Legislature, this counterproposal. The Governor should use Senator White's proposal as the framework within which to resolve the tax issues this session. Now do you think the Governor is going to do that? Why, certainly not. But he can dictate to the Legislature. But he cannot dictate to me. He is upset because the Attorney General, as the lawyer of the state, representing the interests of the people, is going to try to force some action in Douglas County court where this lawsuit filed by the Chicano Awareness Center in Omaha, funded by Dick Holland. The Attorney General wants some action on that. When LB126 wound up in court, there was not all this delay. Everybody was rushing to get something done. Now the Governor's office is saying, why the rush to judgment on the LB1024 lawsuit? Well, because LB1024 is the law. We're not talking about a rush to judgment, we're talking about stopping the impediments placed in the path of this law taking effect. So the Attorney General, exercising his prerogatives and giving zealous representation to his client, which is the state, that is the people, is going to go into court and tell Coffey, either make that temporary injunction permanent or dissolve it. The Governor doesn't want that. He said he wants to delay any action for 18 months to 2 years, and this part he didn't tell you, so

Floor Debate
February 08, 2007

that Senator Chambers will no longer be in the Legislature. Some of the superintendents and their lobbyists have made it very clear that that is their intent. And I believe that's what the Governor is looking for also. There would be from \$25 million to \$28 million in LB1024 which has been put on hold. I'm going to tell you all, but I won't try to do it on this opening, about the bungling of Judge Michael Coffey, who jumped into this matter, is dazzled by Buffett money, said that this bill, this law, LB1024, has constitutional problems. If it has constitutional problems, there should be an expeditious resolving of those issues. But he is joining the political merry-go-round of the Governor, Dick Holland, John Gottschalk, Warren Buffett, David Sokol, Walter Scott, and any other hangers-on that I may have forgotten...oh, and Susie Buffett. The Governor says this matter should be resolved by the Legislature. The Legislature has already spoken. The Legislature has enacted a bill into law. The Legislature's position is being held up in court. The Governor has not talked about anything that relates to the improvement of education. Some of you all who are acquainted with the "Bibble" know that when Jesus was put on trial, Pilate and Herod--who, by the way, was an Arab--were at odds with each other. But they came together in agreeing on what ought to be done about Jesus. So the head of the Democrat party, or a high official, I don't know his first name, Achelpohl, who is the lawyer for the Chicano Awareness Center, being paid by Dick Holland, and the Governor got together on this proposal to stop all action on the lawsuit. And the Democrat praised the "Repelican." Well, simply because the modern-day Herod and Pilate have joined forces to crucify black children and poor white children, as far as their educational opportunities are concerned, does not mean that that... [LR8CA]

SENATOR ERDMAN: One minute. [LR8CA]

SENATOR CHAMBERS: ...crucifixion is right. And I'm going to do all I can to see that it is derailed. The Attorney General is doing his job, although late, in my opinion. But better late than never. And as we proceed, I'm going to reveal to you all the record of this Judge Coffey on cases that went from his court to an appellate court from the year 2000 until the present. And the most...one of the...I won't say the most recent Advance Sheet from the Supreme Court, but a couple of weeks ago, contained another of his cases sent back because of flaws. He has about a 60 percent success rate in terms of being affirmed, 40 percent of his cases have been flawed. Imagine how many that did not go to appeal were flawed also. You have an inept, incompetent judge who is playing politics... [LR8CA]

SENATOR ERDMAN: Time. [LR8CA]

SENATOR CHAMBERS: ...and is dazzled by Buffett money. Thank you, Mr. President. [LR8CA]

SENATOR ERDMAN: Thank you, Senator Chambers. Those wishing to speak, Senator Friend, Senator Schimek, Senator Wightman, Senator Engel, and others. Senator

Floor Debate
February 08, 2007

Friend, you're recognized. [LR8CA]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. I want to apologize quickly. Yesterday I had to...obviously, as you know, I love this debate. But I had to duck out briefly...or before we finished to take care of some things at home. So I wanted to apologize to the body because I know I wanted to be involved in the grenade throwing, that I like to refer to it. Senator Avery was hoping to wrap this up shortly. No, no. This is going to go on a while. Because I think it has to. I think it's important. I'm not saying that because I want to be an obstructionist or anything else. I think that this stuff isn't created or developed or siphoned through overnight. Let me revisit a couple of points before I was pulled from the body yesterday that I wanted to get across, and I think just to solidify, to refresh some memories. I tried to establish the idea that we are different and only simply different because there's nobody over in the Warner Chamber, folks. We're it. We're different for that reason simply alone, okay. We have to make value judgments, we have to be deliberate, we have to do things that no other state has to do because the Warner Chamber is empty. And George Norris thought this out quite well. He didn't drive around the state and bald a bunch of tires just for the fun of it. The referendum process was extremely important to that person. Anybody that has studied that knows that. He could be considered in a lot of ways the founder of this body, hence one of our founding fathers. But further, further from that point, we are different from a referendum standpoint. All states are different from a referendum standpoint. There's indirect and there's direct referendum and initiative process. To take it to a high level, that's what we're dealing with in this nation. Let me give you some examples. Let me step back first before I give you those examples. The differentiation is what constitutes, for a lot of states, difficulty or appropriate scrutiny when it comes to changing the constitution or a state law. I found a document that's from the Initiative and Referendum Institute at the University of Southern California. I think it's more or less a political think tank of sorts that deals with information, gathers this information, disseminates it. Nevada requires 10 percent of...now remember, they all have two bodies. Nevada, for an indirect proposal, Nevada requires that 10 percent of the total number of voters in the last general election sign a petition in order for it to be considered by the legislature. Considered by the legislature. That's the indirect piece. Ohio, Ohio is one of the two states, along with Massachusetts--I'll get to the Commonwealth in a minute--Ohio is one of two states that have a two-step procedure in the indirect initiative process. Washington State, Wyoming, everybody are doing things differently. Indirect, direct, a lot of them have both, some of them don't. [LR8CA]

SENATOR ERDMAN: One minute. [LR8CA]

SENATOR FRIEND: In Massachusetts, by far the largest user of indirect initiative, both constitutional amendments and statutes may be proposed and signatures that total only 3 percent. That's akin to former-Auditor Witek going around and trying to get on the ballot. The Commonwealth of Massachusetts, do you know who wrote that document?

Floor Debate
February 08, 2007

John Adams. Let's talk about a sacred document for a minute. John...that's the oldest constitution in the United States. John Adams had a huge hand in writing that document. Three percent to go to the legislature and ask for a change in the sacred constitution. He's either doing one of two things. He's spinning in his grave or he's saying, you know what, that's appropriate. Now which is it? There's no middle ground with a guy like that. But again, it's indirect. They have a house of representatives. We don't. [LR8CA]

SENATOR ERDMAN: Time. Thank you, Senator Friend. Senator Schimek, you're recognized to speak on the bracket motion. [LR8CA]

SENATOR SCHIMEK: Thank you, Mr. President and members. I rise in opposition again to the Nelson amendment. And I was under the impression that Senator Chambers was going to withdraw his bracket motion, but I may have been wrong about that. I wanted to continue a little bit with the discussion yesterday. One of the things, Senator Nelson, that I would like for this body to consider is the fact that when we used to have the language in the constitution that made it, made signatures dependent on the number of people who had voted in the last gubernatorial election, we only had...we had gubernatorial elections every two years at that time. And now, of course, it's every four years. So my point in bringing that up is you're not necessarily reflecting the increases in voter registration over that four-year period. The other thing about it is that sometimes you don't have much of a race for Governor and the numbers of people actually voting in the gubernatorial election go down over the previous election. So you have your signature requirements kind of going up and down and you get to where you have an eight-year period then sometimes where, again, voter registration isn't being reflected in the number of people that actually go out to vote. One of things that I've been doing over the past couple of days is going back and looking at the interim hearing transcripts that we had on the whole petition process this summer. And we had a woman come in from out of state who was a political consultant who really had a lot of praise for the Nebraska system. She thought that our signature requirements were in tune with some other states. They may be a little bit higher than others but she thought that that was a good protection. And one of the things that she and another testifier brought out was the fact that we may have as many as 35,000 people on our rolls who aren't really registered to vote in Nebraska anymore or they're a duplicate registration. Maybe it's a woman who got married, lived previously in one county, moved to another county, got married, and the old registration was never removed. So one of her pieces of advice was that we try to clean up our voter registration lists, which would, in a very practical sense, bring down the numbers of signatures that are required on petitions in Nebraska. She thought that would be better than trying to mess with the actual percentages that would be required. Another part of that whole hearing had to do with the cost to counties, of both verification of signatures--and they were suggesting that maybe all those signatures should be verified by the Secretary of State--but that and then, of course, the newspaper publication costs of all the petitions that actually get qualified.

Floor Debate
February 08, 2007

And one of the things, again, this woman from out of state talked about, was we probably don't want to ever get to a place like California, where this past year they had a potential... [LR8CA]

SENATOR ERDMAN: One minute. [LR8CA]

SENATOR SCHIMEK: ...for 73 different issues on the ballot because it's much easier to qualify there. And the question she asked and that I would ask you also is, how does one deal with that many issues on the ballot? Granted, we haven't had that many yet. But the numbers, it seemed to me, have increased over the years. Citizens aren't going to be able to deal with those kinds of numbers. And again, I would go back to the fact that if you want to deal with something, let's deal with it statutorily and let's not try to deal with it constitutionally. I don't know if I'm going to support the Avery bill or not. I kind of like the concept. I'm still thinking about it. But I know that I don't want to go back to the old system, which is essentially what Senator Nelson's amendment would do. [LR8CA]

SENATOR ERDMAN: Thank you, Senator Chambers (sic). Senator Wightman, you're recognized. [LR8CA]

SENATOR WIGHTMAN: Thank you, Mr. Chairman, members of the body. I sit here sometimes and I wonder if the word "germane" means anything to the Legislature, but I've gathered it probably does not. I hear of humanity but I don't hear very often of "germanity." (Laughter) At any rate, I am here, and it's always a question whether I'm addressing the Avery resolution for a constitutional amendment or whether I'm addressing the amendment of Senator Nelson's, but I will try to be germane and make most of these comments apply to the Nelson amendment, which I think is what is before us, although I understand there's also a bracket motion that we're threatening to withdraw or going to withdraw. I'm not sure where we are on that. Going to the Nelson amendment that would require the determination of the number of petition signers to be based upon the gubernatorial votes cast at the last gubernatorial election as opposed to qualified electors or registered voters as it is under the Avery amendment, I'd like to address that. We really get down to a question of stability or accuracy. And one of them has stability, the other one has accuracy. And I guess we have to make a determination. I thought about it overnight and I think maybe stability, in this instance, trumps accuracy. We can get an exact number of votes probably that were cast in the last gubernatorial election, but it's not a very stable number because 600,000 votes may have been cast at the most recent election, perhaps the next one won't be as hotly contested and we'll be looking at 500,000 votes. So overnight, the threshold goes down by 20 percent. I don't know that that makes sense. On the other hand, if we look at the number of registered voters, I know Senator Schimek addressed that issue and she talked about 35,000. I think that's a very modest number. My guess is, and it's strictly speculation, that it's somewhere between 5 percent and 10 percent of the vote. I know out in our

Floor Debate
February 08, 2007

area, we see people on that list of registered voters who are no longer living, we know that some of them have moved, and we don't even know all of them in the first place. So I think that that's probably a fairly modest number at 35,000. I would think it might be closer to 50,000 to 100,000 across the state of Nebraska. So we're looking at a number that's inaccurate, but I think in this case probably stability so that we have a number that is going to stay fairly stable probably is better than the more accurate number, which is not stable and going to change from election to election. We get down to...I don't think there's a right answer or a wrong answer. I harken back, and I'm not a great scholar in Shakespeare, but I think it maybe was in Hamlet that he said nothing is either right or wrong, but thinking makes it so. And I don't totally agree with that. I think there are absolutes in our society, absolutes in our religion. But nevertheless, to a great extent that's true. You can pull a number out of the air but neither one is right or wrong. And so we get down to weighing the stability factor against the accuracy factor. If Senator Nelson's amendment fails, I would propose to amend the number of signers of the petition on an initiative from 4 percent, as proposed in Senator Avery's resolution, to 5 percent. That would place it in keeping with... [LR8CA]

SENATOR ERDMAN: One minute. [LR8CA]

SENATOR WIGHTMAN: ...the numbers that are required or the percentage that's required in a referendum. I'm not sure I understand why they should be different. But at this point, I would oppose the amendment of Senator Nelson's for the reason that I think it lacks stability in the determination of how many signers are going to be needed. I'll return any remaining time to the Chair. [LR8CA]

SENATOR ERDMAN: Thank you, Senator Wightman. Before we move to the next speaker, Senator Schimek, I apologize for not recognizing you appropriately. It's the best compliment Senator Chambers has received today. Senator Engel, you're recognized to speak. [LR8CA]

SENATOR ENGEL: I want to talk on the bill itself rather than the bracket motion, so I'm sorry, I'll waive. [LR8CA]

SENATOR ERDMAN: Thank you, Senator Engel. Senator Kopplin, you're recognized on the bracket motion. [LR8CA]

SENATOR KOPPLIN: Thank you, Mr. Speaker. My apologies to this assembly. And Senator Wightman is right. Sometimes we don't talk about germane issues when we start on something in the mornings. I want to tell you about the hearing the other day in the Education Committee. I listened to a principal of an elementary school, fascinating. Raised in OPS, graduated from OPS, works for OPS, new to her position, maybe two years at the most. She is working to know the name of every student, all 475 of them, in her school building. She has hired teachers that are outstanding in their field. She

Floor Debate
February 08, 2007

makes a point to bring in all the parents that she can. She makes a point to go to the community and be involved. It was fascinating. And every one of the Education Committee members were listening. Doesn't matter whether OPS was split up or not; it was about her, about the teachers, about what they were doing for kids. We are so wrapped up in "I'm right, by golly, this is the law," and it is the law. We passed LB1024 last year and it is the law. Senator Chambers is absolutely right. The Governor, myself, the superintendents, bunches of others want to bring the issues in and talk about kids. And I thought others were. But I did read in the paper this morning that, yes, the Governor wants the lawsuits held until we have this opportunity to talk. But I read where Senator Chambers and Senator Raikes want it pushed through because it's to their advantage politically to get these things off the table so we don't have to talk about kids. I don't know why I'm bringing the bill. Good heavens. I'm just a retired, very modestly retired Democrat from the suburbs. Why am I carrying any steam for OPS? Douglas County and OPS have far more senators than Sarpy County. Why aren't they leading the charge? Oh, yes, and Lancaster County, you're being very quiet. Lincoln Public Schools is almost as large as Omaha. If it's good to split up Omaha, why don't we move right down the highway and take Lincoln, too? And those of you in outstate, you think this isn't your fight? Baloney. We're talking about how we're going to fund education, how we're going to deal with kids. You have percentagewise just as many poor in your districts. Maybe it's only one or two, so that doesn't seem to matter, but... [LR8CA]

SENATOR ERDMAN: One minute. [LR8CA]

SENATOR KOPPLIN: ...percentagewise it's big. Maybe we should just leave LB1024 as is. Let's take it all off the table. Let's get off of this education bit and get on with the rest of the business that we have to do. I'm sorry I threw this in, because it isn't germane. But I didn't bring it up. Thank you. [LR8CA]

SENATOR ERDMAN: Thank you, Senator Kopplin. Senator Ashford, you're recognized to speak on the bracket motion. [LR8CA]

SENATOR ASHFORD: Thank you, Mr. President, members. I appreciate Senator Kopplin's comments. They were very heartfelt. I just want to comment a little bit more on what Senator Kopplin is talking about in response to some of the comments that were made yesterday about the workings of the Education Committee. I personally am so incredibly proud of the Education Committee in the way that we are handling what is obviously a very controversial issue. And I think about Senator Adams' comments to me the other day about, you know, Brad, we really have an issue in rural Nebraska dealing with rural poverty and education issues dealing with people in rural Nebraska and we need to talk about that. And I think about Elaine Adams, who is the principal at Boyd School in Omaha that Senator Kopplin is talking about. And when I spoke to her, when we moved 70 or 40 families of low-income families into 87th and Boyd Streets. And she came to me and she said, Brad, you know, the first thing I said to those children and

Floor Debate
February 08, 2007

their parents when they came in the school was, I want you all to be on the chess club, I want you all to learn chess. And none of those children had ever seen a chess board. She was raising the expectations of the children who had moved from north Omaha to 87th and Boyd Streets. And she was affecting and changing their lives. The Education Committee is going to take some time, I'm sure, and I'm only speaking for myself, on the issues presented to it this session. But what I can tell you unequivocally is that we're going to take time on issues that impact children and students. And thank goodness we have people like Senator Kopplin and Senator Adams and educators on the committee who have spent their lives...Senator Adams, 31 years working in the schools, and Senator Kopplin as an administrator. Senator Avery in education his whole career, over 30 years of educational experience. What an incredible amount of talent amongst my colleagues on the Education Committee. And Senator Howard, who has over 30 years of experience in social services dealing with children in poverty, children at risk. We have thousands and thousands and thousands of children in Omaha who are at risk, who are not achieving in school. And I for one am not interested in talking about the boundaries within Douglas County or Sarpy County until such time as we drill down and understand what the root causes of these problems are and try to address them. I've spent ten years of my life working with children in poverty and I can tell you it's not much fun. It's not very uplifting to see what some of those children have to go through. And I'm sure the same as Senator Harms mentioned yesterday or the day before, when he's talking about rural Nebraska, those problems exist the same exact way. Children are children are children. And I think the message that we need to send to everyone outside this body is, this is one of those opportunities where we can bring the issue inside the body. The lobbyists need to go away. The superintendents need to go away. We need to do this ourselves. And I can tell you we have the talent to do it in this body. And I implore all of those outside this body to give us an opportunity to do it because I know we will do it right and we'll address the correct issues. I appreciate all of the senators that have brought this issue, albeit not germane, to the floor this morning. Thank you, Mr. President. I would...do I have any time left? [LR8CA]

SENATOR ERDMAN: One minute. [LR8CA]

SENATOR ASHFORD: I give the rest of my time to Senator Chambers. I have a minute left. [LR8CA]

SENATOR ERDMAN: Senator Chambers, Senator Ashford would like to yield you one minute. [LR8CA]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Ashford. That one minute will give me time to enlighten Senator Kopplin and remove some of his ignorance. If he's suggesting that I'm not concerned about these children, he is off the radar screen. I'm the one who, last session, talked about the need to provide quality education. That wasn't being discussed on this floor. His superintendents were not

Floor Debate
February 08, 2007

talking about the achievement gap until I had gone to one of their meetings and embarrassed them in front of the Governor. Then they came out and said, we will talk about the achievement gap because the Legislature may give us some money. So I'm not going to let him sit there and try to give the impression that these superintendents are so concerned about these children when they have never discussed it. [LR8CA]

SENATOR ERDMAN: Time. [LR8CA]

SENATOR CHAMBERS: And I was the leader in talking about the welfare of these children. Thank you, Mr. President. [LR8CA]

SENATOR ERDMAN: Thank you, Senator Chambers and Senator Ashford. The speaking order is Senator Chambers, Senator Dubas, Senator Friend, Senator Christensen, and others. Remember, the motion before us is to bracket LR8CA until February 12. Senator Chambers, you're recognized to speak. [LR8CA]

SENATOR CHAMBERS: Mr. President, members of the Legislature, personally, as that woman said in Gone with the Wind, I don't give a hang what anybody on this floor says on this issue when it goes contrary to what I think is in the best interest of these black children. Senator Kopplin probably won't let the word "black" come out of his mouth when he's talking about these children. But I'm going to. They're the ones I care about, more than I care about Senator Kopplin, more than I care about the Governor, these superintendents, or anybody else. These white people on this floor are not going to stand up here and speak on the issues that I do in the way that I do. That's why it's necessary and I just want to make that clear. This Coffey fellow entered a temporary injunction September 18 of last year. Things have been hanging in limbo. And here's one of the comments he made. The court finds that there is evidence that the Omaha Public School District, due to the division required by LB1024, has lost the participation of the Susan Buffett Foundation in a joint OPS-Buffett Foundation project in connection with the establishment of an early childhood development center in south Omaha. So then all you have to do to get a judge to rule that there's a constitutional impediment in a bill and it ought to be held up is that some rich person is going to say, I won't give some money? And that's one of the reasons he gave. I'm reading from his order. And the man is so dumb that although the plaintiffs asked for a temporary restraining order, he entered a temporary injunction. What's the difference? A temporary restraining order merely keeps everything as it is until such time as there can be a hearing to see if a temporary injunction will be entered. The temporary restraining order keeps things as they are until a decision is made about a temporary injunction. After that hearing, if a temporary injunction is entered, that keeps everything as it is throughout the course of the litigation. The law of Nebraska says, and I'll read it, no injunction shall operate until the party obtaining it shall post a bond in an amount fixed by the judge or court allowing the same to secure the party enjoined for damages sustained if the injunction should not have been granted. This says that if a temporary injunction is entered, there must be a

Floor Debate
February 08, 2007

bond. Coffey was so eager to run off to Ireland to watch the Ryder Cup golf match that he, first of all, entered a temporary injunction when they were asking for a temporary restraining order. Then he did not have a bond posted. And what does the law say about a bond in this instance? An injunction is binding from the time of notice of its issuance and the bond being posted. Since there was no bond posted, that temporary injunction had no force and effect and LB1024 could move forward. The other side, in an ex parte hearing--meaning that the state was not there--asked another judge, Bataillon, to set up a bond and correct what Coffey had bungled on. So this judge got into it to cover the rear end of his incompetent buddy, Judge Coffey, and required the posting of a \$1 million bond. But he blundered, too, because here's the way he captioned his: order setting bond and undertaking on temporary restraining order. If he was entering a restraining order, there was no need for a bond. He doesn't know the difference between a temporary restraining order and a temporary injunction. So when it was brought to his attention, hey, Judge, you act like you were educated at OPS. If this is a temporary restraining order, you don't need a bond. So then here's what he did. [LR8CA]

SENATOR ERDMAN: One minute. [LR8CA]

SENATOR CHAMBERS: He got that same form, and it says, order setting bond and undertaking on temporary. He struck out "restraining order" and wrote in by hand "injunction." That's the bungling that this judge has done and is probably why he doesn't want to enter a final order so that it can go to the Supreme Court. But I want it before the Supreme Court, not for the reasons Senator Kopplin in his misinformed state of mind has said, but to resolve this issue so the law which was passed can take effect. Thank you, Mr. President. [LR8CA]

SENATOR ERDMAN: Thank you, Senator Chambers. Our next speaker is Senator Dubas. You're recognized to speak on the bracket motion. [LR8CA]

SENATOR DUBAS: Thank you, Mr. President, members of the body. There are two phrases that come to my mind this morning. Everything old is new again, and those who do not learn from history are doomed to repeat it. And I see that is the road we are headed down as we continue to discuss the bracket motion as well as this proposed constitutional amendment. My great office staff has been helping me do some research on past dealings with petitions and signatures and those types of things. And so I'd like to share some of the information that they helped me uncover. There was an article in the Omaha World-Herald June 25, 1995. No two-tiered system for calculating signatures for petition drives. No messing around with constitutional language protecting citizen rights to put issues on the ballot. Just a simple return to the old days when citizens could get an issue on the ballot by collecting signatures equal to 10 percent of the number of people who voted for Governor in the last election. When people, meaning senators, have a chance to think about what they're doing, it just appears it

Floor Debate
February 08, 2007

shouldn't be that difficult to come up with 30 votes. And that's a quote from our current senator, Cap Dierks. It takes 30 votes from 49 senators to put a proposed constitutional amendment on the ballot. Frustrated petition activists are considering action of their own to restore the petition signature standard to what it was before it was increased significantly by a 1994 Nebraska Supreme Court decision. So we're seeing the frustration of citizens and what they're willing to do. Their problem is that the new signature requirement under the court ruling is nearly impossible to meet without using paid circulators. Artificially high thresholds guarantee, I think they almost guarantee the use of paid circulators while shutting out those that we're really trying to protect, and that's the citizen-led efforts. Another article talks about the Supreme Court's decision. Justice Lanphier's removal from the court was the direct result of the controversial 1994 decision to double the signature threshold for initiative and referendum petitions. People were very frustrated that the court systems got involved in this, decided to take matters into their own hands, and legislate from the bench. The stunning and unexpected 1994 Nebraska Supreme Court decision to double signature requirements, written by Justice Lanphier, really did send shock waves across our state. Lanphier was removed because he and his colleagues misused their position to usurp the first and second power reserved by the people. They told us what they wanted, they said it was their intent to double the signatures, and they did. His reference was to the 1988 legislative housekeeping measure that became a constitutional amendment. The Nebraska Supreme Court in 1994 based its decision to double the requirements on registered voters, not a percentage of those voting in the previous election. Nowhere in the legislative history does any senator mention increasing signature requirements. The mostly volunteer grass-roots campaign mounted in 1996 to encourage a "no" vote on Justice Lanphier's retention was unprecedented. Never before had a sitting Nebraska Supreme Court justice been targeted for removal. The three very distinct political reasons for his removal were the controversial 1994 decision to double petition signature requirements, the malice ruling which led to the early release and retrial of up to 132 second-degree murderers,... [LR8CA]

SENATOR ERDMAN: One minute. [LR8CA]

SENATOR DUBAS: ...and the court's decision to overturn the 1992 vote on term limits. The history of this misguided court decision and the resulting political reaction will forever have an impact on the legacy of the people involved, people such as Lanphier, Boslaugh, the late Justice Dale Fahrnbruch, the late Justice C. Thomas White, former Justice D. Nick Caporale, federal court Justice Thomas Shanahan, and former Secretary of State Allen Beermann. Let history play its role in the future of Nebraska politics, but let it be the full history. And I submit to you that we are in the midst of repeating history, and I hope that we've learned from the past and we won't make those same mistakes again. I yield the rest of my time. [LR8CA]

SENATOR ERDMAN: Thank you, Senator Dubas. Mr. Speaker, you're recognized for

Floor Debate
February 08, 2007

an announcement. [LR8CA]

SPEAKER FLOOD: Thank you very much, Senator Erdman, Mr. President. Just a couple of notes here. As you know, we've been working very hard since we went into session January 3. As we approach a recess day tomorrow, I want to thank everybody for how dedicated and hardworking everyone has been, looking forward to the recess day. That being said, I want to foreshadow a little bit a couple of different issues in this session. Full day debate, and I will be sending an e-mail out to each of you just so that you have it to make appointments and for committee scheduling purposes. We will have a half day on March 19. We will start at 9:00 a.m. on that Monday morning. I know this is a ways down the road, but many of you are making appointments in your offices. And again, this will come to your office by e-mail. Our first full day of debate will begin Tuesday, March 20, beginning at 9:00 a.m. On March 21, we will have a half day to give some committees time to work in the afternoon and some committee hearings. And we will start at 9:00 a.m. on that Wednesday and then a full day on March 22 with full days planned thereafter. Just kind of a scheduling note, the first day back of any week, with the exception of March 19, we are going to start at 10:00. There has been some confusion. Just count on a 10:00 start the first day back. Next week, as far as planning purposes as to what we're going to do in here, we're going to begin with Final Reading on Monday at 10:00, and it will be followed by General File debate, worksheet order. Then later in the week, the next step will be to discuss on General File senator priority bills. And then after that, time provided, hopefully we'll get to Select File toward the end of next week. I share that with you so that you can plan and prepare for the week ahead, especially if you have a bill on Select File. Make sure you're discussing with anybody that may have a potential amendment how to work that out if at all possible. As far as the motion from Senator Chambers that is up right now, if I may, with his consent, share with you, he is intending to withdraw that motion, will close on the same. If you have your light on and allow us to...if you take that off, it will allow us to get through this bracket motion, allow it to be withdrawn, and move forward on Senator Avery's bill. That being said, I thank you for your attention. [LR8CA]

SENATOR ERDMAN: Thank you, Mr. Speaker. Senator Howard, you're recognized to...Senator Howard's light is off. Senator Chambers, there are no further lights on. You're recognized to close on the motion to bracket LR8CA until February 12. [LR8CA]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I stated at the outset what my intention was, to offer the motion, say what I had to say, then I was going to pull it. But when the other senators began to discuss the bill, that was somewhat sidetracked and the discussion, while this motion is pending, went on longer than it was my intent. But I'm going to take this opportunity to close, then I'm going to pull that motion. But people did, while this motion has been pending, have the opportunity to give their views on Senator Avery's bill. The reason I want this in the record that I'm talking about is so the judge, the Buffetts, the Governor, and everybody

Floor Debate
February 08, 2007

else will know that this Legislature does not belong to those big shots in Omaha. It does not belong to the Governor. If the Governor had said publicly he disagreed what I said at a hearing or what I say on the floor, that's fair comment. If he had stated that he hopes the Education Committee will advance a proposal that will allow all aspects of the education matters to be discussed, that's fair. But for him to give a specific number of a bill that the superintendents who delivered him a political plum want is inappropriate. And I'm going to deal with it, whether Senator Kopplin, the Governor, or anybody else dislikes it. Nobody owns me, and I'm not going to be bullied and buffaloes out of speaking for the integrity of this Legislature as an institution, and that's what the Governor attacked when he tried to dictate in public what we're going to do. You know what his intent was? I've watched these politicians. I've been here...this is my 37th year. They know that what they say, these Governors, will get much broader play than anything the Legislature says in a debate or any individual legislator. He wants to create in the minds of the public that unless we do exactly as the Governor is dictating, we as a Legislature are behaving irresponsibly. And some senators will buckle under because of that or there's something they want from the Governor or something they fear from the Governor. But none of that cuts any ice with me. The Governor was wrong, in my opinion, to do what he did and say what he said. But I emphasize he did not violate a law. He can say whatever he wants to, he can do whatever he wants to. But he got some poor political advice. And I do think that he ought to allow the tax issues to be resolved within the context of Senator White's tax proposal. But he wouldn't want that, but he's going to tell us what to do. This lawsuit is in the hands of an incompetent judge. If he enters a final order, whichever way, it can be appealed by the state to the Supreme Court. Then seven real judges will look at the issue and determine whether or not what we did was constitutional. I'm not acting out of politics. I'm acting responsibly. I say that a law passed according to law by this Legislature ought to take effect and we should not let a judge, a Governor, or rich men play politics and keep that law held up. And I wish Senator Kopplin would do a little checking on how LB126 was dealt with when political acts...I meant legal action, started swirling around that, and how the Governor didn't say, why a rush to judgment. I want to rush to have the law put in place, Senator Kopplin. I believe in the law. I'm a law-abiding citizen. I'm a law-abiding lawmaker. When we pass a law, I want it to be honored, respected, and allowed to take effect. [LR8CA]

SENATOR ERDMAN: One minute. [LR8CA]

SENATOR CHAMBERS: And with that having been said, Mr. President, I'm not even going to take every minute that I have. I'm withdrawing my pending motion to bracket the bill. I'm withdrawing my motion to bracket the bill. [LR8CA]

SENATOR ERDMAN: So ordered. [LR8CA]

SENATOR CHAMBERS: Thank you. [LR8CA]

Floor Debate
February 08, 2007

SENATOR ERDMAN: Thank you, Senator Chambers. The motion is withdrawn. We will now proceed to debate on AM258, the Nelson amendment. The speakers list is Senator Avery, followed by Senator Christensen and Senator Friend. Senator Avery, you're recognized to speak. [LR8CA]

SENATOR AVERY: Thank you, Mr. Chair. I want to take you back to Senator Wightman's comments a while ago. He nailed the issue. He nailed it when he talked about stability in the standard that we use to tie the required number of signatures. The Nebraska Constitutional Convention in 1920 set the standard required for the number of signatures to get on the ballot at exactly...in exactly the same manner that Senator Nelson is proposing. He's actually proposing we go back to 1920. In 1920, the Legislature specified...or, not the Legislature, the constitutional convention specified that to get an initiative on the ballot, the group needed a certain percentage of the vote in the previous election for Governor. Now the problem with that is that there is wide fluctuation in the votes for Governor. In fact, at the time that the constitutional convention convened and established this rule, we elected our Governors every two years. I think it was the election of Governor Norbert Tiemann where we ended the practice and went to every four years. And what developed with petitions during that period was that people would wait and pick elections that didn't coincide with a presidential year, so they knew the turnout would be low, and that's when they go after petitions to amend the constitution. The Nelson amendment is quite simply a killer amendment. If you vote for this, it is exactly the opposite of what I'm trying to do with LR8CA. The turnout...if you tie the percentage to turnout, it is too volatile, it changes in response to a vast number of factors. Tying the number of signatures required to the registered voters is a stable standard. That number does not change. It's not a moving target all the time. I think that the Nelson amendment would create too much instability. Outside groups would simply target Nebraska when the turnout is likely to be low, for example, a popular unopposed Governor. That would be an example. This is the wrong direction if we want to discourage outside interests from using our constitutional process or our petition process for their own personal whims. Thank you, Mr. Chair. [LR8CA]

SENATOR ERDMAN: Thank you, Senator Avery. (Visitors introduced.) Senator Christensen, you're recognized to speak on the Nelson amendment. [LR8CA]

SENATOR CHRISTENSEN: Thank you, Chairman, fellow colleagues. I appreciate the debate and stuff we've got going on and the history that's been brought up onto this bill. It's helped me get up to speed a lot. And I told Senator Friend I was going to yield him my time because I wanted to hear some more of the history and stuff he's been bringing. [LR8CA]

SENATOR ERDMAN: Senator Friend, would you yield? [LR8CA]

Floor Debate
February 08, 2007

SENATOR FRIEND: Yes, I will. Thank you, Senator Christensen. Thank you, Mr. President and members of the Legislature. Was going down and through some of the information that I had from the think tank at the University of Southern California. And I do find it intriguing, I wanted to share a little bit more data. I want to be clear here. There are a lot of things that we're talking about, but I want to focus on a couple. We're talking about types of processes available for initiatives and popular referendums. We're talking about types of initiatives available for constitutional amendments and statutes. We're talking about, we have talked about--and Senator Nelson's amendment and Senator Avery's underlying LR8CA--the types of initiative processes used to propose constitutional amendments, both direct and indirect that I brought up earlier, and then the type of initiative process used to propose state laws, direct and indirect. Now let me specifically deal with the direct and indirect. There's two states that fundamentally deal with changes to constitutional amendments from an indirect standpoint: Mississippi and Massachusetts. Remember that John Adams created the Constitution of Massachusetts. You have to go to the legislature to get approval to change that John Adams type of sacred document, okay. But you only need 3 percent of the registered voters, I believe, to get that to the Massachusetts house. Sixteen states, just like us, 16 offer the type of initiative process used to propose constitutional amendments directly; constitutional amendments directly. They all have houses and they all have senates, except us. That's important. I pound that home. That's important. These folks have a house and a senate, yet they're offering direct access to their sacred constitutional document. We cannot compare the federal constitution to the state constitutions. Can't do it. We can try, and there are similarities. But you can't make fundamental comparisons because of the direct access that these states offer. Now I've always been a firm believer in identifying, in my own mind, a problem that would require legislation to fix. There's a couple of reasons you bring legislation. You see a problem out there--we as legislators, or the people--identify a problem out there and try to deal with it with legislation or with an amendment, a resolution. Or you just want to make something better. It's not necessarily a problem but you see a loophole, you see enhancements that you can make. We've identified the problem. Senator Avery has done an excellent job of that, as have other senators out on the floor. We have identified the problem. I agree with it. It is the zeal and the...I don't believe they're attacks. Like I said, I believe it's scrutiny. But I will use Senator Avery's terminology. The attacks on our constitution and on our state laws by outside interests and sometimes overzealous in-state interests. [LR8CA]

SENATOR ERDMAN: One minute. [LR8CA]

SENATOR FRIEND: We can control that. It was controlled in the last election. There were...how many, seven? Seven possible constitutional amendments on the ballot, six of them failed. The one that passed had early childhood education in it. Who's going to vote against that? It barely succeeded, by the way. You want to improve early childhood education? Who's going to go in the booth and say, I'm not for that? That's a tough one.

Floor Debate
February 08, 2007

They all failed. The voters looked at it and they either got tired of looking at them and they voted no, that's what a lot of people believe, or they knew what they were doing. Oh, boy, there's a novel concept, that the voters actually know what they're doing. They don't like a willy-nilly change to the constitution. It's never been that way. This is a mistake. AM258 is better. Senator Nelson, you know, I don't think Senator Avery agrees with you... [LR8CA]

SENATOR ERDMAN: Time. [LR8CA]

SENATOR FRIEND: ...and I don't think... [LR8CA]

SENATOR ERDMAN: Thank you, Senator Friend. Senator Dierks, you're recognized to speak on AM...oh, excuse me. Senator Friend, you are the next light. My apologies, you were speaking on Senator Christensen's time. You are recognized to continue. [LR8CA]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature, again. This is a mistake. I'm torn on AM258, but remember from the outset yesterday, I said that we're going to see a slew of amendments come up here and we're going to try to solve that problem that we know that we've identified. I don't know, frankly, that Senator Nelson's amendment solves that problem. In my view, what would solve the problem is if we dropped them both to 2 percent. You know what? There's not going to be any...we're not going to have anybody pushing petitions in our face. There's zeal right now because there has to be zeal. They have to get to a 10 percent bar. You know, you're standing...you're at a Wal-Mart or you're at a local grocery and somebody is shoving that petition in your face, they have to do that because they have to reach that pinnacle. What if it was 2 percent? I'm not sure I'd ever see one in my face. I never got a petition from Auditor Witek. She didn't need it. She didn't need my signature. There's zeal because we force it. And if we force it to 15 percent, there's going to be more zeal. And you mark my words, when we put it to 15 percent, like Senator Avery wants to do, you have not seen zeal like that. You have (laugh) not seen it. You'll get accosted in front of your local grocery store. You will get accosted because these people are motivated. That's my fear. Now look, this is a mistake. LR8CA is a mistake. AM258, I don't know what I'll do if this gets adopted. Maybe I'll go along with it, but I hesitate to do that. It's not a mistake because it's poorly drafted. It's not a mistake because it's intellectually lazy. I know better than that. I haven't known Senator Avery very long and I'm not placating him or blowing smoke his way. He's a smart guy. This is not an intellectually lazy proposal. And it's not a mistake because there isn't a problem, we've identified that. It's a mistake because there are much better ways to deal with the zeal, (laugh) okay. I didn't mean for that to sound like that. It did. More moderation is needed. More moderation is needed. And we can be creative. More creativity is needed. I hesitate, as I've said from the outset, to compare us to other states. That's not what I'm doing. I'm offering up analogies with those other states. The other states' initiative processes are different than ours but they also are proof of creativity and moderation

Floor Debate
February 08, 2007

that we're not using right here. So how do we get from point A to point B? AM258, do with it what you will. I have no idea what's going to happen here and I haven't polled or talked to my colleagues about this. But LR8CA, if AM258 is not successful, should go away. And then we should get creative and we should use moderation with that creativity to try to come up with a solution, like possibly the Commonwealth of Massachusetts, hesitating again to compare but using it as an analogy. An understanding finally that 16 states, and this is a clear distinction between the federal constitution and what a state constitution is meant to do, 16 states offer up different percentages and different ways to get to a direct change in their constitutions. These are valuable documents, they're not supposed to be fluid. But the people have their rights to address them. [LR8CA]

SENATOR ERDMAN: One minute. [LR8CA]

SENATOR FRIEND: And if they address them, the people's faith in our ability to give them the judgment that they deserve, I think it's astronomical. How many people in here actually think that the public, except for the 33,000 people that you represent and how they feel about you because you got elected here, you think the public really likes us? I get the feeling, based on some of the things we do, they're not too enamored with what we try to accomplish. I believe that if we empower them--I've always said this for the four years that I've been here--if we empower them, that faith in our ability can be restored. [LR8CA]

SENATOR ERDMAN: Time. [LR8CA]

SENATOR FRIEND: Thank you, Mr. President. [LR8CA]

SENATOR ERDMAN: Thank you, Senator Friend. Senator Dierks, you are now recognized to speak on the Nelson amendment. [LR8CA]

SENATOR DIERKS: Thank you, Mr. President, members of the Legislature. I guess that I need to weigh in on the issue a little bit. I was involved with it a number of times a number of years ago. One of the things that Senator Friend has touched on a little bit is the fact that we have a unicameral system, a one-house system, and the only state in the nation that does that. And with that in mind, that's the reason, I think one of the main reasons, that we have the petition process, is to allow our second house, our citizens, the opportunity to do these petition drives. I've seen a lot of things happen over the years, over the last 20 years, that have affected this petition process. I sat here one day and I watched Senator Tim Hall, who was over on this side of the floor, bring an amendment that changed the term from "electors" to "registered voters" or something like that. But anyway, it was an unintended--or so it was said--unintended change, but it made a tremendous difference in what we did. And I had introduced a legislative resolution to do about the same thing that Senator Nelson's AM258 does. I feel very

Floor Debate
February 08, 2007

strongly about the process and about the ability for our citizens to speak to the issues. We've seen it happen, of course, just recently with some of these issues. And I'm not sure that we're going to do anything that will keep the moneyed interests from coming to town and trying to get their issues put on the ballot. I don't...you know, we can try all sorts of things, but I think that's just...we're going to be blowing smoke when they do that. For purposes of our discussion today, I just want you know that I'm supporting Senator Nelson's AM258 and that it would do what I think is a fair thing for all of our citizens. With that, I'll turn my time back to the Chair, Mr. President. [LR8CA]

SENATOR ERDMAN: Thank you, Senator Dierks. The speaking order is Senator Engel, followed by Senator Dubas, Senator Schimek, and Senator Wightman. Senator Engel, you're recognized to speak on the Nelson amendment. [LR8CA]

SENATOR ENGEL: Mr. President, members of the body, as I mentioned the other day, I certainly support the petition process because it is the second body, the second house for people of the state of Nebraska. However, I also...the reason I do not support Senator Nelson's amendment, one of the...sending out his support amendment, AM258 sheet he sent out here, he says more out-of-state interests will target Nebraska if we lower the signature threshold. I don't think...but he says this is very unlikely because as far as wealthy, out-of-state interests, they have very, very deep pockets, so no matter how many signatures, they'll put out the money to get them. But he said, for instance, he said, however, 100,000 additional signatures is devastating for a group of Nebraskans, similar to the committee to save Class I schools. Now if...the thing is, Class I schools, that was in statute, not in the constitution, as far as what they were doing, trying to change a law that we passed here. And that does not apply, the way I understand, to the signature requirements. In fact, Senator Avery was trying to lower those to 4 percent. And so I think I just don't believe it's necessary. The constitution is a document, as far as I'm concerned, that it should be very, very, very, very difficult to change. And it can be changed, it still can be changed. They talked about the grass roots changing it. Well, grass roots can still do that. I know if you're...in fighting the big monies, we...with the Gambling for Good Life here a few years ago, I was on board on that. We defeated that as far as at the polls and didn't spend a lot of money, but it took a lot of grass-roots effort. And I think that's what you have to do here. And the thing is, one thing I do like, I do like Senator Wightman's amendment which would change it from, the second part of Senator Avery's bill, is taking it from 7 percent...instead of down to 4, bring it back up to 5 percent because I still think they still should have...it should be easy access to the population if they want to change a law that we passed here in the Legislature. I think we should leave that open and make it easier for them to do that. But as far as the constitution itself, I think that is not a sacred document but it's very close to it. I think we should really protect that document and make it very, very difficult to change. And the grass roots can still change things. They can still change things that need changed. But I don't know how many things in our constitution really do need changed. With that, I do support Senator Avery's bill, and if Senator Wightman's

Floor Debate
February 08, 2007

amendment makes it, I support that also. So with that, I return my time to the Chair. Thank you. [LR8CA]

SENATOR ERDMAN: Thank you, Senator Engel. Senator Dubas, you're recognized to speak on the Nelson amendment. [LR8CA]

SENATOR DUBAS: Thank you, Mr. President, members of the body. I rise in support of Senator Nelson's amendment. It's very evident that we all agree what the problem is and what we want to target. It's not so evident how we want to get there. But as I've been reading through this, giving it a lot of thought and attention, and talking to other people whose opinions I respect, I've come to the conclusion that it's way more important for me to protect the rights of the underdog than it is for me to want to prohibit what deep pockets can do when they come into our state. I have very often been the underdog in situations and I have appreciated whatever avenues have been available to me to put what issues are important to me out into the forefront. We definitely have history that supports the fact that if there is passion and commitment to an issue, the citizens will mobilize and they will get done what they want to get done. I speak specifically about Initiative 300. That was an issue. The opponents to the Initiative 300 idea came into this state and throughout this state and vastly outspent the supporters of Initiative 300. But the people had the passion and they had the zeal and they were willing to get out and work for what they believed in. And they mounted a very successful campaign. As we continue to do our research, it's our understanding that there was a case in 1994, a Supreme Court ruling, Duggan v. Beermann, dealing with this similar situation. And since that ruling, since 1994, it's my understanding that there's been no volunteer petition effort in Nebraska. It's all dealt with paid petition circulators. So I believe that restoring the signatures threshold that would allow grass-roots initiatives and referendums, that if we can buy this time, that if we can restore this into the constitution, it will allow us the time to really try to seek workable solutions to deal with out-of-state and the highly paid circulators. I appreciate Senator Dierks standing up and sharing his history with us, because he definitely was involved in this situation in the nineties and knows pretty much what we're talking about today. There was so much concern and questions raised as to the constitutionality of what was trying to be done in the mid-nineties that Senator Dierks even asked for a special session. And although he fell four votes short of making that happen, it showed the extreme consideration that the body and the people were giving to what they were doing. And I think we do need to continue to have this discussion, that the constitution is our bedrock, it's what guides us in the work that we do on the floor here every day and what guides the citizens in how they live their lives every day. And we shouldn't take that lightly, but we also shouldn't do anything that puts roadblocks in the way of grass-roots citizens to come forward and make their wishes known. So with that, I again support Senator Nelson's amendment and I yield the rest of my time. [LR8CA]

SENATOR ERDMAN: Thank you, Senator Dubas. Speaking order: Senator Schimek,

Floor Debate
February 08, 2007

followed by Senator Wightman, Senator Janssen, Senator Avery, Senator Friend, and Senator Burling. Senator Schimek, you're recognized to speak on the Nelson amendment. [LR8CA]

SENATOR SCHIMEK: Yes, thank you, Mr. Chairman...Mr. President, I should say. I rise again in opposition to the Nelson amendment, and I do so because I think that we need to remember that the initiative and referendum was passed in 1912 in Nebraska. It wasn't until 1934 that the voters passed the one-house Legislature amendment. And I think that we need to say that...when we established the one-house Legislature, we put a lot of safeguards into our system. We put a process in place whereby there would be a lot of public input because I think everybody recognized, George Norris recognized, that we, because we wouldn't have a second house, needed to be as open and as visible to the public as possible. And in fact, that's one of the reasons he supported the one-house Legislature is because he thought conference committees in a two-house legislature were an abomination, that bills coming out of conference committees sometimes didn't even faintly resemble bills that had been passed in each of the houses of the legislature. So I don't think that you can distinguish our initiative and referendum from other states who have adopted initiative and referendum in that we had this process a long time before we had a unicameral. I just wanted to say that for the record. The only thing, I understand, that ever mentioned the second house was a, I guess, kind of a throwaway line in a Supreme Court, a Nebraska Supreme Court decision. It wasn't part of the decision, it was simply a line that one of the judges said in that decision. There is nothing in our constitution that says that we have a second house. Having said all that, I just wanted to say that so that we'd all think about the history of the initiative and referendum and the Unicameral. Having said all that, I think that the initiative and referendum is, for the most part, wildly popular in Nebraska. I think that people really appreciate having that opportunity which people in over half the states in the United States do not have. And I think that our courts give us the power to facilitate that process and we have to be very careful about what we do to that process. That's our responsibility. I don't think this amendment improves our process a lot. In fact, I think it might lead to congestion on the ballot and I don't think that's necessarily what we want to do when we talk about amending our constitution. It should be very difficult to amend our constitution. Senator Adams talked about the federal constitution the other day. And if you take a look at ours, (laugh) it looks pretty cluttered, even in spite of the fact that perhaps we haven't had as many ballot issues as some states like Oregon and California. You look at the federal constitution and it's... [LR8CA]

SENATOR ERDMAN: One minute. [LR8CA]

SENATOR SCHIMEK: ...very clean and very clear about what the federal government can do, in a broad sense. It doesn't necessarily get into particulars. It's a very precise and clean document. I don't think we want to do what Senator Nelson is proposing. As I said before, when you put it on gubernatorial elections, there is a lot of up and down in

Floor Debate
February 08, 2007

the numbers. The registered voters do give us a fairly stable system in being...and it is predictable, and people know what the numbers are, basically, from year to year. Thank you. [LR8CA]

SENATOR ERDMAN: Thank you, Senator Schimek. Senator Wightman, you're recognized to speak on the Nelson amendment. [LR8CA]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. I rise again to oppose the Nelson amendment, for two reasons. And at this point I would really like to point out where I see the difference being between the initiative and referendum process and the amendment of the constitution. There's been a lot of talk about the electorate, the people of the state of Nebraska being the second house, and I think that's very applicable when we're talking about the initiative and referendum process, because that does get down to lawmaking, to changing the law. But I do not see that...I think it's a bogus argument when you get down to the constitutional amendment. I don't know a second house in any state in the United States, I don't know a second house in Congress that has the ability to pass or repeal a constitutional amendment. They don't have that power. It's always going to have to be the people. Certainly, the Congress can propose a constitutional amendment, but that second house, in any state legislature, does not have the ability to pass or repeal a constitutional amendment. So when we talk about the people being a second house, I think that right to serve as the second house has to do with legislation; I don't think it has to do with constitutional amendments. Now, as to why there should be a difference in the threshold between an initiative or referendum process and a constitutional amendment, I think it's fairly obvious. Once something is in the constitution, it is almost impossible to get out. And mistakes are made in putting things into the constitution. But even more than that, the law changes, the judicial branch decides whether or not the contents of a constitutional amendment at the state level are constitutional under the federal level. We had a number of court cases with regard to Initiative 300, some of which eroded and some of which expanded the purvey (sic) of Initiative 300. But because it was in the constitution, there was no ability to respond. If that had been legislation, there would have been an ability to respond to the court decision. So I think we do have to be extremely careful in amending the constitution. I see no problem with increasing that threshold, as is proposed by Senator Avery's bill, because I think the constitution has a much higher degree of sanctity than the law that's passed willy-nilly by a Legislature in any given year. And the people should have a right to change that, but we also need stability in our law. We need a framework in which we operate under. And it seems to me that when we allow changes in that framework that we intend to be stable, that we really create chaos and confusion. So I would yield the rest of my time to the Chair. [LR8CA]

SENATOR ERDMAN: Thank you, Senator Wightman. Senator Janssen, you're next to speak on the Nelson amendment. [LR8CA]

Floor Debate
February 08, 2007

SENATOR JANSSEN: Thank you, Senator Erdman, members of the Legislature. Ooh, got a little electricity in me this morning. You know, I respect the right to petition by our constituents. We're all elected by the same amount of people. We all have just about the same number of constituents. They sent us down here, and I believe we should listen to their concerns. Now, what are we on here this morning? We're on a constitutional amendment. If enough of your constituents would like to have you change what we have in place right now, and they can persuade you that it's a good idea, you can bring that question before this body. You can put that on the ballot, and if the people pass it, fine. I think, in my opinion, that the constitution should not be an easy thing to change. I believe the system we have right now is adequate. If you want to change it, bring a constitutional amendment before this body and work it out, the same way we're doing this one today. I haven't spoke on this amendment or the amendment to the amendment, but I believe that we all have a constitutional right to put a constitutional amendment before this body, and then let the people, your constituents, decide what they want to do with it. To me, it's a no-brainer. Maybe I've been around here too long, but I believe we have, this body has the power to do exactly what we're talking about right now. Thank you. [LR8CA]

SENATOR ERDMAN: Thank you, Senator Janssen. Speaking order for Senator Nelson's amendment: Senator Avery, followed by Senator Friend, Senator Burling, and Senator Louden. Senator Avery, you're recognized to speak. [LR8CA]

SENATOR AVERY: Thank you, Mr. Chair. I'm not going to have much to say, but I do want to remind everybody that from 1920, when we had our constitutional convention, from 1920 onward, we calculated the number of required signatures exactly how Senator Nelson is proposing now, by taking a percentage of the vote...the last vote for Governor. In 1988, this body made the change to set the standard for required signatures as a percentage of registered voters. They did so for a reason. The reason was the experience of 68 years of people who wanted to change our constitution, and many from the outside cherry-picking those elections where the turnout was low. This is too risky. I ask you, if you want to protect our constitution, do not vote for this amendment. It's a killer amendment. It would take us back to a time when it was worse. And I ask you to reject this, and let us move on to the main motion. Thank you. [LR8CA]

SENATOR ERDMAN: Thank you, Senator Avery. Senator Friend, you're recognized on the Nelson amendment. [LR8CA]

SENATOR FRIEND: Thank you. Thank you, Mr. President. I apologize for that. Members of the Legislature, I wanted to add one more quick thing. And I know we can...I have a feeling the body, obviously, wants to move toward a resolution on at least AM258. I will be fairly brief. There is...there are things that Senator Schimek and others have talked about out here that other states are doing that protects their constitution. It should be hard to change. We've heard over and over again, ours should be particularly

Floor Debate
February 08, 2007

hard to change. Well, let's talk really quickly about what the other states, those 16 states that offer direct initiative access, if you will, let's talk about what they do, or let's really get specific. If AM258 fails and LR8CA goes to the people, the people are going to vote on something that is more restrictive than 13 of those other states. The Unicameral body, we make all the decisions, then we tell the people they have less of an opportunity to make decisions, technically. That's just wrong, folks. That's flat wrong. Arizona...I believe Arizona and, if I'm not mistaken, Colorado...I don't...I can't...I'm not going to filter through this. There are two states that require 15 percent of the last gubernatorial election, so the people who voted for governor, you've got to go out and get petitions signed by 15 percent of those people who voted for governor, or the amount of the people that voted for governor. That's even less restrictive than we're asking for with LR8CA. We're asking for a lot here, folks. And look, I've had a couple of conversations about this, and I've said it on the record: If we do this, I think we're eroding public trust in this body. If we send LR8CA to the people and put that on a ballot, they're going to go, unbelievable, they've done it again, that Legislature has done it again. Well, you know what? We're going to teach them a lesson. How many times have they taught us a lesson? Remember when we asked...some of you remember when we asked that, I believe, the Speaker would be the presiding officer of this body. They said, no, no, we're going to have the Lieutenant Governor baby-sit you guys. That's what happened. Now, granted, 50 percent of the people might have said, no, this...we're going to vote no on this because I don't know what I'm voting for. But that one was pretty simple, you guys. Members of the Legislature, that was pretty simple. The Speaker will preside over this body...more or less; I'm paraphrasing. They said, no, the Lieutenant Governor can take care of you all; that's how it will work. We're asking for a lot. AM258 softens the blow. But in fairness to Senator Avery, AM258--and I can't believe I'm saying this--hasn't had a public hearing. We didn't deal with this in committee. I voted no on LR8CA. I didn't get a chance to vote on AM258. I didn't get a chance to discuss it. I didn't get a chance to talk to testifiers about it. I didn't get a chance to talk to Senator Avery about it until we got out here now. That...AM258 is unfair to Senator Avery, it's unfair to the body, because totally different subject matter and a totally different initiative, totally different idea. [LR8CA]

SENATOR ERDMAN: One minute. [LR8CA]

SENATOR FRIEND: I'd just as soon...I'm not going to vote on AM258. A lot of times, we make a statement and we just sit there and we go, you know what, I'm not voting on this because I don't know how I feel about it. Senator Nelson has put a lot of time and energy and thought into this. I understand that. I respect it. But I'm going to sit that one out. I think you know how I'm going to vote when we get to LR8CA. Not yellow, not orange; red. Thank you, Mr. President. [LR8CA]

SENATOR ERDMAN: Thank you, Senator Friend. Next speaker is Senator Burling, to be followed by Senator Loudon, Senator Dierks, and Senator Nelson. Senator Burling,

Floor Debate
February 08, 2007

you're recognized to speak on the Nelson amendment. [LR8CA]

SENATOR BURLING: Call the question. [LR8CA]

SENATOR ERDMAN: The question has been called. Do I see five hands? I see five hands. The question before the body is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LR8CA]

CLERK: 29 ayes, 6 nays, Mr. President, to cease debate. [LR8CA]

SENATOR ERDMAN: The motion is successful. Debate will cease. We will now recognize Senator Nelson to close on AM258. Senator Nelson, you're recognized to close. [LR8CA]

SENATOR NELSON: Mister...Senator, and members of the body, I very much appreciate the discussion here, especially the history that has been presented by Senator Friend and the comments in support by Senator Dubas and Dierks and others. I think the crux of this is, what are we going to do? Are we going to make it really difficult to amend our constitution? I think it should be difficult, but I think you have to take the approach that it's the voters who have a chance to vote and amend on that. We shouldn't put such a high bar on there that it's never going to get on the ballot. I don't think that we should be concerned about having too many. I think we look down on the ability of the voters to understand and to vote on subjects of constitutional importance. I think I've already said that out of 12 constitutional amendments, 8 have failed. They have turned them down. Senator Janssen says that we can handle things here, that the voters will come to us and ask us to put constitutional amendments on the ballot. I don't think that happened. I think when they wanted us to impose term limits or put it on here, the Legislature refused to do it, and look what happened. The voters went ahead and did that. So we're presented with this. Are we going to raise the bar so high that it's going to be almost impossible to get a constitutional amendment on the ballot? I think that's what will happen if we raise this from the current 10 percent to 15 percent of the registered voters. I didn't introduce this as a killer bill. I'm concerned about keeping the constitution accessible to the voters of the state of Nebraska. And if I'm going in the other direction with that, if we're actually reducing it by going to 10 percent of those who voted for the Governor in the last election, so be it. I still think it's very reasonable, and it still puts a fair amount of difficulty on getting something on the ballot. But only Arizona is as high as 15 percent, and they base that on the votes for governor, not on registered voters. Senator Wightman brings up the subject that we need stability. Well, I would point out to him that gradually over the years our number of registered voters has increased here in the state of Nebraska. At the same time, the vote for Governor has increased. So we do have stability there. And it may very well be that there will be a time when there's not much interest in the Governor's race and the vote will be lower. But traditionally, it hasn't gone much lower. It's gone from 610,000 maybe down to

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

Floor Debate
February 08, 2007

500,000, and that's still a fair amount on which to base the percentage that we can bring a constitutional amendment. It may be that 10 percent, as far as changing laws, might possibly be reduced, but I think still the requirement would be about 60,000 votes, and I think that's fair. So let me reiterate that we have 1,200,000 registered voters here in the state of Nebraska, and only half of those which actually vote, and even less. So I think that going up to 15 percent on the number of registered voters is just simply too high. I think it's been pointed out that we really aren't going to keep the outside interests out. So...and that was probably the main portent of Senator Avery's bill here, or his legislative resolution. [LR8CA]

SENATOR ERDMAN: One minute. [LR8CA]

SENATOR NELSON: If it's not going to help keep them out, then what in fact are we doing? We're making it more difficult for the voters of the state of Nebraska to vote on something of constitutional import. I don't think we should do that. I don't think we need to protect it to that extent. I think we need to put it at 10 percent of the voters that voted for Governor, and let it go at that. Senator Avery and I are both opposed to 423, but I think at some time we might both be fighting in favor of a constitutional amendment. Let's not make it impossible for our grass-roots people here for our initiatives to get something on the ballot, and make it impossible. I think that this may not be the best solution, but I think it's much better than Senator Avery's. I would just encourage you to support me in voting for AM258. [LR8CA]

SENATOR ERDMAN: Thank you, Senator Nelson. You've heard the closing on AM258. All members in favor vote aye; all those opposed vote nay. Have all members voted who choose? Record please, Mr. Clerk. [LR8CA]

CLERK: 7 ayes, 34 nays, Mr. President, on the amendment. [LR8CA]

SENATOR ERDMAN: The amendment is not adopted. Mr. Clerk, do you have items for the record? [LR8CA]

CLERK: I do, Mr. President. Thank you. Priority bill designation: Senator Johnson has selected LB395 as his personal priority bill. Urban Affairs, chaired by Senator Friend, reports LB309 as indefinitely postponed. Business and Labor, chaired by Senator Cornett, reports LB210 to General File with amendments. And I have a hearing notice from the Health Committee. (Legislative Journal page 503.) [LR8CA LB395 LB309 LB210]

SENATOR ERDMAN: Thank you, Mr. Clerk. Mr. Clerk, do you have a motion on the desk? [LR8CA]

CLERK: Mr. President, the next amendment to be considered today, Senator

Floor Debate
February 08, 2007

Wightman, AM271. (Legislative Journal page 503.) [LR8CA]

SENATOR ERDMAN: Senator Wightman, you're recognized to open on AM271. [LR8CA]

SENATOR WIGHTMAN: Thank you, Mr. Chairman, members of the body. I rise to propose AM271 and to introduce that. It's a very simple amendment. On page 1, line 13 of Senator Avery's LR8CA--let me get that again--LR8CA, we would change the word "four" to "five." In other words, it would require 5 percent for initiatives, and that would bring it in line with the number of signatures required for a referendum, which is Section 3 of Article III. I don't know of any reason that it should be different from that, although in the past it has been 7 percent instead of the 5 percent that was required for the referendum. So this would merely bring it in line with that. My reasoning is that we have still brought it down by two-sevenths of what was required previously. We had required 7 percent on an initiative; this would bring it to 5. But it does make it in line, as I say, with the referendum provision in the following section of Article III. I'm not proposing any change with regard to the 15 percent that Mr. Avery's resolution, Senator Avery's resolution would require with regard to constitutional amendment. I've already stated that I think there is a substantial reason for a major differential between the initiative and referendum process and the right to change the constitution, because of all the ramifications that change may have. I have spoken with Senator Avery. I think he supports this amendment, or at least does not oppose this amendment. So I would ask, again, that the amendment be favorably considered. And I would return the rest of my time to the Chair. [LR8CA]

SENATOR LANGEMEIER PRESIDING []

SENATOR LANGEMEIER: Thank you, Senator Wightman. You have heard the opening on AM271. Speaking order is Senator Louden, Dierks, Avery. Senator Louden, you are recognized to talk to AM271. [LR8CA]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. As I've listened to the debate now for two days, I hadn't got into it that much to have any comments, but I feel probably now as where I've somewhat made my decision. We're talking here, we worked two days to...we're going to do 1 percent, maybe 5 percent, maybe put it up to 7, change it from 7, change it from 10 to 15. And what are we gaining by it? We just now saw where you were going to try and put it on the vote on the...of the Governor on the election, and that went down in flames. So what are we doing here for two days? You're trying to put something out here for the people of Nebraska to decide on, and here we can't even decide ourselves. I guess my question is, what's the point of changing this that much? That's been in the constitution for several years, and it's worked quite well. Sure, we've had some ups and downs. You had one here that scared a few people because they might have put something where you had to have a cap on

Floor Debate
February 08, 2007

your taxes or something like that. Part of that is, isn't because of the constitution; part of it is, is because the question is whether or not we were doing our job. I think this is what you have to think about. And I question now, when we debate this one bill, this LR8CA, for two days, are we really working on important things? Or is that that important that this has to be done for the survival of the state of Nebraska? I think the time has come, I think we need to...not to worry about these things. I think we need to decide whether or not you want to vote LR8CA up or down, and be done with the amendments, and get on with our business. Otherwise, this thing could drag on for another week. So with that, I myself can't support LR8CA. I don't support any of the amendments that have been put on it so far. I think it's time we got on with our business. Vote the thing up or down. If you feel that this has to go out to the people of Nebraska for them to decide, then let's get it out there and decide. But this...working on it for two days and trying for three is, to me, a waste of valuable time when there are important things out there that have to be done. Thank you, Mr. President. [LR8CA]

SENATOR LANGEMEIER: Thank you, Senator Louden. Senator Avery, you're recognized. [LR8CA]

SENATOR AVERY: Thank you, Mr. Chair. I'm going to support this amendment offered by Senator Wightman, in a spirit of compromise. Compromise is the essence of democracy. That's what we do--bargain, compromise, and accommodation. We negotiate. In negotiations, one has to give up something to get something, so that is what I am doing. The art of compromise produces a situation which both sides win something, in which everybody walks away from the agreement a little bit unhappy with the result, but nobody is completely unhappy. I'm a little bit unhappy with this, but I'm not completely unhappy with it. I support it, and I ask you to vote for it and let us move on to the main motion. Thank you. [LR8CA]

SENATOR LANGEMEIER: Thank you, Senator Avery. There are no other lights on. Senator Wightman, you're recognized to close on your amendment, AM271. [LR8CA]

SENATOR WIGHTMAN: Thank you, Mr. Chairman, members of the body. Once again, I rise to close. In response to Senator Louden's objections to the amendment, all I'm saying is that I think that this will be a better legislative resolution, LR8CA, with the amendment attached. It does raise...it does lower the level substantially from what it has been, from 7 percent to 5 percent. At the same time, it does make the public more able to participate in the process than they are under the present constitutional provisions. So it will be about a 28 to 30 percent reduction in the number of votes that it would take to come to the Legislature, or for the people to initiate the initiation process, and I think that's worth talking about. With regard to the...I still would support the 15 percent on the constitutional amendment, but at this point, I would ask for your support on the amendment, raising the 4 percent to 5 percent. Thank you. [LR8CA]

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

Floor Debate
February 08, 2007

SENATOR LANGEMEIER: Thank you, Senator Wightman. You have heard the closing on AM271. The question is, shall the amendment be adopted? All those in favor vote yea; all those opposed vote nay. Senator Wightman, for what purpose do you rise? [LR8CA]

SENATOR WIGHTMAN: I rise to request a call for the house. [LR8CA]

SENATOR LANGEMEIER: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LR8CA]

CLERK: 28 ayes, 3 nays, Mr. President, to place the house under call. []

SENATOR LANGEMEIER: The house is under call. Senators, please record your presence. All those senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Preister and Senator Aguilar, the house is under call. Please return to the Chamber. Seeing all senators are recognized and accounted for, Senator Wightman, it's my understanding you wish to have a roll call vote? [LR8CA]

SENATOR WIGHTMAN: That's correct, Mr. Chairman. I would request a roll call vote, and I'll request that the order be reversed, to protect Mr. Adams or to hang him, one of the two. (Laughter) [LR8CA]

SENATOR LANGEMEIER: Thank you, Senator Wightman. Mr. Clerk, please call the roll in reverse order. [LR8CA]

CLERK: (Roll call vote taken, Legislative Journal page 504.) 20 ayes, 23 nays, Mr. President. [LR8CA]

SENATOR LANGEMEIER: The amendment is not adopted. Mr. Clerk, next amendment. And the call is now raised. [LR8CA]

CLERK: Mr. President, Senator Hudkins would move to amend with AM275. (Legislative Journal pages 504-505.) [LR8CA]

SENATOR LANGEMEIER: Senator Hudkins, you are recognized to open on AM275. [LR8CA]

SENATOR HUDKINS: Thank you, Mr. President and members of the body. A little earlier, we heard that we should get on with our business, and I would respectfully argue that this bill is our business. Every bill that we discuss is important to our business, and unless debate is totally off the subject, we should all be willing to listen

Floor Debate
February 08, 2007

and to take part. I've introduced this amendment. It's a little different, but I think you might want to listen. I've appreciated the debate that we have had so far, and I would like to interject something else. LB126 from last year raised a different issue to me, concerning the ability of our citizens to deal with legislation that has been passed by this body. That issue is whether or not the number of signatures to get an issue on the ballot should be the same or less than the number of signatures required to suspend the law until the vote is taken. LB126, this is the Class I school bill, gave us the opportunity to see how the courts interpret Article III, Section 3, which says that to suspend a law the citizens need 10 percent of the registered voters. That's to suspend it. You have to have 10 percent of the registered voters. But to place the referendum on the issue on the ballot only requires 5 percent. Because of this language, the court took the position that the only way to suspend the law until the vote was taken was to get the necessary 10 percent of the registered voters. Because of this interpretation, statutes that are constitutional but may not pass the smell test with the voting public can become the law, requiring the various executive departments of the government to take action that are actually a waste of money once the vote is taken and the law is repealed. Common sense says that the number of signatures to get an issue on the ballot should be the same as the number of signatures to suspend the law. This rule avoids the unnecessary expenditure of funds, and the need for the Legislature to revisit an issue to try to fix the problems created by the law going into effect. And I'm sure you're all aware that there are a number of bills that we will be discussing this year concerning Class I schools. This amendment strikes the content of LR8CA, and instead amends Article III, Section 3, and sets the number of signatures to suspend the law at the same number as it takes to put the issue on the ballot, or 5 percent of the registered voters. Thank you, Mr. President. [LR8CA]

SENATOR LANGEMEIER: Thank you, Senator Hudkins. You have heard the opening on floor...AM275. Mr. Clerk, do you have an announcement? [LR8CA]

CLERK: I do, Mr. President. The Health Committee will have an Executive Session immediately in Room 2022; Health Committee, immediately, 2022. [LR8CA]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. The floor is open for discussion. Senator Avery, you are recognized. [LR8CA]

SENATOR AVERY: Thank you, Mr. Chair. I rise to a point of order with respect to my colleague Senator Hudkins. She is seeking to amend a different section of the constitution than I am, and therefore I suggest that her amendment is not in order. [LR8CA]

SENATOR LANGEMEIER: Senator Hudkins, I will recognize you to give your thoughts to the point of order before I make my ruling. [LR8CA]

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

Floor Debate
February 08, 2007

SENATOR HUDKINS: Thank you, Mr. President. I would say that this particular amendment deals with the same article, but just a different section than the original bill. LR8CA deals with the number of signatures that it requires. I think that this amendment is germane, because we're talking about referring something to the voters with regard to a constitutional amendment. [LR8CA]

SENATOR LANGEMEIER: Thank you, Senator Hudkins. After review of the amendment and the bill, I, too, concur with the Article III germaneness. I rule that we will hear the amendment to LB...LR8CA. And Senator Avery, you do have the opportunity to overrule the Chair if you so still disagree. Thank you. [LR8CA]

SENATOR AVERY: Would you please explain your reasoning again, Mr. Chair?
[LR8CA]

SENATOR LANGEMEIER: After review of the rules, we believe that both the amendment and your bill both deal with Article III of the constitution, and in the history of looking at how we've dealt with that, they felt that that is close enough for germaneness. [LR8CA]

SENATOR AVERY: Thank you. [LR8CA]

SENATOR LANGEMEIER: Is there further discussion on the amendment? Seeing no lights on, Senator Hudkins is recognized to close on her amendment. [LR8CA]

SENATOR HUDKINS: Thank you, Mr. President. I would urge the body to think back on what I said. We're dealing with numbers of signatures, and it is my contention that it should take the same number of signatures to put an amendment on the ballot as it does the rest of what I said. Thank you, Mr. President. [LR8CA]

SENATOR LANGEMEIER: Thank you, Senator Hudkins. You have heard the closing on AM275. The question before the body is, shall the amendment be adopted to LR8CA? All those in favor vote yea; all those opposed vote nay. Have you all voted that care to vote on AM275? Senator Hudkins, for what purpose do you rise? [LR8CA]

SENATOR HUDKINS: Mr. President, I would regretfully request a call of the house and a roll call vote. [LR8CA]

SENATOR LANGEMEIER: Thank you, Senator Hudkins. You have heard the request to place the house under call. The question is, shall the house go under call? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LR8CA]

CLERK: 25 ayes, 8 nays, Mr. President, to place the house under call. [LR8CA]

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

Floor Debate
February 08, 2007

SENATOR LANGEMEIER: The house is under call. Senators, please record your presence. All those senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Nelson, Senator Ashford, Senator McDonald, Senator Preister, please return to the Chamber. Senator Preister, the house is under call. All the senators are accounted for or present. The question is, is, shall AM275 be adopted to LR8CA? Mr. Clerk, there's been a request for a roll call vote. [LR8CA]

CLERK: (Roll call vote taken, Legislative Journal pages 505-506.) 8 ayes, 28 nays, Mr. President, on the amendment. [LR8CA]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. The adoption has failed...the amendment. Mr. Clerk. And we raise the call. [LR8CA]

CLERK: Mr. President, at this time I have nothing further pending to the resolution. [LR8CA]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. We are back to discussion on LR8CA. Senator Friend, you're recognized. [LR8CA]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. At noon today, 36 minutes from...yeah, yeah, everybody is going to be eating lunch but me and the Executive Board. There is a legislative resolution that I have in front of the Executive Board that will offer the opportunity for the state of Nebraska to open up the Warner Chamber and say, you know what, we do need a house of representatives. And I've talked to some of you, you know, off to the side, and I've talked to citizens in the state of Nebraska about this, and I realize, on the record, that that's got a snowball's chance of ever making the ballot, at least out of this body. And I'm fine with that. But what has been offered to me in the last couple days, by Senator Avery, and I'm thankful for that, is the opportunity to discuss why things like LR8CA are either a good idea or a bad idea. And because I believe what I believe in regard to the structure and the implementation of legislative government in this nation and how states ought to be utilizing the framework that the federal government gave it, gave them, because of that, for me this has been very, very valuable, and I think for the people of the state of Nebraska this has been very, very valuable. A lot of folks will say a couple of things in regard to the two mornings that we spent on this. One: You're wasting our time, this is crazy, there are a lot of important issues that we need to deal with in this Legislature. You know what? I would submit to you--and I've said this before, and I'll say it at noon--nothing more important that we can do--some social things different and important--nothing more important than to deal with this subject matter, that we as legislators do. And it is intellectually lazy, it is intellectually lazy to dismiss, after 70 years, the idea that Mike...oh, we'll pat you on the head, that's really cute, but we are a Unicameral and you can go home with your tail between your legs, because we're not

Floor Debate
February 08, 2007

going to discuss this. Au contraire, mon frere. See, I can speak French, Senator Fulton. I think that's French. I learned that from Pepe Le Pew when I was a kid. (Laughter) Where was...yeah, I know. Pepe Le Pew. We...look, it's intellectually lazy for us not to discuss things like this Senator Avery has offered for us. It's intellectually lazy, after 70 years, that...George Norris drove around the state and said, you know what, we should have a unicameral; this is the right way to perform our legislative duties. And the citizens of Nebraska said, yes, that is the right way. And I would raise my hand and say, you know what, if the citizens of Nebraska choose that, and I think they are, and the Legislature chooses that, and I think we are, then that's the way we will continue. But it is fundamentally intellectually lazy to say that after 70 years that we shouldn't discuss it, and to pat a person like me on the head and say, hey, that's cute, that's really neat; bicameral, bicameral--why do we have to keep talking about that? Because I want to talk about it. Fair enough? [LR8CA]

SENATOR LANGEMEIER: One minute. [LR8CA]

SENATOR FRIEND: I've got 33,000 people in my district. A good portion of them said, you can go down there, you can say what you want, and we entrust you with that right. At noon, I'm going to take very little time, because I've taken two mornings to deal with this subject matter. And I can assure the Executive Board that I'm going to make my points quick and fairly painless. I have told the Executive Board I'd like to not see it killed, at least before my rear end hits the door. But I can't control what that board does. I can control what I say out here. I can control when I stand up. I can control when I sit down. I can control when I decide to inject the French language into the discussion. I can control a lot of things. I believe I have some control over LR8CA. I think it's bad. I think it's bad policy. I think it's a bad idea to tell the citizens... [LR8CA]

SENATOR LANGEMEIER: Time. [LR8CA]

SENATOR FRIEND: ...that we should do something like this. Thank you, Mr. President. [LR8CA]

SENATOR LANGEMEIER: Thank you, Senator Friend. Senator Dierks, you're recognized, and then Senator Wightman. [LR8CA]

SENATOR DIERKS: Thank you, Mr. President and members of the body. I've been observing the votes today on these different issues, and I have to tell you, I'm a little disappointed. It seems to me like we keep slapping our constituents in the face. We're telling them we don't trust them, we don't think they know what their charges should be; we're going to make it more difficult for them. Everything that we've done today has done just that and made it more difficult for our constituents. Senator Friend has a great idea, and I think when he talks about intellectual honesty, that he's very right. What he's trying to do is talk about a two-house system. And when he talks about it, it's that he

Floor Debate
February 08, 2007

wants to put it on the ballot so that our citizens can make the decision on whether it's right or not. And our citizens should have that right. We should make that available to them. I don't want a two-house system. I think unicameral system works well. But I don't think that I can...that I should say, I don't want my constituents to vote on that because I don't like it. They should make their own mind up on that. And I applaud Senator Friend for his going ahead with this, forging ahead with it, to try to at least be honest to his constituents and let them make the decisions that we...instead of having us make them. That's part of the process. I think that we...I think we...this morning, I've watched this vote and I've been just disappointed, because I think we've just right down the road given our citizens a kick in the shins, and I don't think that that's what we're here for. I really believe...and I'm not going to support LR8CA either, because I think that's another kick at our citizens. With that, Mr. President, I turn the rest of my time back to the Chair. [LR8CA]

SENATOR LANGEMEIER: Thank you, Senator Dierks. Senator Wightman, you're recognized. [LR8CA]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. Again, I rise this time to say that I am supporting LR8CA. I think it would have been a better resolution, a better constitutional amendment, if we'd increased that to 5 percent. I am confused a little bit by Senator Dierks' statement that everything we've done has gone away from enfranchising the voters of this state, because I don't think we're doing that, certainly with regard to the initiative process. We are actually cutting it down lower than my amendment would have, considerably lower, almost by half, as to what it is today at 7 percent. And it seems to me that's what we're enfranchising the voters to do, is the initiative process, not to come in and change the entire framework of our government, which a constitutional amendment would be. We have to have some stability, even in considering the laws here amongst us as legislators, and that stability is created by a general framework called the constitution. We have a constitution at the federal level that hasn't been amended all that many times, in many, many more years than this state has been in existence. So one...and the constitutional amendment addresses the framework and the stability, but we are enfranchising the voters more than they've ever been enfranchised, under Mr. Avery's amendment, to reach the lawmaking stage and to serve as that second house of the Legislature. So I do support this bill, hope that all of you will support it, and would return the rest of my time to the Chair. [LR8CA]

SENATOR LANGEMEIER: Thank you, Senator Wightman. Senator Dubas, you're recognized. [LR8CA]

SENATOR DUBAS: Thank you, Mr. President, members of the body. With all due respect to Senator Avery and what he's attempting to do--and I can't entirely disagree with what he's attempting to do--but I, too, cannot support this constitutional amendment as it's written. In doing some research on various cases that have dealt with the petition

Floor Debate
February 08, 2007

process, signature requirements, etcetera, some of the analyses that I've read have really reinforced what Senator Dierks just said about a faith and a trust in the people. And the people have the power to amend the Constitution of Nebraska. The people reserve for themselves, however, the power to propose laws and amendments to the constitution, and to enact or reject the same at the polls, and I think that's the key part of that statement. They can put things on the ballot, but they also have that same authority to either enact or reject what is placed on the ballot. So they reserve the power at their own option to approve or reject at the polls any act, item, section, or part of an act passed by the Legislature. The first power reserved by the people is the initiative, whereby laws can be enacted and constitutional amendments adopted by the people independently of the Legislature. In a case involving the people's amendment to their constitution, we make no attempt to judge the wisdom or the desirability in enacting such amendments. That was a statement made in some case law. However, in adopting the constitution, the people have imposed upon themselves limitations on their ability to amend this fundamental law. So if people choose to amend their constitution and comply with their self-imposed limitations, then this court will not encroach upon the people's power. Assuming these self-imposed limitations are complied with, the people of Nebraska may amend their constitution in any way they see fit, provided the amendment does not violate the Constitution of the United States. The constitution is a living, breathing document, and it's something that we rely on to define the parameters of how we behave in our state and in our society. And again, while I respect and understand what Senator Avery is trying to bring forth through this constitutional amendment, I must again state that I cannot be in support of it. I thank you and would yield the rest of my time. [LR8CA]

SENATOR LANGEMEIER: Thank you, Senator Dubas. Senator McDonald, you're recognized. [LR8CA]

SENATOR McDONALD: Mr. President, members of the body, I've not spoken on this issue, and I've listened to the debate very closely. As the senators, we in the body, do our best to write laws, pass laws, we are 49 individual thinkers. And we generally pass good laws, but many times you will see that we come back year after year and tweak those laws, because we don't always get it right the first time. The unfortunate thing about a constitutional amendment that's brought up is that we don't always get it right there either; the people don't always get it right. And the unfortunate thing is, it's not easy to change, because the people don't understand why we need to change it, because we don't have the money to go out and say, okay, this is what we need to do to change it. Big interests can come in and lobby, and they can spend money to advertise on their special interests, but we the people do not have that kind of money. So it's very difficult to change something that's already in the constitution. We don't always get it right here; they don't always get it right there. We can come back and change a state statute. We can't come back and change the constitution very often to get it right. So with that, I'm going to support the bill that's on the floor. Thank you. [LR8CA]

Floor Debate
February 08, 2007

SENATOR LANGEMEIER: Thank you, Senator McDonald. Senator Wallman, you're recognized. [LR8CA]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I, too, support this bill by Senator Avery. And we're raising the bar a little bit for the petition goers, I realize that. But also, we're holding them accountable and us accountable. And if we're accountability...and if we're accountable to things, then we should be listening to our citizens, I agree. But petition growers, they go about...they don't always listen to the citizens. They just have one agenda. So the constitution, if it's important to me and it's important to you, hopefully it would be important to our constituents. And our voter turnout sometimes is very low, and why is that? Are they satisfied? We don't know. Are they happy with their education system? We don't always know. Budget issues? We don't always know. Senator Wightman over here, he's good with the numbers, and he probably knows that a lot of people won't complain till you pass something. And so I'm supporting this bill by Bill Avery, with the amendment. And thank you. I'd yield the rest of my time to Senator Wightman. [LR8CA]

SENATOR LANGEMEIER: Senator Wightman, you have 3, 40, if you'd like to use it. [LR8CA]

SENATOR WIGHTMAN: I will try to keep this...thank you, Mr. Chairman, members of the body. I'll try to keep this under one minute. I'm reminded of someone who spoke when I was at freshman initiation in law school. And they said, he who thinketh...or, talketh by the yard and thinketh by the inch should be kicketh by the foot. And not wanting to get into that position, I rise only to question the comments that have been made by Senator Dierks and Senator Dubas. We are lowering the bar substantially as far as the initiative, from 7 percent to 4 percent. You know, ideally, and under their proposal that it should be easy, the most idealistic thing would be to say even if one person wanted to start an initiative process that that would be sufficient. We've got to set the bar somewhere, and I think 4 percent is fine. Thank you. [LR8CA]

SENATOR LANGEMEIER: Thank you, Senator Wightman and Senator Wallman. Senator Dierks, you're recognized. Oh, excuse me, Senator Wightman, turned your light on. Do you wish to be recognized on your time? Thank you, Senator Wightman. Senator Dierks, you're recognized. [LR8CA]

SENATOR DIERKS: Thank you, Mr. Chairman. I would like to just mention the fact that one of the reasons that I can't support this legislation is, we don't lower the bar; we raise the bar on one of those votes. It's going to take 200,000 signatures now, where with Senator Nelson's amendment it would have taken 70,000. So we've made it more difficult, and I don't think that's in the best interest of our citizens. Thank you, Mr. President. [LR8CA]

Floor Debate
February 08, 2007

SENATOR LANGEMEIER: Thank you, Senator Dierks. Seeing no other lights on, Senator Avery, you're recognized to close on LR8CA. [LR8CA]

SENATOR AVERY: Thank you, Mr. Chair. The best known arguments in the most important debate on democracy ever conducted appeared in 85 newspaper essays published in New York and written in 1787 by Madison, Hamilton, and John Jay. And of course, I'm not going to read those, but I would like to refer you to Federalist Paper Number 10, written by Madison. In that essay, Madison argued that the U.S. Constitution allowed the numerous factions in our country sufficient room to express their views and to influence government. The republic--I underline that--that Madison and the founders were creating, allowed for protection of all points of view, while preserving the principle of majority rule. They did this by establishing representative government wherein legislators were given a trust, a sacred trust, to do the will of the people and, in the process, to promote the common good. And yesterday in the debate, I referred to our democracy as the great American experiment. The creation of our democracy was an experiment. It was a bold experiment, it was innovative, and it worked. The Nebraska Constitution contains the very same principles of the federal constitution. We are an integral part of this great American experiment, but we go a step further by allowing the voters in this state to act on their own, by way of a form of direct democracy called the initiative process. We must protect that right, and I'm trying to do that. But we must also protect our constitution. We must protect it from those forces who would seek to undermine it or to structure it to suit their own interests. I am merely trying to create conditions whereby those who would amend the constitution must work harder to convince our citizens that their positions should be placed in our constitution and then have the force and authority of a majority. Now we in this room today have an opportunity to exercise our legislative right to build on this proud legacy of democracy. We can give our fellow Nebraskans a chance to retain control of their constitution. We can give Nebraskans an instrument also to push back against the outsiders who want to control us by amending our constitution. Once the constitution is changed, for good or bad, that change is very difficult to undo. At the same time, we can give our citizens a better chance to propose their own laws on the ballot. This opportunity will be available to those who have a minority issue, as well as those who can build a majority. Let the voters decide which should be a majority and which should not. But let's not leave our constitution so open, so vulnerable, so exposed that we lose control of our own government. I urge you to advance LR8CA. Thank you. [LR8CA]

SENATOR LANGEMEIER: Thank you, Senator Avery. You have heard the closing on the advancement of LR8CA to E&R Initial. All those in favor vote yea; all those opposed vote nay. Senator Avery, for what purpose do you rise? [LR8CA]

SENATOR AVERY: I would request a call of the house, Mr. Chair. [LR8CA]

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

Floor Debate
February 08, 2007

SENATOR LANGEMEIER: Thank you, Senator Avery. There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LR8CA]

CLERK: 28 ayes, 3 nays, Mr. President, to place the house under call. [LR8CA]

SENATOR LANGEMEIER: The house is under call. Senators, please record your presence. Those senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator McDonald, would you please check in. Senator Chambers, the house is under call. And Senator Carlson, the house is under call. Please return to the Chamber. Senator Kruse, the house is under call. Thank you. Senator Carlson, the house is under call. Please return to the Chamber. The body is all present and accounted for. Senator Avery, how do you wish to proceed? [LR8CA]

SENATOR AVERY: I request a roll call. [LR8CA]

SENATOR LANGEMEIER: Thank you, Senator Avery. [LR8CA]

SENATOR AVERY: In ordinary order. [LR8CA]

SENATOR LANGEMEIER: Thank you, Senator Avery. The motion before the body is the advancement of LR8CA to E&R Initial. Mr. Clerk, please call the roll. [LR8CA]

CLERK: (Roll call vote taken, Legislative Journal page 506.) 20 ayes, 22 nays, Mr. President, on the advancement of LR8CA. [LR8CA]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. The bill does not advance. I do raise the call. Mr. Clerk, are there messages for the record? [LR8CA]

CLERK: Mr. President, thank you. Your Committee on Business and Labor, chaired by Senator Cornett, reports LB226 to General File with amendments, that signed by Senator Cornett. Revenue Committee, chaired by Senator Janssen, reports LB304 and LB537 to General File with amendments, and LB22, LB240, LB403, LB423, LB442 indefinitely postponed, those signed by Senator Janssen as Chair. Health Committee, chaired by Senator Johnson, reports LB395 to General File with amendments attached. I have hearing notices from the Business and Labor Committee, two different notices. Amendments and motions to be printed: Senator Erdman, to LB205 and to LB185 (and to LB402). And, Mr. President, Senator Cornett would ask unanimous consent to alter her hearing room hearing schedule for Monday, February 12, to Room 1524, as opposed to Room 2102. (Legislative Journal pages 507-514.) [LB226 LB304 LB537 LB22 LB240 LB403 LB423 LB442 LB395 LB205 LB185 LB402]

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

Floor Debate
February 08, 2007

SENATOR LANGEMEIER: Seeing no objection, so ordered. []

CLERK: Mr. President, I have a priority motion. Speaker Flood would move to adjourn until Monday morning, February 12, at 10:00 a.m. []

SENATOR LANGEMEIER: Thank you, Mr. Clerk. The motion before the floor is to adjourn until Monday at 10:00 a.m. All those in favor say aye. All those opposed, same sign. Motion carried. We stand adjourned until Monday at 10:00 a.m. []