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Transcriber's Office

Floor Debate
March 22, 2007

[LB106 LB160 LB218 LB236 LB292 LB292A LB303A LB305 LB324A LB324 LB328A
LB328 LB389 LB395 LB395A LB638 LB681 LR6CA LR14 LR59 LR60 LR198]

SENATOR LANGEMEIER: Good morning, ladies and gentlemen, and welcome to the George Norris Legislative Chamber for this, the fifty-first day of the One Hundredth Legislature, First Session. Our chaplain of the day is Reverend Paul Rutten, from Madonna Rehabilitation Hospital, in Lincoln, Nebraska, Senator Fulton's district. Please rise.

PASTOR RUTTEN: (Prayer offered.)

SENATOR LANGEMEIER: Thank you. I call to order the fifty-first day of the One Hundredth Legislative Session, First Session. Senators, please record your presence. Mr. Clerk, please record.

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

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

CLERK: I have no corrections, Mr. President.

SENATOR LANGEMEIER: Are there any messages, reports, or announcements?

CLERK: Your Committee on Enrollment and Review reports LR6CA to Select File with Enrollment and Review amendments, and LR198 to Select File with E&R amendments as well. I have two Health and Human Services confirmation reports, those signed by Senator Johnson. A Revenue confirmation report, signed by Senator Janssen. New resolution: LR59, offered by Senator Howard. That will be laid over. Report of registered lobbyists for this week, to be inserted in the Legislative Journal. And a series of reports received in the Clerk's Office, available for member review. That's all that I had, Mr. President. (Legislative Journal pages 925-928.) [LR6CA LR198 LR59]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. We will now proceed to the first item on the agenda, confirmation report.

CLERK: Mr. President, Senator Aguilar, as Chair of the Government, Military and Veterans Affairs Committee, reports on the appointment of John Falgione, State Fire Marshal. (Legislative Journal page 904.)

SENATOR LANGEMEIER: Senator Aguilar, you're recognized to open on your confirmation report.

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SENATOR AGUILAR: Thank you, Mr. President and members. Yes, we held a hearing to approve the confirmation of the new State Fire Marshal, John Falgione. Mr. Falgione obtained his deputy state sheriff status in 1997, upon completion of certified law enforcement training. Professional organizations maintained are membership in the International Association of Arson Investigators; NeLEIN; Nebraska State Volunteer Firefighters Association; and the National Technical Investigators Association. The committee did a great job of extensive questioning of Mr. Falgione, and he did an even better job of answering the questions. Very qualified, and we endorsed him completely, 100 percent by the committee that was there, and encourage the body to do so as well. Thank you, Mr. President.

SENATOR LANGEMEIER: Thank you, Senator Aguilar. You have heard the opening on the confirmation report offered by the Government, Military and Veterans Affairs Committee. The floor is now open for discussion on the confirmation. Seeing no lights on, Senator Aguilar is recognized to close. He waives closing. The question before the body is, shall the confirmation report offered by the Government, Military and Veterans Affairs Committee be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 929.) 29 ayes, 0 nays, Mr. President, on adoption of the confirmation report.

SENATOR LANGEMEIER: The confirmation report is adopted. (Doctor of the day introduced.) Mr. Clerk, next item on the agenda, Select File.

CLERK: Mr. President, LB638. Senator McGill, I have Enrollment and Review amendments, first of all. (ER8045, Legislative Journal page 815.) [LB638]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB638]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB638]

SENATOR LANGEMEIER: You've heard the motion to move the E&R amendments. All those in favor say aye. All those opposed say nay. They are adopted. [LB638]

CLERK: Senator McDonald would move to amend with AM768. (Legislative Journal page 918.) [LB638]

SENATOR LANGEMEIER: Senator McDonald, you're recognized to open on AM768. [LB638]

SENATOR McDONALD: Mr. President, members of the body, this amendment was introduced to address a concern that sections of this bill might result in the unintended

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expansion of law enforcement authority to Department of Revenue inspectors. As you will recall, LB638 gives Department of Revenue investigators the power to enforce the law relative to illegal gaming devices. These investigators already have the law enforcement authority related to the state's tax law. At times, they have encountered illegal gaming devices while in an establishment for other authorized purposes, such as field inspections for charitable gaming tax compliance purposes. Since this law enforcement authority is tied only to revenue law, the investigators, while in an establishment for other authorized purposes, who see an illegal gaming device, are not authorized to do anything about it except refer the matter to the State Patrol and file a report. Under Section 77-366, the Department of Revenue investigators currently have the authority and power of a law enforcement officer, except for authorization to carry weapons or enforce any laws other than those administered by the Tax Commissioner or the Department of Revenue. It is the intent of the Department of Revenue that its investigators, when they encounter an illegal gaming device, as defined, are able to perform investigative and enforcement activities relating to such devices. It is also desired that the bill will enable the investigators to refer their reports of illegal gaming devices directly to the county attorney for prosecution. So to ensure that the investigators' powers do not extend beyond this intention, this amendment explicitly states that the investigators' authority is limited to investigating the possession of a gaming device, notify local law enforcement authorities, and report violations directly to the county attorney. I do not...I do want to make it very clear for the record that the limitations in this amendment are strictly and exclusively tied to law enforcement authority relative to enforcing Sections 28-1101 to Section 28-1117, for illegal possession of a gaming device. It is not my intention to limit in any manner the law enforcement powers that these Department of Revenue investigators already have. This is a very simple clarification of the intent of this portion of the bill, and would ask for your support. Thank you. [LB638]

SENATOR LANGEMEIER: Thank you, Senator McDonald. You have heard the opening on AM768. The floor is now open for discussion. Is there anyone wishing to speak to AM768? Seeing no lights on, Senator McDonald, you're recognized to close. Senator McDonald waives closing. The question before the body is, shall AM768 be adopted to LB638? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB638]

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of Senator McDonald's amendment. [LB638]

SENATOR LANGEMEIER: The amendment is adopted. [LB638]

CLERK: Senator McGill, I have nothing further on the bill. [LB638]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB638]

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SENATOR MCGILL: Mr. President, I move LB638 to E&R for engrossing. [LB638]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. The ayes have it. It does advance. Mr. Clerk. [LB638]

CLERK: Senator McGill, LB328 does have Enrollment and Review amendments pending. (ER8054, Legislative Journal page 899.) [LB328]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB328]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB328]

SENATOR LANGEMEIER: You've heard the motion on the E&R amendments. All those in favor say aye. All those opposed say nay. It does...they are adopted. [LB328]

CLERK: Senator Erdman would move to amend with AM758, Mr. President. (Legislative Journal page 917.) [LB328]

SENATOR LANGEMEIER: Senator Erdman, you're recognized to open on AM758. [LB328]

SENATOR ERDMAN: Mr. President, members of the Legislature, AM758, after analyzing some of the language that was included in LB328, this is an overstatement, and it simply narrows back the reporting requirement in the bill on an issue that I've been working on. And it strikes the words "and outdoor education specialist." This is unnecessary language, and therefore, we're offering AM758 to correct that. Thank you, Mr. President. [LB328]

SENATOR LANGEMEIER: Thank you, Senator Erdman. You have heard the opening on AM758, offered by Senator Erdman. The floor is now open for discussion. Is there anyone wishing to speak to AM758? Seeing no lights on, Senator Erdman, you're recognized to close. Senator Erdman waives closing. The question before the body is, shall AM758 be adopted to LB328? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB328]

CLERK: 29 ayes, 0 nays, Mr. President, on the adoption of Senator Erdman's amendment. [LB328]

SENATOR LANGEMEIER: The amendment is adopted. [LB328]

CLERK: I have nothing further on the bill. [LB328]

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SENATOR LANGEMEIER: Senator McGill, for a motion. [LB328]

SENATOR MCGILL: Mr. President, I move LB328 to E&R for engrossing. [LB328]

SENATOR LANGEMEIER: You have heard the motion. All those in favor vote aye. All those opposed say nay. It is advanced. Mr. Clerk. [LB328]

CLERK: Mr. President, LB160. Senator McGill, I have no amendments to the bill. [LB160]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB160]

SENATOR MCGILL: Mr. President, I move LB160 to E&R for engrossing. [LB160]

SENATOR LANGEMEIER: You've heard the motion. All those in favor say aye. Those opposed say nay. The ayes have it. It does advance. Mr. Clerk. [LB160]

CLERK: LB681. Senator, I have no amendments to the bill. [LB681]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB681]

SENATOR MCGILL: Mr. President, I move LB681 to E&R for engrossing. [LB681]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. It does advance. Mr. Clerk. [LB681]

CLERK: Mr. President, Senator McGill, LB106. I do have Enrollment and Review amendments. (ER8053, Legislative Journal page 899.) [LB106]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB106]

SENATOR MCGILL: Mr. President, I move those E&R amendments. [LB106]

SENATOR LANGEMEIER: You've heard the motion on the E&R amendments. All those in favor say aye. Those opposed say nay. It does...they are adopted. [LB106]

CLERK: I have nothing further on that bill, Senator. [LB106]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB106]

SENATOR MCGILL: Mr. President, I move LB106 to E&R for engrossing. [LB106]

SENATOR LANGEMEIER: There's been a request for a board vote. All those in favor

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vote yea; all those opposed vote nay. Have all those voted that wish to? Senator Engel, for what purpose do you rise? [LB106]

SENATOR ENGEL: I'd like to have a call of the house, please. [LB106]

SENATOR LANGEMEIER: There's been a request for a call of the house. The question is, before the body, shall the house go under call? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB106]

CLERK: 27 ayes, 1 nay, Mr. President, to place the house under call. [LB106]

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 McDonald, the house is under call. Please return to the Chamber. Senator Cornett, would you please check in. Senator McDonald, the house is under call. Please return to the Chamber. While we're waiting for Senator McDonald, Senator Engel, how do you wish to proceed? [LB106]

SENATOR ENGEL: In regular order. [LB106]

SENATOR LANGEMEIER: Roll call in regular order? [LB106]

SENATOR ENGEL: Yeah. [LB106]

SENATOR LANGEMEIER: Thank you. All the senators are present or accounted for. There's been a request for a roll call vote in regular order. The motion before the body is the advancement of LB106 to E&R for engrossing. Mr. Clerk, call the roll. [LB106]

CLERK: (Roll call vote taken, Legislative Journal page 930.) 25 ayes, 13 nays, Mr. President, on the advancement. [LB106]

SENATOR LANGEMEIER: LB106 does advance. Mr. Clerk, next item. And with that, I raise the call. [LB106]

CLERK: Mr. President, LB292. Senator McGill, I have Enrollment and Review amendments, first of all. (ER8050, Legislative Journal page 893.) [LB292]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB292]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB292]

SENATOR LANGEMEIER: You've heard the motion on the adoption of the E&R

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amendments. All those in favor say aye. All those opposed say nay. They are adopted. [LB292]

CLERK: I have nothing further on that bill, Senator. [LB292]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB292]

SENATOR MCGILL: Mr. President, I move LB292 to E&R for engrossing. [LB292]

SENATOR LANGEMEIER: You've heard the motion. All those in favor say aye. All those opposed say nay. It does advance. Mr. Clerk. [LB292]

CLERK: LB292A. Senator, I do have Enrollment and Review amendments. (ER8055, Legislative Journal page 904.) [LB292A]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB292A]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB292A]

SENATOR LANGEMEIER: You've heard the motion on the adoption of the E&R amendments. All those in favor say aye. All those opposed say nay. They are adopted. [LB292A]

CLERK: I have nothing further on LB292A, Senator. [LB292A]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB292A]

SENATOR MCGILL: Mr. President, I move LB292A to E&R for engrossing. [LB292A]

SENATOR LANGEMEIER: You've heard the motion. All those in favor say aye. All those opposed say nay. The ayes have it. It does advance. Mr. Clerk. [LB292A]

CLERK: LB389. I have no E&Rs. Senator Aguilar would move to amend with AM782. (Legislative Journal page 915.) [LB389]

SENATOR LANGEMEIER: Senator Aguilar, you are recognized to open with...on your amendment, AM782. [LB389]

SENATOR AGUILAR: Thank you, Mr. President, members. My amendment is to add the emergency clause to LB389. The E clause will assist the University of Nebraska in its upcoming searches for high-level administrators. As you may remember, this bill addresses concerns that the current law prevents quality applicants from applying for high-level positions in the university, knowing their name and other information will

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become public before they are hired. This bill helps address those concerns. And if this bill can go into effect immediately, it will also assist the university. Thank you, and I ask that you adopt this amendment and add the E clause. Thank you, Mr. President. [LB389]

SENATOR LANGEMEIER: Thank you, Senator Aguilar. You have heard the opening on AM782. The floor is now open for discussion on AM782. Seeing no lights on, Senator Aguilar, you're recognized to close. Senator Aguilar waives closing. The question before the body is, shall AM782 be adopted to LB389? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB389]

CLERK: 38 ayes, 0 nays, Mr. President, on the adoption of Senator Aguilar's amendment. [LB389]

SENATOR LANGEMEIER: AM782 is adopted. Mr. Clerk. [LB389]

CLERK: I have nothing further on the bill, Mr. President. [LB389]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB389]

SENATOR MCGILL: Mr. President, I move LB389 to E&R for engrossing. [LB389]

SENATOR LANGEMEIER: You've heard the motion. All those in favor say aye. All those opposed say nay. It does advance. Mr. Clerk. [LB389]

CLERK: Mr. President, LB305. First of all, I have no E&Rs. But Senator Fischer would move to amend with AM179. (Legislative Journal page 438.) [LB305]

SENATOR LANGEMEIER: Senator Fischer, you're recognized to open on AM179. [LB305]

SENATOR FISCHER: Thank you, Mr. President and members of the body. When we had the discussion on LB305 on General File in January, there were some questions, and I believe the questions came about on this bill because it was the first bill that had a major A bill with it. At that time, when we advanced it on a...on 34 positive votes to advance it, I did assure Senator Chambers that we would have discussion on it, if need be, on Select File. That is the reason that I filed the amendment. As you remember, LB305 would send all motor vehicle sales taxes to the Highway Trust Fund. It specifically addresses the sales taxes from leased motor vehicles. I believe that's appropriate. The Highway Trust Fund in road construction and maintenance in this state is dependent upon fuel taxes, the sales taxes on motor vehicles, and our motor vehicle registration fees. With that, I will see if there is any discussion on the bill before withdrawing the amendment. Thank you. [LB305]

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SENATOR LANGEMEIER: Thank you, Senator Fischer. You have heard the opening on AM179. The floor is now open for discussion. Senator Chambers, you're recognized. [LB305]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I strenuously oppose this raid on the General Fund. The amount that will be siphoned from the General Fund as a result of this bill will be \$10 million annually, \$9,900,000, to be more precise, but I may as well say \$10 million, for ease of reference. We are going to be processing spending bills. This money currently goes into the General Fund. The Highway Trust Fund has been like a sacred cow around here, and it gets whatever it desires, most of the time. I have a kill motion on this bill, and I'm going to carry it through. This ought not to be done. And those people who have spending bills need to consider it. The last time we were on it, Senator Nantkes made a reference to her beloved University of Nebraska. The University of Nebraska wants some more money. Where does the university's money come from, if it's going to be appropriated by the Legislature? Not the Highway Trust Fund. From the General Fund. This is \$10 million less that will be available. And I know that the partial year that the first part of this bill will affect won't be the full \$10 million; it will be three-point-something million dollars, then \$10 million thereafter, and maybe more, depending on how many of these vehicles are leased, or if there's a change upward in a tax rate. I do not think that the Highway Trust Fund should be replenished, should be freshened, by taking funds that currently go into the General Fund. Perhaps a majority of my colleagues disagree with me, in which case this raid will occur. But when your bill comes up where money is to be spent, and you hear this plaint, "there's not enough money," you think back to this day, when you were willing to take \$10 million off the table. This is not the way the Highway Trust Fund ought to be replenished. Senator Hudkins the other day tried to get some money that would be made available as a result of an increased tax on snuff that I was able to add to that bill. They are seeking any and every means to get more money to put into the Trust Fund and that Highway Allocation Fund. If you look at those who supported this bill, they're the ones who feel they will get some of this siphoned money from the General Fund without having to go before the Appropriations Committee to say that there will be more money somehow made available to counties, or whatever they're talking about. You know the general contractors want it, because their business is building roads. If it's a road from nowhere to nowhere else, they'll build it if the money is there. There was a movie that said, build it and they will come. By analogy, or appropriating that notion, pay them and they'll build it. They don't care where. You say you want a highway bed that's wavy like a river? We'll build that highway bed. [LB305]

SENATOR LANGEMEIER: One minute. [LB305]

SENATOR CHAMBERS: Then you want the road surface that's on top of it to be wavy like that bed? We'll build it. You want it to have a hairpin turn so sharp that you can't

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negotiate it on a bicycle pumping two miles an hour? You pay us, we'll build it. Do you want it to go uphill at a 45-degree angle? You got the cash? Yeah, we got it. We'll build it. And that is the irresponsible action that this body is going to take? If they pass LB305, they will be doing something just about that irresponsible. This is not a part of the budgeting process. This is a raid on the General Fund, and I'm opposed to it. Thank you, Mr. President. [LB305]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Is there anyone else wishing to speak to AM179? Seeing no lights on, Senator Fischer, you are recognized to close on AM179. [LB305]

SENATOR FISCHER: Thank you, Mr. President and members. Senator Chambers and I have different views on this, which is quite obvious. The Highway Trust Fund, I believe, benefits every citizen in this state. The Highway Trust Fund is how we build, how we maintain our roads. We're a state of distances, and in order to cover those distances, for economic development, for commerce, and for convenience of our citizens, we need to have good transportation, we need to have good roads. He and I disagree. With that, Mr. President, I will withdraw this amendment. [LB305]

SENATOR LANGEMEIER: The amendment is withdrawn. Mr. Clerk. [LB305]

CLERK: Mr. President, Senator Chambers would move to indefinitely postpone the bill. Senator Fischer, as primary introducer, you'd have the option to lay the bill over. [LB305]

SENATOR LANGEMEIER: Senator Fischer, do you wish to lay it over or take it up? [LB305]

SENATOR FISCHER: I wish to take it up. [LB305]

SENATOR LANGEMEIER: Thank you, Senator Fischer. Senator Chambers, you are recognized to open on your motion to indefinitely postpone. [LB305]

SENATOR CHAMBERS: Mr. President, members of the Legislature, before I talk, let me tell you all something I did when some of you were not here, and some of you who may have been here didn't even pay attention to it. I looked at the telephone service that is not available in the rural areas. I don't believe in putting surtaxes on phone bills, or hidden taxes. But I did one. And you know why? To help the rural areas. No rural senator created that universal fund, where people in the urban areas subsidized, by us paying more on our phone bill, the providing of telephone service to the rural areas. I did it. It was my amendment. I fought for it, and I persuaded the Legislature to accept it. But it is ridiculous to say that you have a few houses out there, because that's where people chose to live, so the state is obliged to build a road. The road building program of this

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state should be pursuant to a comprehensive plan that is based in rationality, not this notion that, I'm going to move out there and they've got to build a road. And not everything that people want will be available. The Governor is talking about cutting taxes. So on the one hand, cut the taxes; then on the other, raid the treasury so you can provide a service which cannot be justified. And when you hear these vague, unconnected arguments about economic development, that has become the abracadabra in the Legislature, which is designed to work magic for a proposal that has no merit, that is unjustified, that deliberative, responsible lawmakers would not go for. You think the contractors are interested in economic development, other than fattening their own pockets? If these cities and other political subdivisions come in here, why do they ask the state to take the burden off them and provide additional revenue to the localities? Because they don't want to do the taxing that they have the authority to do. They want to tell the state, give us local control, but you pay for it. Let the senators raise more money through the taxing power of the state, and make it available to these local taxing entities. Then those politicians can say, we lowered your sales tax, we did it. They don't say that they managed to persuade inattentive or foolish state legislators to abdicate our responsibility as state lawmakers in order to give a flowery bed of ease to the politicians at the local level. We all know that whether a city tax is levied, a county, a school district, and all these other taxing authorities, the same people are being taxed. It's a matter of which entity is going to take the rap. Put the responsibility on those local politicians. In the meanwhile, as a state lawmaker, I am interested in the raising of tax revenue for the state, the expenditure of that revenue, and protecting the General Fund from being raided. All somebody has to do is come in here and say, we got chuckholes in the streets in our town, so take some money from the General Fund and fix the chuckholes. We got some people who decided to move way to the top of the hill so they could look down on everybody else, but they don't have a road to get there, and in the wintertime, gravel is not good enough. So we want to build a road up there and give them what they've got in the cities. And foolish legislators are supposed to say, okay, how should we do it? Well, we'll raid the treasury. We will raid the General Fund. You cannot, from this legislative position, tap into any tax funds raised by the city. If they have what they might call a rainy day fund, a sinking fund, or whatever they call it, the Legislature cannot say, this is money just laying there, so we are going to take it. No, that's not going to be done. You think a county is going to give some of its money to the city, and vice versa, the city giving something to the county because they want to and the county politicians don't want to bear the responsibility of raising the money needed? No. So what do they do? They say, we've got 48 fools down there. Why 48? Because we know Chambers is not going for this. But the others are afraid to stand against it, or they're just inattentive and don't care. Well, I'll tell you this, brothers, sisters, friends, enemies, and neutrals, when I'm out of here in a year, if the Supreme Court does not overturn term limits, you all won't have to listen to this. The general contractors can come in here and say, we want to take another \$20 million from General Fund and put it into the Highway Trust Fund, and that will be done. These things that I stand against are not going to be resisted. But while I am here, join me in resisting them, and let the

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blame fall on me. I will assume it. I will accept it. You know why you have decent furniture? Because I was on a subcommittee of the Executive Board, and I had grown tired of what we had in our offices. There was mismatched embarrassment. They had dinette chairs, folding chairs. Some of them were made out of wood. They had desks, which, if a woman or a man in nice clothing--my jeans, it wouldn't matter; they're tough--would happen to walk too close to that desk...say she had on a knit skirt. By the time she got to the door, you'd think she was doing a strip tease, because her skirt got caught on that, her thread, and as she walked, it unraveled. And she'd say, good God almighty, what's going on around here? Then somebody else would come in Senator Carlson's office, and they're casual, so they lean on the desk, and it shifts the way that Senator Carlson is leaning. So they say, excuse me, Senator, could you move? And he moved. Then they'd straighten the desk up. And it doesn't match anything in that office. Up here on these walls, that rain, when it...that water would run down those walls. And I would try to embarrass the senators. I'd say, you've got thick drapes up there so nobody will see how this building is being damaged. There is no concern for this building. There is no respect for it. And I was on that committee, and some of the people even on the subcommittee said, well, we can't do some of these things because it will cost too much money. I said, that's why I'm the Chairman of the subcommittee. I'm the one who's doing it. I wanted decent leather chairs in those hearing rooms. You all who are here now have no idea what happened. They had some chairs with real tall backs and a roll on the top. Well, if you were foolish enough to lean back so your head was on that roll, the next thing you knew, your feet were straight up in the air because the chair would tip over. Now, although it was funny, it was not what should happen to a state legislator, even those with whom I had differences. So we spent maybe \$1,400 per chair. One of the senators even mentioned that there was a person in--and I won't give the gender of the senator--his or her neighborhood who had a furniture shop in his or her garage. And I said, so you're saying that we should let somebody in his or her backyard build the chairs for...well, yes, Senator Chambers, they'd be much cheaper. I said, I want some chairs that will be here after I'm gone, no matter how long I stay here. So you have decent leather chairs in those hearing rooms. You have desks and furniture of which you need not be ashamed. That's because you weren't here to see it, and there was somebody like me who went against all those... [LB305]

SENATOR LANGEMEIER: One minute. [LB305]

SENATOR CHAMBERS: ...decades of neglect and ignoring what ought to be done here. So I'm not just standing up here all of a sudden saying, I don't want the General Fund raided for this purpose. I have tried to see that we husband the money, the resources of this state, in such a way that we will be considered prudent stewards. But that didn't mean that the Legislature would travel cheap and in a way that embarrassed not only the senator, but his or her constituents if they happened to come into that room. So that brings me back to this. I'm going to resist this raid on the General Fund. It's in keeping with my philosophy as a state senator. Thank you, Mr. President. [LB305]

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SENATOR LANGEMEIER: Thank you, Senator Chambers. You have heard the opening on the motion to indefinitely postpone. Senator Fischer, you are recognized. [LB305]

SENATOR FISCHER: Thank you, Mr. President and members. I oppose this motion. This bill advanced from committee unanimously. It advanced from General File with 34 yes votes. I can appreciate that Senator Chambers has problems with it. But as I said before, I do not agree with him. LB305 would require the sale and use taxes from leased motor vehicles, trailers, and semitrailers to be credited to the Highway Trust Fund. As you are all aware, the funds available to the Highway Trust Fund are projected to be significantly lower in the foreseeable future. Lower levels of gasoline sales due to higher prices and a growing preference of car buyers for more fuel-efficient vehicles has resulted in fewer funds for road improvements. As you know, in Nebraska we do fund our roads primarily from three user sources. Those are fuel taxes, sales tax on motor vehicles, and motor vehicle registration fees. I believe--and on General File, 33 of you also agreed with me in believing--that the sales taxes from leased motor vehicles should be part of that funding system. I don't view this as a raid on the General Fund. In 1967, the leasing of vehicles was rare. That is not the case today. People who lease vehicles use our highways, and the sales taxes generated from those leased vehicles should go to the Highway Trust Fund. I would ask your support in opposing this motion to indefinitely postpone, and I would ask your support to advance the bill. Thank you, Mr. President. [LB305]

SENATOR LANGEMEIER: Thank you, Senator Fischer. Senator Chambers, followed by Carlson and Wallman. Senator Chambers, you're recognized. [LB305]

SENATOR CHAMBERS: Mr. President, members of the Legislature, my dispute is not with Senator Fischer, or even Senator Fischer's committee, or even these people who are going to profit from this, who came here supporting the bill. If you've got a sucker,...who was that guy who was the one who lived a long time ago, he said, there's one born every minute? And also, if you find a sucker, bump his head. Well, the Legislature is where the suckers are located, and this bill is to bump your heads. Senator Fischer said 34 people voted for the bill. One of the famous commercials, or infamous ones, I don't remember the product, said, so many and so many people have bought this product, and that many people can't be wrong. Well, yes, they can. Why do you think we have three stages of debate instead of one? What you don't catch with the first thought, you can catch with the middle thought, which is Select File. If you miss it with the first thought and the second thought, you can catch it with an afterthought on Final Reading. And there are bills which have failed on Final Reading. You think when I'm opposed to this bill--and I opposed it on General File, by the way--that just because 34 people voted in a way which I consider mistaken, that's going to hush me up and let me support something that is a raid on the General Fund? And you all are going to go along with it? Some of you who are new see distances and time differently from the way

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those things are viewed by somebody such as myself. I see the legislative session as a continuum, but with this difference--not in a linear way, but I see every part of it as being here right now, right now. And I can see the end from the beginning. And I can predict at the beginning how people are going to be scrambling around here at the end. The new people aren't aware of that. That seems a great way off. It's like that cloud, Senator Carlson, that was way in the distance, no larger than a man's hand, but then it came closer and closer. We are talking about taking \$10 million every year from the General Fund. I'm going to check the names of those who vote for this bill. Then when they stand up here at budget time and they say, this agency I support needs more money, I'm going to say, you're not going to get it if I can stop it, because you gave yours away. And when those who are going to speak for the university come here trying to get money for the university, I'm going to say, uh-uh, not if I can stop it. And to stop yours, I'll let these others know, if you don't support me in stopping this, then I'm going to stop yours, too. And if I can't stop yours individually, I'll keep us on the budget forever. And you know the only way you can stop me? Cloture. And you know what happens when you cloture me? You take a vote on the budget bill as it exists at that moment, and you have to vote it across the board with all the things you may disagree with. I wasn't born yesterday. I'm not a fool, and I'm not stupid, and I know how to play this game. And I'm going to stop the raid on the treasury one way or the other. If you let "Calamity Jane" steal this \$10 million,...she's not even listening. If you're going to let this raid be done today, then I've got to find a way to make up for it. Now, she's not going to say, we have to take money from someplace else to protect the integrity of the General Fund. That will be my responsibility. They know that I'm the garbage man. They know that I clean up the messes that my careless,... [LB305]

SENATOR LANGEMEIER: One minute. [LB305]

SENATOR CHAMBERS: ...inattentive, frightened colleagues will leave there. They say, well, Ernie will take care of that; we don't have to worry about it. We will be irresponsible, we will look good, but we know he'll save us because he's not afraid and he will do what the state needs to have done. And they know that, and they're right. I will, although I shouldn't. But that's what I intend to do, and I'm going to do everything I can to stop this bill. Every motion that is allowed to me under the rules, I'm going to make it on this bill, because I am as serious as a heart attack. Thank you, Mr. President. [LB305]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Carlson, you're recognized. [LB305]

SENATOR CARLSON: Thank you, Mr. President, members of the Legislature. I'll start out by thanking Senator Chambers for my desk, for my chair, and for my table. I appreciate those. However, in this little time, I'm not playing games, and I'm not trying to be vindictive, but I do have some questions I'd like to address to Senator Chambers.

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[LB305]

SENATOR LANGEMEIER: Senator Chambers, would you yield to a question? [LB305]

SENATOR CHAMBERS: Yes, I will. [LB305]

SENATOR CARLSON: Senator Chambers, I disagree with one of your analogies. First question...and this isn't meant to be funny; I'm asking you. [LB305]

SENATOR CHAMBERS: That's all right. [LB305]

SENATOR CARLSON: What relationship does the use of snuff have to do with building state roads? [LB305]

SENATOR CHAMBERS: Nothing. [LB305]

SENATOR CARLSON: Okay. Thank you. Another question. Is there a relationship between leased vehicles and the use of state roads? [LB305]

SENATOR CHAMBERS: Well, it depends on what they're leased for. If they're leased for the purpose of driving, then there is a relationship, because they will use the roads. [LB305]

SENATOR CARLSON: Okay. Thank you. Third question. Where should the money come from that's used to build state roads? [LB305]

SENATOR CHAMBERS: It should come from the General Fund, in my opinion. There should be bonds sold to build state roads, and those bonds can either be revenue bonds, which I wouldn't want to see, but general obligation bonds. And you build your road program through the letting of general obligation bonds. That's one of the ways we should fund these roads, in my opinion. [LB305]

SENATOR CARLSON: Okay. Thank you for your answer there. And certainly, I don't understand the funding system and the tax system nearly as well as you do. But I believe that sources of dollars that are related to the use of roads is a legitimate source of dollars. Thank you, Senator Chambers. But I believe that LB305 is related to direct use of roads in Nebraska. Thank you. [LB305]

SENATOR LANGEMEIER: Thank you, Senator Carlson. Wishing to speak, Wallman, Stuthman, Chambers, Kruse. Senator Wallman, you're recognized. [LB305]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I don't think anybody is arguing about the use of roads of leased vehicles. But transferring money

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out of the General Fund, just like this, where did most of us run on? Property taxes. So where is that going to go? If we need more money for roads, we can look at gas tax, we can look at some other things. None of them are very popular. And...but let's make sure our roads are built good enough in the first place. I got a Homestead Expressway by my place, and less than ten years later, they spent almost as much money to fix it as they did originally. And the old 77 was built for Model T trucks, and it lasted and lasted and lasted without much repair. So let's make our roads good so we don't always have to be fixing them. And let's not transfer all this money out of General Fund, because it's going to come from somewhere, and I think we all know where. So if we need more money for roads, then I don't think...let's not tamper with this program right here. Let's leave it where it's at, because when you shift funds from here, you're going to shift taxes somewhere else. And probably it will be on your property tax, and people will be saying, well, the Legislature raised my property tax again. And so I'd vote to kill this bill...not kill, postpone. Thank you, Mr. President. [LB305]

SENATOR LANGEMEIER: Thank you, Senator Wallman. Senator Stuthman, you're recognized. [LB305]

SENATOR STUTHMAN: Thank you, Mr. President, members of the body. I would like to engage in a little bit of a dialogue with Senator Fischer, if she would. [LB305]

SENATOR LANGEMEIER: Senator Fischer, would you yield to a question? [LB305]

SENATOR FISCHER: Yes, I will. [LB305]

SENATOR STUTHMAN: Senator Fischer, as you stated earlier, many years ago there was very few leased vehicles, and at the present time we've gone to a lot of leased vehicles. If we did not have any leased vehicles and all vehicles were sold, where would the revenue from those go to? [LB305]

SENATOR FISCHER: Senator Stuthman, that revenue would go entirely to the Highway Trust Fund. [LB305]

SENATOR STUTHMAN: But since we have engaged in a different type of source of how people own or lease their vehicles, and since we have the mechanism of that, the people have the ability to lease a vehicle, then the percentage of that leased cost, which is directly in relationship to the original cost of the vehicle, then that portion of that money goes to the General Fund. Is this correct? [LB305]

SENATOR FISCHER: The sales tax from leased vehicles currently goes to the General Fund, yes. [LB305]

SENATOR STUTHMAN: So it's the sales tax portion on the leased vehicles that goes to

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the General Fund. There is no money going to the Highway Trust Fund from these vehicles at that time, then? If it's going to the General Fund, those leased vehicles are not contributing to the Highway Trust Fund? [LB305]

SENATOR FISCHER: The sales tax from the leased vehicles are going to the General Fund. They do not contribute to the Highway Trust Fund. [LB305]

SENATOR STUTHMAN: Senator Fischer, does a sales tax of a vehicle purchased by an individual and not leased, where does that sales tax money go to? [LB305]

SENATOR FISCHER: That sales tax goes to the Highway Trust Fund. [LB305]

SENATOR STUTHMAN: So the only difference is the difference between the purchasing of it and the sales tax portion of a leased vehicle because it's a leased vehicle. Then that directs the money to the General Fund. But if all of the vehicles were just purchased and owned, that money would go to the Highway Trust Fund. That would be correct, wouldn't it, Senator Fischer? [LB305]

SENATOR FISCHER: You are correct. [LB305]

SENATOR STUTHMAN: Thank you, Senator Fischer. That is the concern that I have, is that we have directed some of the sales tax money to the General Fund, and now with this bill we're trying to get that portion of that money back to the Highway Trust Fund. I have a real concern, though, with raiding the General Fund to fund the Highway Trust Fund. I have a real concern with that. But in my opinion, those dollars probably should have never went to the General Fund, because it's still a vehicle, it still has ownership, and it's a vehicle that is going down the highways. I don't know why that was ever taken, you know, from the Highway Trust Fund and put into the General Fund to start with. That is a concern that I have. But I have also a real concern of just continually raiding the General Fund. But in my opinion, those dollars probably should have never been in the General Fund. Thank you. [LB305]

SENATOR LANGEMEIER: Thank you, Senator Stuthman. Senator Chambers, you're recognized. [LB305]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'd like to ask Senator Fischer a question, so that something can be clarified for all of us, if she will answer. [LB305]

SENATOR LANGEMEIER: Senator Fischer, would you yield to a question? [LB305]

SENATOR FISCHER: Certainly. [LB305]

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SENATOR CHAMBERS: Senator Fischer, if you know, how long has this money, this sales tax portion on these leased vehicles, gone to the General Fund, if you know? [LB305]

SENATOR FISCHER: I believe it's been since 1967. [LB305]

SENATOR CHAMBERS: Thank you, Senator Fischer. Members of the Legislature, this is not something that just happened yesterday. This money has been going to the General Fund for nigh on to 40 years. Or is it more? Forty years. I'd like to ask Senator Carlson a question, and this might be unfair, because he is a newbie, a tyro. [LB305]

SENATOR LANGEMEIER: Senator Carlson, would you yield to a question? [LB305]

SENATOR CARLSON: Yes. Yes, I will. [LB305]

SENATOR CHAMBERS: Senator Carlson, if you know, what are the means by which the state can raise tax money? What may the state tax in order to raise tax money? [LB305]

SENATOR CARLSON: The state can tax income, and it can institute a sales tax. [LB305]

SENATOR CHAMBERS: Now, you're right. What source...which of those categories would this money fit into that we're talking about? [LB305]

SENATOR CARLSON: This would be sales tax. [LB305]

SENATOR CHAMBERS: So by doing this, we are diminishing the tax base available to the state. Would you agree? Come on, I was straightforward with you. [LB305]

SENATOR CARLSON: If the answer needs to be yes or no, I would say yes. [LB305]

SENATOR CHAMBERS: Thank you, Senator Carlson. [LB305]

SENATOR CARLSON: Okay. [LB305]

SENATOR CHAMBERS: I'm following the method he used with me. Look, the state has only those two sources of revenue, so something which the state has been able to rely on for 40 years, has been a part of the budgeting process, is a part of the state's tax base, is now to be diminished. You are going to reduce the state's tax base. What are some of these groups called who said they want the state to diminish its own tax base? The Associated General Contractors, hardly concerned about the citizenry. And I can confirm what Senator Wallman said about how shabbily these state highways are built.

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Even Harold Anderson has written columns about how bad they are in Nebraska compared to the surrounding states where he travels, how bumpy they are. And if you drive between Omaha and Lincoln while they're doing their constructing, you can see what a poor job of road building has occurred in the past and is occurring now. But if the state is a sucker, bump its head. And that's what's been happening. All these people who talk about raiding the General Fund and raising the gas tax so that the general contractors can have more money--and I understand they contribute to people's campaigns--when do they ever say there should be accountability and these roads should be built to meet a certain standard? They don't talk about that. Greater Omaha Chamber of Commerce, are they concerned about the people at large? No, businesses and those who are members of their organization. Nebraska New Car and Truck Dealers Association. And you can look at the list. The Nebraska Bankers Association; Nebraska Petroleum Marketers and Convenience Stores Association; League of Nebraska Municipalities; city of Omaha; Nebraska Association of County Officials. Of those political subdivisions, which one do you know... [LB305]

SENATOR LANGEMEIER: One minute. [LB305]

SENATOR CHAMBERS: ...has ever come here to say they want to raise more taxes? Some of them don't want to use the taxing authority that they have now. But they come to the state and say, we want to diminish your tax base, and the state senators, like bobble-head dolls, say, okay, we'll let you diminish the tax base. Then some of you are going to be whining when we get to the end of the session, and the project you think should be funded is going to be left out in the cold because the money is not there. Think. Think. Use your brains. Is the state...is the Highway Trust Fund the most important thing that we're dealing with this session? I don't think so. And this is not the only source they have of revenue. If they say, well, we just have to go someplace else, well, go someplace else. Let them go wherever they have to go; I'm not going to give any other suggestions. In talking to Senator Carlson, I mentioned general obligation bonds. There are probably states who use that as a means to build highways. Thank you, Mr. President. [LB305]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Kruse, followed by Harms. Senator Kruse, you're recognized. [LB305]

SENATOR KRUSE: Mr. President and colleagues, thank you. I stand in support of this bill until a better one comes along, and I think that's the challenge to Senator Chambers and to all of us. I'd like to just quickly enumerate some budgeting facts. The fact is that we are short on roads money. That's in our current preliminary budget. There's not enough money in there to build any new roads, whether they are foolish, as Senator Chambers suggests, or if they're necessary. There are roads that are necessary. He raises the question, if road standards could be discussed. They are being discussed. That's a fact. And we can pull back on that, but when we pull back on that, that's going

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to hurt the rural sections of our state, I guarantee you. The fact is, we don't have enough money. And we've got to find a way for money that's not from the budget, because we are at the limit of what we can raise the budget. So we've got to find something outside the budget. There are various options, and I'm just saying at this point, we've got to look at all the options, because we've got to find that kind of money. I certainly would not call this raiding the General Fund, any more than passing a budget is raiding the General Fund. That's a word that works well in rhetoric, but the fact is that we...if we do it, if we look over the whole thing, and we can decide where it should go. We are trying to reduce property taxes, and we've taken a number of actions to reduce property taxes, and this body wants to do it. That's another fact. We can't be kicking it over onto property tax. We've got to find another solution for a genuine shortage that we have. I'm not saying this is the only one, at all. But we...I'm just warning the body that unless we deal with this question of a shortage of funds, we are not going to be doing our responsibility, and the roads not...will not be new roads or anything. We will be reducing the standard of roads in this state. Thank you. [LB305]

SENATOR LANGEMEIER: Thank you, Senator Kruse. Senator Harms, you're recognized. [LB305]

SENATOR HARMS: Thank you, Mr. President, colleagues. I yield my time to Senator Fischer. [LB305]

SENATOR LANGEMEIER: Senator Fischer, five minutes. [LB305]

SENATOR FISCHER: Thank you, Mr. President and Senator Harms, members of the body. Thank you, Senator Kruse, for your words. Senator Chambers asked me a question a few minutes ago, and I gave a short answer. He asked, on the...when the money for these leased vehicles started going to the General Fund, or not to the Highway Trust Fund. I said 1967, and that is correct. But what I want to point out to you once again is that in 1967, there were very, very, very few people that were leasing vehicles. It's commonplace now. In fact, in Holt County, in the city of Atkinson, I've had some people tell me there that they checked with their car dealers, and they estimate that a third of their vehicles are leased in Atkinson, Nebraska. I'd like to point out that this is a debate and this is a bill that is addressing a policy issue. The policy of this state has been that we fund our roads in the manner that we've discussed previously. And I will close by saying that I believe it is appropriate that the sales tax from leased motor vehicles goes to the General Fund, as does the sales tax on motor vehicles in this state. Thank you, Mr. President. [LB305]

SENATOR LANGEMEIER: Thank you, Senator Fischer and Senator Harms. Senator Stuthman, your light is next. You're recognized. [LB305]

SENATOR STUTHMAN: Thank you, Mr. President. And I want to thank Senator Fischer

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for those comments, because I did not realize that the lease program had been going on since the...in the sixties, and that is 40 years. But I think, you know, it is utilized a lot right now, at this time. So I want to thank Senator Fischer for those comments. And I will give the balance of my time to Senator Chambers. [LB305]

SENATOR LANGEMEIER: Senator Chambers, 4, 30. [LB305]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Stuthman. Members of the Legislature, a policy decision was made that this sales tax money would go into the General Fund. Well, now that it's generating enough money to be of consequence, you're going to say, okay, now take it out and give it to somebody else? Are you going to say that with every source of taxation that the state has? Everything that's a part of the state's taxing base is going to be taken away and given to somebody else because it raises a substantial amount of money? I'd like to ask Senator Kruse a question, because I'm nonplussed by something he said. [LB305]

SENATOR LANGEMEIER: Senator Kruse, would you yield to a question? [LB305]

SENATOR KRUSE: Yes, I will. [LB305]

SENATOR CHAMBERS: Senator Kruse, you said there's a shortage of money that the state is facing now, correct? [LB305]

SENATOR KRUSE: In the construction of roads, yes. [LB305]

SENATOR CHAMBERS: Is there a shortage of money in the General Fund for the things that people want to spend that money for? [LB305]

SENATOR KRUSE: No, not really. [LB305]

SENATOR CHAMBERS: So then every A bill that's before us, and the Governor's tax cuts, can all be accommodated with the money that's available? [LB305]

SENATOR KRUSE: No, that would not be true. [LB305]

SENATOR CHAMBERS: So then there's a shortage somewhere, there's a shortfall somewhere. [LB305]

SENATOR KRUSE: We have a lot of demands, and this floor is going to have to face priorities as we go along. [LB305]

SENATOR CHAMBERS: And from what pot will the money come for funding these A bills that we're confronting? [LB305]

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SENATOR KRUSE: The pressure on the budget is to hold down the increase. It's not because of a lack of availability of funds. [LB305]

SENATOR CHAMBERS: Where will the money come from that is going to fund these bills? Is there a repository where the state's money is found, and we give that repository a name, and it's from this pot that appropriations are made? What do we call that pot from which appropriations are made, if you know? [LB305]

SENATOR KRUSE: We have two pots like that. One is the General Fund,... [LB305]

SENATOR CHAMBERS: Let's take that one. [LB305]

SENATOR KRUSE: ...and then the other one is the Reserve Fund. [LB305]

SENATOR CHAMBERS: Now, is this money that we're talking about in LB305 coming from the Reserve Fund? [LB305]

SENATOR KRUSE: No, it would be coming from the General Fund. [LB305]

SENATOR CHAMBERS: And you said that there is not enough money available in the General Fund to fund all of the A bills that currently are pending, if I understood you correctly. [LB305]

SENATOR KRUSE: A bills and all requests... [LB305]

SENATOR CHAMBERS: Exactly. [LB305]

SENATOR KRUSE: ...are greatly more than the budget can accommodate. [LB305]

SENATOR CHAMBERS: And if \$10 million is taken from that General Fund, there is even less available for those A bills and requests. Is that true? [LB305]

SENATOR KRUSE: No, it's not. [LB305]

SENATOR CHAMBERS: Oh, so then you can... [LB305]

SENATOR KRUSE: It's not a... [LB305]

SENATOR CHAMBERS: ...reduce the amount of money in the General Fund, and it does not make less money available for spending on these other things? Is that what you're saying? [LB305]

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SENATOR KRUSE: The problem on the budget is that... [LB305]

SENATOR CHAMBERS: No, is that what you said? Because my time will run out, Senator Kruse, and... [LB305]

SENATOR KRUSE: The problem on the budget is we cannot increase it more than we have. [LB305]

SENATOR CHAMBERS: Thank you,... [LB305]

SENATOR KRUSE: It's not because there's not funds. [LB305]

SENATOR CHAMBERS: Thank you. Members of the Legislature, what Senator Kruse just said makes no sense. Currently, there is not enough money available to be spent for all of these A bills and requests. If you take \$10 million out of the General Fund, that's not going to reduce the amount of money available? What kind of voodoo economics is that? You have \$100 in your hand,... [LB305]

SENATOR LANGEMEIER: One minute. [LB305]

SENATOR CHAMBERS: ...I take \$10 from your hand, and that does not reduce the amount of money in your hand? Why, you talk about a flimflam man. I wonder if Senator Kruse is the reincarnation of that fellow that I was talking about earlier. Members of the Legislature, I'm going to do my job as I see it. And right now, my job is to stop the General Fund from being raided. This is not a one-year thing. This goes on. This reduces the state's tax base. Doesn't that mean anything to anybody other than me? I know it means something to other senators, because you've told me. But I hope it means something to enough of us to recognize the unwisdom of this bill. Thank you, Mr. President. [LB305]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Kruse, you're recognized. [LB305]

SENATOR KRUSE: Thank you, Mr. President and colleagues. I do want to respond to Senator Chambers' question of flimflam. I have a lot of abilities, and I...that's been added in there, and I think I'll put that on my letterhead: master of flimflam. There is no flimflam in this, Senator. What I said was, there's enough money. It's not a lack of money in the General Fund that is the constraint on our budget; it is that we have agreed together in a consensus that will be confirmed on the floor that we're not going to increase the budget by more than a certain percentage, because we want to leave some of that money there. And if we can find ways outside of the budget to take care of some things, we're going to have to do that. But that's a decision we will make. We're not raiding anything. We're looking at it cold and clear, and deciding that's money that's

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available, or we'll decide it's not available, just as we're doing on this bill right here. And I have no judgment on persons, whichever way they want to vote on it, nor do I object to Senator Chambers raising very important questions. We have to decide what to do with this money. But clearly, it is available. Thank you. [LB305]

SENATOR LANGEMEIER: Thank you, Senator Kruse. (Visitors introduced.) Continuing with discussion on the motion to indefinitely postpone, Senator Wallman, you're recognized. [LB305]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I, too, don't like to use the word "raid." But we're shifting. And like I said before, we're still shifting. And when you shift \$9 million, \$10 million, it's going to make a difference somewhere, and eventually it's going to come from someplace. And our highway department should learn how to use the monies they have, and if we need more money for that highway department, then we have to look at a different funding. But let's not take this...maybe it should be for the highway. I'm not saying. But we're still shifting it out of there. And we're used to having it in the General Fund, so I think we should let it there. And I'd yield the rest of my time to Senator Chambers. [LB305]

SENATOR LANGEMEIER: Senator Chambers, 4, 10. [LB305]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Wallman. Members of the Legislature, I'm going to say it again and again and again, and I'll say it in different words this time, in view of Senator "Flimflam's" last comment. He said that the members of the Appropriations Committee have agreed together not to increase the budget beyond a certain percentage. So what is that saying? They have decided you all are going to have only a certain amount of money available to spend, and they're going to try to stop you from going beyond that. Suppose you're somebody who will not be like me--aggressive, assertive, willing to play hardball? Then your program gets cut. We can get rid of that senator, because that senator is not going to put up a fuss. So you're out. And they keep cutting you off, and they know which ones are not going to fight hard. That doesn't mean their program does not have merit; it just means they don't have the oomph necessary. They don't have the juice to get it accepted and funded. That's the way things are done around here. They talk in these noble, altruistic terms, when underneath it all is a very utilitarian plan that says the strong will survive and be funded and the weak shall not. Who do you think they'd rather fight in here--me, or a neophyte? Who would they rather fight? They don't want to fight me, because I will fight back and I will not quit. I will not be intimidated. I'm not trying to buy anything from anybody, and nobody can buy me. So they will walk light around me. What about some of the rest of you? You think they're going to treat you the same way? They don't have to. They can run all over you roughshod. I'm trying to save you, while saving the integrity of the General Fund. In effect, you're saying that the Roads Department is going to be funded from the General Fund, to the tune of at least \$10 million, without ever having to come

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to the Legislature to justify it. And you all are the fiscal conservatives? You all are the ones who are concerned about the public? You're concerned about where tax money goes? I'd like to ask Senator Fischer a question, because you all may think that I'm not telling the truth. [LB305]

SENATOR LANGEMEIER: Senator Fischer, would you yield to a question? [LB305]

SENATOR FISCHER: Yes, I will. [LB305]

SENATOR CHAMBERS: Senator Fischer, on the chance that I've misunderstood this bill, at what point, if this bill is adopted, will this money automatically revert to the General Fund, meaning that after a year or two or three years of it going to Highway Trust Fund, it will then automatically shift back to the General Fund? When will that happen, without legislative action? [LB305]

SENATOR FISCHER: It will take legislative action, as with any change in tax revenue where it's designated to go, Senator. [LB305]

SENATOR CHAMBERS: So this is intended to be ongoing? [LB305]

SENATOR LANGEMEIER: One minute. [LB305]

SENATOR FISCHER: I would certainly hope so. [LB305]

SENATOR CHAMBERS: Thank you. Members of the Legislature, they don't have to come to the Legislature again. They don't have to justify this additional money. They don't have a lot of oversight. Somebody was telling me about \$100,000 or so the Roads Department is going to spend in western Nebraska, looking at whether or not there ought to be an overpass, which will never be built anyway. But the \$100,000 will be built...will be spent. Who even questions the Department of Roads? Who knows what the Department of Roads is spending? Who even cares? Well, I care about where they take that money from, and I don't want them to take it from the General Fund. This is an appropriation forever, without going through the budgeting or appropriation process. Why don't you say you're going to guarantee to Health and Human Services \$10 million every year automatically? [LB305]

SENATOR LANGEMEIER: Time. [LB305]

SENATOR CHAMBERS: You wouldn't do it. But you fear... [LB305]

SENATOR LANGEMEIER: Time. [LB305]

SENATOR CHAMBERS: ...this Highway Trust Fund and those who support it. Thank

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you, Mr. President. [LB305]

SENATOR LANGEMEIER: Thank you, Senator Chambers and Senator Wallman. Anyone else wishing to speak to the motion to indefinitely postpone? Seeing no lights on, Senator Fischer,...excuse me, Senator Chambers, you're recognized to close on your motion to indefinitely postpone. [LB305]

SENATOR CHAMBERS: Thank you. But Mr. President, to show you what a gentleman I am around here, if Senator Fischer had changed her mind and wanted to speak in favor of killing this bill, I would let her have my closing. That's how generous a fellow I can be on occasion. But I said I'm going to fight this bill, and I'm going to. You know why I don't have to be afraid? Because there's nothing anybody can give me and there's nothing anybody can take from me. What can they do in this Legislature to hurt me? Nothing. Nothing. But I know what I promised to do when I came here. My title is state senator. My first responsibility is to my duties as a state senator. If my responsibility was to the city of Omaha, I would have run for the Omaha city council. If I felt my first duty is to Douglas County, I would have gotten on the county board. My view is broader than that. And this Legislature and this state, whether you all or they know it or not, are lucky to have somebody like me, somebody willing to do these things that need to be done but which nobody wants to touch. And will you be crying as we go further? Oh yes, you will be crying. You will be whining. Your project is not going to get money. And then you're going to say, what did I do? Oh, woe is me. You have a chance to make a decision now. If you don't pass this bill, you're not going to hurt the Highway Trust Fund. If you pass it, you're going to shrink the state's tax base. You rural, you conservative, you fiscal conservatives, the others of you who try to tell your constituents how stingy and tightfisted you are when it comes to the state money, you're going to at one fell swoop not only take \$10 million from the General Fund, but you're giving that to a state agency forever. They don't have to face the budget committee. They don't have to justify that to anybody. You don't see that as an abdication of your responsibility? I don't call myself a fiscal conservative, but I call myself a responsible state legislator. And I'm going to hear some of you, as we proceed, stand up here and wave your conservative credentials. Yeah, because it doesn't cost any money. But when it comes to kowtowing to, pandering to, being a sycophant for those powerful special interest groups, that's when you will fold. All of a sudden, you don't stand up and do a whole lot of talking. But I will. And I intend to stay on this bill, and I will not get tired. I'm like one of those athletes in a contest where the longer the contest goes, the stronger, more enthusiastic I become, and the higher my energy level is. Most 70-year-old geezers, they can't stand up all day long. You keep them on their feet doing anything for 15 minutes and they're huffing, puffing, wheezing, and blowing. They're not going to run up and down the stairs, have young people getting out of the way. "Wish I could do that." So you think that I'm a typical 70-year-old geezer and that I'm going to get tired, that I'm just blowing smoke, that I'm bluffing, that I'm shooting blanks, and that I will not use every motion that I can and that I choose to use to fight this bill? If that's what you think, you've got another

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think coming, and it behooves me to demonstrate it. [LB305]

SENATOR LANGEMEIER: One minute. [LB305]

SENATOR CHAMBERS: Do I care what happens with the rest of the session? Because I see the Speaker over there looking a little thoughtful. No, I don't care. You all care what you all care about; I care about what I care about. I care about the General Fund's integrity, and I'm going to fight to protect it. Suppose not another bill passes, including mine? That happens in the Legislature; it happens in other legislatures, except that I don't get discouraged. I don't quit. I have a primary responsibility, and protecting the integrity of the General Fund is one of those primary objections...objectives that I have. What do people often say is the most important thing we do as a Legislature? Some will say to build a budget. Budget has to do with the expenditure of money. That is tied into the General Fund. They're going to talk about the budget? Then let the General Fund be raided. Why, that's preposterous. But others may not see it my way. So it's up to me... [LB305]

SENATOR LANGEMEIER: Time. [LB305]

SENATOR CHAMBERS: Thank you, Mr. President. I will ask for a call of the house. [LB305]

SENATOR LANGEMEIER: Thank you, Senator Chambers. There has been a request to put 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. [LB305]

CLERK: 28 ayes, 0 nays, Mr. President, to place the house under call. [LB305]

SENATOR LANGEMEIER: The house is under call. Senators, please record your presence. 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. The house is under call. Senators McDonald, Aguilar, Preister, Synowiecki, Heidemann, Burling, please return to the Chamber. The house is under call. The house is under call. Senator Preister, would you please return to the Chamber? All senators are present or accounted for. Senator Chambers, how do you wish to proceed? [LB305]

SENATOR CHAMBERS: Roll call in reverse order. [LB305]

SENATOR LANGEMEIER: Thank you, Senator Chambers. There has been a request for a roll call vote in reverse order. The motion before the body is, shall LB305 be indefinitely postponed? Mr. Clerk. [LB305]

CLERK: (Roll call vote taken, Legislative Journal page 931.) 5 ayes, 34 nays, Mr.

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President, on the motion. [LB305]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. The motion to indefinitely postpone failed. With that, I raise the call. [LB305]

CLERK: Mr. President, Senator Chambers would move to reconsider the vote just taken on the motion to indefinitely postpone. [LB305]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Chambers, you are recognized to open on your motion to reconsider the previous vote. [LB305]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, the reason I was not voting is because the only way a person can reconsider is to be voting on the prevailing side or not voting. So I wanted to see what the vote was going to be before I was not voting. And I'm going to deliver on what I promised to do. So you all may have a long day here in front of you. What about lunch, because we're going to work through lunch, anyway? Well, I don't eat lunch anyway, so you all will just join me. And for Senator Friend's information, "Captain Lunch-hunter" will have to take his hat off and decide to just stay here and skip that lunch. That's what they consider senators--lunch-hunters, spongers, moochers, always on the take, looking for something free. They...why do you think they invite you all to all these dinners? You think they do it because they like you? They wouldn't ridicule you behind your back if they liked you. They wouldn't call you out sometime and talk bad to you and holler at you and point at you if they liked you. They think they can buy you with a meatloaf sandwich and a chicken dinner. They wouldn't come up and offer you \$1,000. First of all, it wouldn't take that much to buy you. But that is too blunt even for the people around here. So they're nice to you, and whereas they couldn't buy you for \$1,000 straight out, they can get your favorable attention with a meatloaf sandwich and a chicken dinner, and you feel forever obliged to them. But that doesn't work with me. The rules allow me to do what I'm doing, and I intend to do it. And I'm going to compile a record as I do it. Senator Kruse has already told you all what is going to happen as far as the Appropriations Committee is concerned. But here's what Senator Kruse may have forgotten. You think they've got the powerhouses on the Appropriations Committee now that they used to have? Absolutely not. You think there are people on that Appropriations Committee because they have particular expertise in budgeting and matters of finance? No. They wanted to be there, and they got there. That's the way things are done in the Legislature, and it's why I have never been bound by anything that came out of the Appropriations Committee. They're just a senator like I am, or let me say it a different way. They're senators with no more authority than I have as a senator. And I will assert mine, and I will assert myself, and I will challenge the Appropriations Committee when I think what they're doing is inappropriate. When Senator Wehrbein was the Chair, when Senator Peterson was the Chair, they had understanding, and they knew how to strike a compromise, usually with me, because

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first of all, what I would offer was imminently reasonable, and they should have done it in the first place, but they were afraid. So they knew I would come forth and create a set of circumstances where it could be done, and it had to be done, because the time would have been taken and the budget would have been held up. So I'm the fall guy and the bad guy, and I don't mind. Things have to be done, and somebody has to do it, and I'm going to do what I think I ought to do. So what I can get from you, if I can't get your vote, is some of your time. And you're going to see more and more days like this given over to me during the session. When I decide to take the session, it becomes mine. And if people get angry, do you think it makes me any difference? No. Why would they get upset? Because there are things they want to do. Well, why should I care more about what they want to do than they care about what I want to do? Hmm? I don't hear any answers. I don't need an answer. This is a bad bill. This is bad policy. I'd like somebody who supports this bill to tell me who exercises oversight when it comes to the Department of Roads? Who? Where is the quality control? I would ask Senator Harms, but he hasn't been here very long, so I can't blame him. I ought to ask Senator Kopplin, because he was a superintendent, and they know everything. Oh, he's nodding yes. I'd like to ask Senator Kopplin a question. (Laughter) [LB305]

SENATOR LANGEMEIER: Senator Kopplin, would you yield to a question? [LB305]

SENATOR KOPPLIN: I would love to. [LB305]

SENATOR CHAMBERS: Senator Kopplin, if you know, who exercises or ensures quality control in highway building in this state? [LB305]

SENATOR KOPPLIN: I do not know. [LB305]

SENATOR CHAMBERS: Thank you. I'd like to ask Senator Fischer a question. [LB305]

SENATOR LANGEMEIER: Senator Fischer, would you yield to a question? [LB305]

SENATOR FISCHER: Yes. [LB305]

SENATOR CHAMBERS: Senator Fischer, what...which official is charged with quality control over highway building in this state? [LB305]

SENATOR FISCHER: I can't tell you right off hand who that would be, Senator Chambers. [LB305]

SENATOR CHAMBERS: Thank you, Senator Fischer. And for Senator Kopplin, neither can I. I don't think anybody can, because I don't think there is such a person. They do what they want to do. If they decide that they want to investigate whether some utility poles are too close to the highway, they spend the money and hire somebody to do it,

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and who questions them? Nobody. Nobody. And if you see all these cones on the highway narrowing the thoroughfare to one lane, who asks why that is being done and who made the decision? Nobody, because everybody is trained to go along with whatever the Department of Roads decides to do. They could do it to have fun, and say, we're going to show how much we control this state; let's put some cones out here, and we will shut off the middle lane--because now they've got some stretches of I-80, especially between Omaha and Lincoln, with three lanes--we'll shut off the middle lane and make those suckers go on the inside lane or the outside lane, and they'll do it without asking a question. And they will never contact the Department of Roads to ask, why are these cones here, why is the center lane closed, when I don't see any workers out here, I don't see any equipment out here, I don't see anything being done to the road--they're not striping it, they're not fixing any potholes, because there are none; why are the cones there? Nobody is going to ask. Nobody. And you all are going to sit around here and give a perpetual appropriation, called something else, to the Department of Roads, and they never have to come before the Legislature again. What agency would not like that? You're not willing to do it with other agencies. Senator Kruse and others are going to be inspecting things with a microscope on that Appropriations Committee, until they get tired or until the biggies come. Then these big things go through. You know what they do, Senator Carlson? I can't take credit for this being original. They strain at a gnat and they swallow a camel. They can get their minds around that gnat, but a camel, uh-uh. So somebody comes up with a program that might cost \$300,000. Oh, we don't have the money for that. Department of Roads says, we want \$10 million in perpetuity, and the Legislature says, okay, you got it. We're just thankful that you didn't ask for \$20 million. You heard that song, (singing) whatever Lola wants, Lola gets. Lola could take some lessons from the Nebraska Department of Roads. You just roll over and give it up, all you conservatives, all you fiscal conservatives. Senator Friend, sometimes he gets on this floor and speaks with his very authoritative sounding voice. Sometimes he will even pound the table, or he sounds like he is, even if he's not. And then, when time comes to do something that manifests responsibility, he reminds me of one of Aesop's fables. The people were in this little village, and there was huge mountain, and one day, there was a great going in the ground. The ground shook. That's where "shake, rattle, and roll" came from. [LB305]

SENATOR LANGEMEIER: One minute. [LB305]

SENATOR CHAMBERS: The mountain itself rattled and rolled from side to side, and everybody was just standing in great fear. They offered sacrifices, they prayed, and nothing stopped all of this turmoil. Then the bottom of the mountain opened up, and out stepped a mouse. That's what the Legislature is, full of sound and fury, signifying nothing, when it comes to the big things and the responsible things. But I--paraphrasing Richard Nixon--I am not a mouse. Thank you, Mr. President. [LB305]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Howard, you're

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recognized. [LB305]

SENATOR HOWARD: Thank you, Mr. President, members of the body. And listening to Senator Chambers speak earlier, something that he said reminded me of something I've read recently, and I think it's important to share this with you. In 1990, LB720 provided for 20 new child welfare positions per year for four years. However, only three of the four years were able to be funded. In 2004, LB1089 provided for 120 staff for protection and safety. If you will remember, this was following a very high number of child deaths, children who were in the Child Protective Service system, in foster care, and returned home. This was as a result of the Governor's task force regarding child safety. The allocation of the 120 positions was for 78 protection and safety workers, 6 supervisors, 8 quality assurance program specialists, 27 support staff, and one Indian child welfare specialist. Since that time, there haven't been additional staff allocations, even though clearly, clearly, the number of cases assigned to every case manager exceeds the number that's both recommended by the Child Welfare League of America, and by the department's own study. It troubles me that we can fund roads...which, I have no issue with roads. I travel Interstate 80 two times a day between Omaha and Lincoln; I'm glad that road is in good shape. It troubles me that we do not place the same priority on children, on children who are in vulnerable situations, and children who are at risk of abuse, neglect, abandonment, that we do on funding roads. I'm also a member of the Education Committee. We've been working very, very hard in that committee to look at student achievement issues, to say, what is it going to take to bring the children that don't have the same opportunities as more fortunate children up to the ability to be able to do a good job learning in school? And it's going to cost money. It's going to cost money. And yet, I don't hear that we're going to put that as a priority, we're going to develop learning centers for children, we're going to put outreach services in the schools, we're going to engage families. We must place the same priority and funding on children's issues that we do on transportation. With that said, I offer the balance of my time to Senator Chambers. [LB305]

SENATOR LANGEMEIER: Senator Chambers, a minute, fifty. [LB305]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Howard. Senator Howard is beginning to touch on some of the issues that I have in mind when time comes for funding. Who on this floor would just say, we're going to give \$10 million to a program to benefit children? That's not going to happen. The Education Committee...since Senator Howard mentioned that committee, I will tailgate on her having mentioned it and say the following. The committee has been told that...by the Governor, that changes need to be made, issues need to be addressed, but there is not an inexhaustible supply of money, and if the plan is too expensive, it's not going to go. You think he'd veto this bill? No. Who wants it? The general contractors,... [LB305]

SENATOR LANGEMEIER: One minute. [LB305]

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SENATOR CHAMBERS: ...people who will contribute to his campaigns. But when it comes to children, whether it's their health needs or education, the first thing raised is the amount of money. The amount of money available is not limitless. Do you hear any of the senators getting exercised about that like they are over these roads? Not at all. Some will, but the rest will go along. Then in years to come, when they look back and see what a blunder they made, they'll say, well, I just didn't know then; those were the decisions I made when I was unaware of their consequences. This bill should not pass. Perhaps it will. But if it does, it will do so after I have waged what I consider the kind of battle that those supporting this bill should have to win. These kind of bills are not just going to slide... [LB305]

SENATOR LANGEMEIER: Time. [LB305]

SENATOR CHAMBERS: ...through this committee...this Legislature, as long as I'm here. Thank you, Mr. President. [LB305]

SENATOR LANGEMEIER: Thank you, Senator Chambers and Senator Howard. (Visitors introduced.) Returning to discussion on the motion to reconsider, Senator Chambers, you're recognized. [LB305]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I was given a piece of news which everybody will be aware of before the day is over. And although I'm mightily tempted to talk about it, I'm not going to at this time. And when you become aware of it, you'll know what I was referring to. My primary responsibility is here, this morning, while I'm on this floor, dealing with what I consider to be a very bad piece of legislation. We don't always have the wherewithal to choose the circumstances under which we will do various things. At this point, there's something else I would rather be doing, but this is my primary responsibility for today, and I'm going to discharge it. It's not going to be any problem for me to talk away the rest of the day that we have for handling legislative matters. If the issue were not this serious, I would not be doing this. Maybe I wouldn't fight as hard if it was a one-time theft. But this is forever. The fiscal conservatives are entrusting \$10 million, without strings, to a state agency which does not have the best record for prudent expenditure of the state's money. But you're giving it to them forever. But I want it crystal-clear not only that I'm against it, but I will do everything I can to oppose it. What could be achieved with \$10 million? Some people will mention rural economic development. Now for one of these big corporations, they might laugh at that, but in the same way that Warren Buffett, as rich as he is, wouldn't walk down the street and see a dime and not pick it up, it's like the little gecko said, oh, governor, so you're so rich that if all you had to do is get out of your chair to get this amount of money, you would keep your seat? Well, no. You'd get out of your chair to get that money. In this set of circumstances, \$10 million, which may not raise an eyebrow or turn a hair for one of these multimillion- or billion-dollar operations, would

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mean a great deal if it was going for rural development in the state of Nebraska. How many of you would support spending \$10 million for rural development? I'm going to ask some questions. I'd like to ask Senator Karpisek a question. [LB305]

SENATOR LANGEMEIER: Senator Karpisek, would you yield to a question? [LB305]

SENATOR KARPISEK: Yes, thank you. [LB305]

SENATOR CHAMBERS: Senator Karpisek, would you agree to the expenditure of \$10 million this session for rural economic development? [LB305]

SENATOR KARPISEK: Yes, sir. [LB305]

SENATOR CHAMBERS: Thank you. I'd like to ask Senator Hansen, the younger, a question. [LB305]

SENATOR HANSEN: Thank you. [LB305]

SENATOR LANGEMEIER: Senator Hansen, would you yield to a question? [LB305]

SENATOR CHAMBERS: For those who may not know why I said that, a couple weeks ago, a very revealing article was printed in the World-Herald about his grandfather, and I think he is younger. And everybody is younger than I am. Senator Harms, where is your district...where...what city do you live in? [LB305]

SENATOR HANSEN: I live in North Platte and represent Lincoln County. [LB305]

SENATOR CHAMBERS: Is that considered a rural area? [LB305]

SENATOR HANSEN: To some it is, some it's not. It's... [LB305]

SENATOR CHAMBERS: Would you support the expenditure of \$10 million this session for rural economic development? [LB305]

SENATOR HANSEN: Yes, I would. [LB305]

SENATOR CHAMBERS: Thank you. I'd like to ask Senator Harms a question. See, this is how I build momentum,... [LB305]

SENATOR LANGEMEIER: One minute. [LB305]

SENATOR CHAMBERS: ...and serve notice to the Appropriations Committee about what might be rolling. Senator Harms,... [LB305]

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SENATOR LANGEMEIER: Senator Harms, would you yield to a question? [LB305]

SENATOR HARMS: Yes. Yes, I will. [LB305]

SENATOR CHAMBERS: Would you support the expenditure of \$10 million this session for rural economic development? [LB305]

SENATOR HARMS: Yes, I would. [LB305]

SENATOR CHAMBERS: Thank you very much. I don't see Senator Dubas, so I will have to go to Senator Louden. [LB305]

SENATOR LANGEMEIER: Senator Louden, would you yield to a question? [LB305]

SENATOR LOUDEN: Yes. [LB305]

SENATOR CHAMBERS: Now, Senator Louden, he is so conservative, as a fiscal conservative, that he squeaks when he walks. Senator Louden, I'd like to ask you that same question. Would you support the expenditure of \$10 million this session for rural economic development? [LB305]

SENATOR LOUDEN: Well, this \$10 million, if it goes into the Road Fund, could be leveraged from federal government funding. And right now we're talking about \$20 million to put the bypass around the city of Kimball, and nobody can seem to come up with the money. So yes, this \$10 million in the Road Fund could leverage enough federal money to get that bypass built around Kimball. [LB305]

SENATOR CHAMBERS: Senator,... [LB305]

SENATOR LANGEMEIER: Time. [LB305]

SENATOR LOUDEN: Also, the... [LB305]

SENATOR LANGEMEIER: Time. [LB305]

SENATOR LOUDEN: ...\$10 million or so we got... [LB305]

SENATOR CHAMBERS: Senator Louden, my time is up. [LB305]

SENATOR LANGEMEIER: Time is up. [LB305]

SENATOR LOUDEN: You want...I'm willing to talk about this, Senator. [LB305]

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SENATOR LOUDEN: Thank you, Senator Chambers. Senator Wallman, you're recognized. [LB305]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. Very interesting conversations here. And I don't think anybody begrudges good roads. This is not exactly about good roads. It takes money to build good roads, but also, we should hold everybody accountable. I think all of us run on accountability, conservatism, save our tax money. And we're going to shift tax money. This is not saving tax money, folks. I'm still going back to the shift. And shifting here, to there, to there. Pretty soon, you know, they're going to want more money here, going to want more money there. And I've personally dealt with the Department of Roads, and if they want to build a road through your property, it's worth so much money, boom. Even though it might be worth a lot more money, but you take that, because you have a good road. I live along Homestead Expressway, and it's a good road. But they had to fix it almost immediately. So that cost a lot of money. That's wasted money. They could have built a bypass around Kimball. Let's hold the people accountable in there like we do in other agencies, you know, hold them accountable before we give them more money, let them earn the money, show us how they can do better job with what they get. I talked to contractors. I know one of the biggest contractors around--builds roads in Texas, Kansas, Oklahoma, Wyoming. What does he think of our system? You probably don't want to know. And so we can do lots better, and he told me so, and I believe him. He's a childhood...knew him from childhood, and he has machines all over the country. And so if he thinks we can do better, we can do better. So let's not shift \$9 million, \$6 million, \$3 million here, to there, to everywhere, because they want it. I want \$10 million, Senator Carlson. Are you going to give it to me? No, you shouldn't. We should be held accountable. What are we going to do with it? We're going to make better roads, more roads, or if we just fix roads what we should have had, you know, good enough in the first place. Accountability is very important. I run on accountability. I run on saving tax money. This is not about saving tax money; it's about shifting tax money, and then we're going to want some more money for something else. General Fund is where...like Senator Howard said, let's take care of our people. If we take care of our people, eventually we can take care of other things. And people, children, that's what this state is about. And I'm proud to be a Nebraskan, and I'm also proud of our roads. And...but we can make them better, and I'm convinced of it. And so I'm against this bill. And I'm sorry, Senator Fischer, it's nothing against you, and I don't hold grudges. And I enjoy this conversation. Sometimes I feel like I'm fighting windmills, I'm Don Quixote. (Laugh) And thank you, Mr. President. [LB305]

SENATOR LANGEMEIER: Thank you, Senator Wallman. Senator Wightman, you're recognized. [LB305]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the Legislature. I'm

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somewhat torn by this bill. I'm not sure that the motion to reconsider is the best way of...or, the motion to indefinitely postpone is the best way to handle this, but I do think people need to know how much \$10 million affects us as an Appropriations Committee, how much it affects you when you're considering whether you're going to try to be somewhere close to what the Governor's recommendations are. This constitutes, \$10 million, about .3 percent of the budget. You can just figure that about \$3.2 million is about .1 percent...of the proposed budget increase, excuse me. And so it is a major issue that we're considering here. And quite frankly, I'm not sure we wouldn't be better off, when we talk about earmarking funds, or changing the earmarking of funds, or changing from the General Fund to a particular earmark fund such as we are looking at here, that all of those should be referred back to the...either the Appropriations Committee or the Revenue Committee to be looked at as part of a total package. For example, we have a bill pending in the Appropriations Committee which would change the direction of 49 cents of the 64-cent charge on a package of cigarettes to highway funds, as well. That would take \$46 million; \$46 million would represent an over 1 percent budget increase, actually about 1.5 percent budget increase. So we're talking big dollars here, and it seems to me that they can very well and should be handled by either Appropriation or Revenue at some point, as part of the total package. For this body to sit here and as 49 people with not the time to study that a committee would have, and make a decision piecemeal, one at a time, that are going to earmark funds, is a real concern of mine. And it seems to me they all probably should go back to either Revenue or through the Appropriations to fit into the entire package of that committee when they are reported out. At this point, I don't know that we really have that option. Perhaps Revenue will have another opportunity to look at this, but I'm not sure, under the rules, if they will, if it's passed out of the body at this time. I'd have to check the rules, and perhaps Senator Chambers could enlighten me on that. By the way, we are getting, I think, some consensus with regard to some of the things that Senator Chambers is saying. He wants some sort of a resolution or a stipulation that he is not a typical 70-year-old geezer. And I have thought, and have told him, that I think I can get 48 people to sign onto such a stipulation. But I do think Senator Chambers has a real point here with regard to how much effect this has on the budget. And it's easy to sit here and to think that \$10 million isn't very much. But fit into the entire package of either Revenue or Appropriations, it is a considerable amount. Thank you. [LB305]

SENATOR LANGEMEIER: Thank you, Senator Wightman. Senator Howard, you're recognized. [LB305]

SENATOR HOWARD: Thank you, Mr. President, members of the body. Thank you, Senator Wallman, for your words regarding families and children. I feel very deeply that we as a body and individuals here have the responsibility to stand up and speak out for children and families, for the people that do the work and for the people that support this state, for the average person, for the person that usually doesn't have a chance to come down here because they're working, and often they're working more than one job, and

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they're working for low-paying salaries, and in many cases they're working jobs that don't provide benefits such as healthcare or time off. And they're counting on us, they're depending on us to do the work that's necessary, to remember them not only when it comes time to cast a ballot, but to remember them when we're down here making our vote. I'd like to give you some figures to kind of put the issue of child protection in context. In the year 2006, there were 28,369 children reported to be abused in the state of Nebraska. These are calls that came in to the intake line. You're probably familiar with it as...knowing it as the 800 number. People will call in and have a concern about a child, report...to report abuse. Now, not all of those reports were valid. Some of them were individuals that had an issue, or possibly were going through a divorce, or there were circumstances. But when you look at a state this size and you consider 28,000 children with the potential to have been abused, that needs...those cases need to be investigated, checked out, we need to have the staff to do that. There needs to be trained professional social workers to assist these children, to assist these families. We can't neglect the children who have been neglected. I offer the balance of my time to Senator Chambers. [LB305]

SENATOR LANGEMEIER: Senator Chambers, 2, 30. [LB305]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Howard. These are the kind of things that should be discussed in the context of action like this which is proposed to be taken. I think Senator Wightman's suggestion was very, very apropos of what we are doing. This is a substantial amount of money that is being shifted from the General Fund and earmarked for the Highway Trust Fund. It probably more appropriately should have been dealt with by the Revenue Committee. It's going to reduce the revenue that flows into the General Fund, forever. And that is a decision, if it's to be taken, should be done in the context of the work of a committee which deals with these matters. This money should not be shifted casually, cavalierly, with a snap of the legislative fingers, so to speak. And if I continue long enough, there might be the opportunity for some of my colleagues to think more deeply about this matter and come to realize that it's not a dispute between me and... [LB305]

SENATOR LANGEMEIER: One minute. [LB305]

SENATOR CHAMBERS: ...Senator Fischer. You don't owe Senator Fischer anything. She's the Chair of that committee; she chose to be. This bill was referred to them, they sent it to the floor, and once out here, it's to be dealt with by all of us. And I think to move it forward would be an act of legislative irresponsibility, so I must try to stop it. I know of things that the expenditure of \$10 million could benefit greatly. A lasting, significant impact could be made with that money. You don't know where this \$10 million will go. You don't know how it's going to be spent. But there are programs that are proposed to be funded through A bills this session, and many of them are going to fall by the boards. That happens anyway. But an excuse is given now that didn't exist

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before, because the money in the General Fund is reduced, not through an expenditure,... [LB305]

SENATOR LANGEMEIER: Time. [LB305]

SENATOR CHAMBERS: Thank you, Mr. President. [LB305]

SENATOR LANGEMEIER: Thank you, Senator Chambers. (Visitors introduced.) Returning to discussion on the motion to reconsider. Senator Chambers, you're recognized. [LB305]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, as I was saying, the General Fund is going to be diminished, not as a result of an expenditure, but as a result of diverting funds which ought to have gone into the General Fund to, in effect, the Department of Roads. You are going to diminish the state's General Fund to benefit a department of state government. That should not be. I don't know if the public will be aware of what it is that this bill is going to do. It is not the kind of thing that the public pays attention to, and that's well understood. It probably is not the kind of thing that the media will do anything with. There certainly won't be an editorial. So it will be done, the public won't know, but they will certainly know when certain programs come up for funding and the Legislature says, no, there isn't any money. There are some caregivers who have been writing to me because they are not going to have enough money available to pay the people they employ who take care of the most vulnerable people who need that care. So money is not available for that, and these are people in dire straits right now. But the \$10 million can just whimsically be taken from the General Fund and put into the Roads Department. I see Senator Fulton is back. I was waiting for him, and now I'm going to pounce. I'd like to ask Senator Fulton a question or two, if he will agree. [LB305]

SENATOR LANGEMEIER: Senator Fulton, would you yield to a question? [LB305]

SENATOR FULTON: I will. [LB305]

SENATOR CHAMBERS: Senator Fulton, first of all, so I can get your philosophical point of view, in general...and I know you haven't been here a long time, so we won't even go into that, because sometime you might say, well, you know, I don't have the right to say that, so don't let any of that hinder you or modify your answer in any way that you feel would be a correct one. Do you support the idea of taking this amount of money from the General Fund and giving it to a state department in perpetuity, and they will always have that amount? It could rise to more than \$10 million, because the source can vary. Are you in favor of that being done? [LB305]

SENATOR FULTON: If you're asking generally whether that should be done as a

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general philosophy, I would have a different answer than if you are asking whether it should be applied in this particular instance. [LB305]

SENATOR CHAMBERS: Let's take it first as the general philosophy, so that the context is clear in which your answer will be given. [LB305]

SENATOR FULTON: Generally, not philosophically, no. I would come at this and make a decision, generally, based on my principle, and then I would apply it particularly as my responsibility here in the Legislature. [LB305]

SENATOR CHAMBERS: Now, why...and we're speaking philosophically now, not about this specific bill. We will come to that. Why, philosophically, would you be opposed to that being a practice? [LB305]

SENATOR FULTON: If I were to answer affirmatively, then any request that comes before us that is earmarked would be grounds for being pushed through. And so by answering negatively, I allow myself to go to the next level of judgment, which would be at the particular level. [LB305]

SENATOR CHAMBERS: So the only reason you would be opposed to that is because other departments might ask for it? Or is there a deeper reason for this not being done as a regular practice? [LB305]

SENATOR FULTON: I guess I say yes in principle, because to answer in the affirmative opens up an infinite number of possibilities by which we could spend money, and I don't think that that would be prudent. [LB305]

SENATOR LANGEMEIER: One minute. [LB305]

SENATOR FULTON: To answer generally in the negative, I'm able to go down and look at actually why the money is being spent, and for what reason, and how it's being spent. [LB305]

SENATOR CHAMBERS: Okay. Now to come to this program. I presume you favor the shifting of these funds in this particular instance. Is that correct? [LB305]

SENATOR FULTON: In this instance, yes. [LB305]

SENATOR CHAMBERS: And why would that...what is the compelling reason that would justify you in departing from your philosophical base? [LB305]

SENATOR FULTON: Yeah. I look at this from the aspect of the road. If our tax policy...our tax policy with regard to gasoline, that part of that money, that tax money,

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goes to fund roads, the thought being that those who utilize gasoline utilize it on roads, thus demanding the roads to be maintained and even new roads built. The road doesn't care if it's a leased vehicle or a purchased vehicle. It's still the same amount of wear and tear. So in that regard, I see this as an appropriate expenditure, based on... [LB305]

SENATOR LANGEMEIER: Time. [LB305]

SENATOR FULTON: ...prior policy. [LB305]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Kruse, you're recognized. [LB305]

SENATOR KRUSE: Mr. President and colleagues, thank you. My comments are, this time, in a very neutral position, simply providing information and a response to some of the comments that have been made on the floor and might be misunderstood by persons on and off the floor, and that is that the Department of Roads is accountable. They are accountable to this body for their budget. They are a code agency, which means that the director and the board, which is representative of the entire state, is appointed. The executive section of our government, department...the executive division, is responsible for oversight. And we as a Legislature are represented by the Transportation and Appropriations Committee in a review which we require by statute every December. They have to come and present their budget, as well as their proposal for the needs for the next 10 to 20 years, and we review those and look over them very carefully. But again, the Legislature has to approve every part of their budget, so they are accountable. I would add that by precedent, this body has agreed that we will not micromanage by directing which roads should be built. And we've done that, repeated that again, within the last couple of years, where we refuse to direct the building of four miles of road...gravel road, changing it over to pavement. So we stay out of that. But we would have the right to do so. Thank you. [LB305]

SENATOR LANGEMEIER: Thank you, Senator Kruse. Senator White, you're recognized. [LB305]

SENATOR WHITE: Thank you, Mr. President. I yield my time to Senator Chambers. [LB305]

SENATOR LANGEMEIER: Senator Chambers, five minutes. [LB305]

SENATOR CHAMBERS: Thank you, Senator White. Thank you, Mr. President. I was in a conversation with Senator Fulton, but I'm going to make him turn on his light so we can continue it, because he used up some of my time and I'm out of opportunities to speak. And I want to take this opportunity, even though I'm going to create additional opportunities to speak on this issue. But I'm going to mention what this other item is that

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was brought to me, because it's been mentioned to me by some people who are also troubled by it, and I have reason to believe that my office has been contacted by people who are disturbed. The Supreme Court set an execution date of May 5 for a man, and they didn't have the decency to let that bill we were dealing with receive a decent burial. The session is still going on. It's not impossible that that repeal bill would be considered again. But apparently, we have what is known as a hanging court, and they couldn't wait to set an execution date. I happen to know that this man has been suffering from depression. He had had an operation on his knee, and a plate in his knee had grown loose, the screws were coming loose. He was in great, obviously, mental pain, but physical pain also. I had contacted the Director of Corrections, because I didn't think that a man should forego his right of appeal or filing a legal action because of the pain in which he is living and cannot get treatment while being a state prisoner. So this man, in desperation, wrote a letter to the Chief Justice of the Supreme Court, saying that he would not continue with the legal avenues available for him, so set a date and execute him. If this court had any decency, they would have ordered at least a mental evaluation, to consider whether or not somebody who is giving up the right to live is competent to do so. But they were so eager. I'm developing an attitude toward this court, not just because of that one situation. But they are not doing the things that earn them a higher salary. They are not acting in accord with principles that I consider common decency. There are some things which should be bound by the principle of being done decently and in order. What this Supreme Court has done, in my view, is highly indecent, it is obscene, it is cruel, it is vindictive, and I take it as a slap in my face. They're going to show me. I've been critical of the court. I've been critical of judges. Yeah, they can show me. But should they show me by killing somebody under circumstances that are questionable? It doesn't bother them. And I know it might cause joy in the hearts of some of my colleagues, but I'm saying on this floor--the judges can be aware of it, and I want them to be aware of it--this is one of the most awesome things that the state can do, as we have discussed for two days this week, and the court immediately, thanks to my colleagues, are going to kill a man May 5. So you all got what you wanted. And I hope you...it makes you as happy as it makes me miserable. I'm not pleased that the court... [LB305]

SENATOR ERDMAN PRESIDING

SENATOR ERDMAN: One minute. [LB305]

SENATOR CHAMBERS: ...is going to authorize the state to kill somebody. And it's very appropriate that these things be called judicial executions. It's a hanging...what we call, in my community, a lynch mob mentality in the court. But as I said earlier, my primary obligation is to do to this bill what the court and some of my colleagues want to see done to a fellow creature. Thank you, Mr. President. [LB305]

SENATOR ERDMAN: Thank you, Senator Chambers and Senator White. Senator

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Nelson, you're recognized to speak. [LB305]

SENATOR NELSON: Thank you, Mr. President, fellow members of the body. I am a new senator here. I come here with a great sense of responsibility. I intend to be responsible in all of the things I consider and all the votes. And whether I'm here after the end of four years is immaterial to me. I serve on the Appropriations Committee. There are five of us that are new senators that are on there. We don't have the expertise, probably, that Senator Synowiecki or Senator Kruse. But we've had to go through a lot of figures, we've had a lot of requests, we still have a lot to do. We are there as an appropriations committee to sort through all of these things--try and sort them out--and then make our recommendations here to the Legislature. And it's a difficult job. It takes a lot of time. But we're willing to do that. And when we come with our recommendations, I hope that you will give them due consideration, along with all the other requests for money that you're going to have. With regard to Senator Howard, I know where her sympathies are, but I think we have to look at priorities here. We have had a lot of requests for funds from a lot of agencies, but the Department of Roads is part of that. And we have traditionally allocated a certain amount of money to them for their use, on which they can depend. And the fact remains that their funds have been diminished because of the fact that with this sales tax that's been applied, the purchase of motor vehicles has been going down and the leasing has been going up. And therefore, their funds have been diminished. And I feel the only responsible thing to do is to address that and take these funds that are being put in the General Fund from the leasing and put it in the Highway Trust Fund. I think that's appropriate. I hearken back to the days of Senator Jerome Warner. I think he was on the Appropriations Committee for a long time. I didn't know him personally, but I know he was concerned about roads. It was important to him. And I have to think that if he were here today, he would find nothing wrong with diverting these funds. It's not a raiding of the General Funds. It's simply putting the Department of Roads...at least maintaining them where they should be. Despite what Senator Chambers may say, that this is forever and irreversible, it's not the case. What the Legislature gives, the Legislature can take away. And if it turns out in the future that perhaps they're overfunded or the Department of Roads is not being responsible and they need more oversight, we can take action at this time. But in light of the bill, I fully support it, I think it's justified, I see no reason why we should not go ahead and vote on LB305 and to pass it and move on to other things. Thank you, Mr. President. [LB305]

SENATOR ERDMAN: Thank you, Senator Nelson. Senator Fulton, you are next to speak on the motion to reconsider. [LB305]

SENATOR FULTON: Thank you, Mr. President. I was engaged in conversation with Senator Chambers, and I'd like that conversation to continue, so I will yield my time to Senator Chambers. [LB305]

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SENATOR ERDMAN: Senator Chambers, Senator Fulton has yielded you his time. [LB305]

SENATOR CHAMBERS: Thank you. And Mr. President, I would ask if Senator Fulton will continue our discussion. [LB305]

SENATOR ERDMAN: Senator Fulton? [LB305]

SENATOR FULTON: He will. [LB305]

SENATOR CHAMBERS: Senator Fulton, you had stated as your general philosophical position that the type of shift occurring here, or, in general, the earmarking of funds, should not be a standard operational procedure, but because you see this as a separate issue, that the application of your general philosophy can be suspended because this is a unique situation. Is that basically what you had said? Well, say it in your own words. [LB305]

SENATOR FULTON: Not exactly. I...the way I look at this, that generally I would not automatically accept an expenditure that has been earmarked. I would not accept that generally. I would then look at the specific to determine whether or not I believe it's an appropriate earmarking, so to speak, or an appropriate expenditure. [LB305]

SENATOR CHAMBERS: Okay, now are you aware that this really is not an expenditure? It's taking a source of revenue away from the state and giving it over to a state agency. [LB305]

SENATOR FULTON: Yes. [LB305]

SENATOR CHAMBERS: Okay, and you're aware that it is...it will go on forever, unless the Legislature undoes it? [LB305]

SENATOR FULTON: Yes, I am aware of that. [LB305]

SENATOR CHAMBERS: And are you aware that this takes away any necessity for the Roads Department to justify the receiving of this money? It will just automatically come to them. Are you aware of that? [LB305]

SENATOR FULTON: I would not accept that. There has to be a certain amount of justification in the minds of the senators voting for this. I believe if there's an adequate level of suspicion, that it would be inappropriate to...to appropriate these funds. I use that word a lot. If there is a level of comfort that the money will be spent correctly and prudently, then it would be appropriate to go ahead and move the funds. So I don't think that they're coming...that they're able to get at this money without having some arbiter of

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their case. [LB305]

SENATOR CHAMBERS: But here's the way this works. This money goes into the Highway Trust Fund. They don't have to approach the Legislature again to get that money. That source of revenue has now, if this bill passes, been dedicated to the Highway Trust Fund, and it will go there as long as these taxes are collected on leased vehicles. You're aware that that's the way the bill works, correct? [LB305]

SENATOR FULTON: Yes. [LB305]

SENATOR CHAMBERS: So that's why I say they don't have to justify receiving it. The Legislature, by acting in this way, does away with the need for them to justify receiving it. Would you agree with that? [LB305]

SENATOR FULTON: I wouldn't. I think that it would justify receiving it as it's put before us today. But it would be the prerogative...it would remain the prerogative of any senator to question whether the money is being spent appropriately, efficiently, prudently. So I just...I do accept what you're saying, in that this money is going to be appropriated ad infinitum, I suppose. But that doesn't mean that there couldn't be a movement by prerogative of one of the senators to come in and question our decision that was made today, or that may or may not be made today. [LB305]

SENATOR CHAMBERS: Here's what I'm getting at, Senator Fulton. [LB305]

SENATOR ERDMAN: One minute. [LB305]

SENATOR CHAMBERS: The Department of Roads does not have to come to the Legislature and say, allow this money to keep coming, because we're doing a good job. They don't have to do anything or say anything, and that money automatically goes to the trust fund. Do you agree with that? [LB305]

SENATOR FULTON: Today, that's the case, yes. [LB305]

SENATOR CHAMBERS: And it will be that way forever, unless the Legislature changes it. [LB305]

SENATOR FULTON: I wouldn't say that it would remain that way forever. The situation would be changed. It would be less difficult for them to access the money, but I think a responsible Legislature still has the prerogative to say that you need to justify why this money should continue. [LB305]

SENATOR CHAMBERS: But unless the Legislature changed the law, it doesn't matter what the senators say, that money is going to continue going into the Highway Trust

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Fund. [LB305]

SENATOR FULTON: That would be correct, yes. [LB305]

SENATOR CHAMBERS: Now, if at the time that an unwise decision is being made, the senators are willy-nilly going to approve it, it's not likely that they're going to turn around and take back from the Highway Trust Fund what they put in it, is it? [LB305]

SENATOR FULTON: It's probably unlikely, yes, I could agree with that. [LB305]

SENATOR ERDMAN: Time. [LB305]

SENATOR CHAMBERS: Perfect. Thank you, Mr. President. [LB305]

SENATOR ERDMAN: Thank you, Senator Fulton and Senator Chambers. Senator Fischer, followed by Senator Raikes. Senator Fischer, you're recognized to speak on the motion to reconsider. [LB305]

SENATOR FISCHER: Thank you, Mr. President and members. I felt I needed to stand up at this point and possibly offer some clarification to comments that have been made on the floor. The comments have been made that the Department of Roads, they really have no accountability because they don't have to go to Appropriations Committee, they don't ever have to justify what they're doing with this money that we're talking about. I disagree with that. I...Senator Raikes and Senator Heidemann and I were visiting back here earlier about that, but I see they are not here currently. The Department of Roads has to go...oh, Senator Raikes. Listen, I may ask you a question later. The Department of Roads currently has to go before the Appropriations Committee in order to get their budget, in order to be able to spend the money from the Highway Trust Fund. Whatever the Appropriations Committee decides for that budget, for the Department of Roads, that then determines what additional revenue may be necessary from the fuel tax that we have in the state. The point is being made that if the Legislature does this, it's never going to undo it. Senator Chambers has been here many, many years, and I respect him for his service, and I know he can probably tell us instances when the Legislature has passed a law and then, either a year, two years, ten years, thirty years, Senator, down the road, have there been changes. I think if the time comes when the General Fund needs more money, or people have other priorities on where funds need to be, anything is on the table, and all it takes is 25 votes within this body. So I would disagree that when the sales tax from leased motor vehicles is put into the Highway Trust Fund, it will be there forever. As I said earlier, right now I can say that I would certainly hope it would be. Maybe in the future I would change my mind. I think we also need to remember, when we talk about the Highway Trust Fund, that money is not all spent by the State Department of Roads. I've heard some comments on the floor, people have some problems on the conditions of roads, where roads are built. We have roads in the

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middle of nowhere that lead to nowhere. Some of you may have that perception, some of you may have specific instances that you can point to on that. But you also need to remember that this sales tax on leased motor vehicles, half of it, if you look at your fiscal note, half of it is going to cities and counties--over half. So if you want to discuss the use of this money and what I think is an appropriate funding where this money is going to in the Highway Trust Fund, and how that will then be split, please refer to your fiscal note, because your local communities and counties will receive over half of it. Once again, I hope you will continue to support LB305. I hope we are able to move it this morning on to Final Reading, because it's at that point on Final Reading when we...that all the bills with A bills will stop... [LB305]

SENATOR ERDMAN: One minute. [LB305]

SENATOR FISCHER: ...and be held there until the Appropriations Committee comes to us with their budget. And I've told some of you off the mike in conversations, in the past--and I have only been here two years--but in the past, when we discussed that, that's where we have the fights, that's where we have the discussion, is on Final Reading on the different A bills. So I hope we can move this bill forward. Thank you, Mr. President. [LB305]

SENATOR ERDMAN: Thank you, Senator Fischer. Senator Raikes, you're recognized to speak on the motion to reconsider. [LB305]

SENATOR RAIKES: Thank you, Mr. President, members of the Legislature. I am going to oppose the motion to reconsider, and also the motion to indefinitely postpone, although at some level I have an agreement with the position that, in part, is what Senator Chambers is representing. In my view, the Highway Trust Fund has served the state very well for a long period of time. But if you look forward, it is likely not be as effective or not to be...to solve the problem of building roads the way we need to have that problem solved. This particular bill, as introduced, included all leases on vehicles, short-term and long-term. The Revenue Committee reduced that to just long-term leases, which I think was an appropriate move to make our policy consistent. Short-term leases are something other than purchases of cars. Long-term leases are, in effect, a modern-day replacement for the purchase of a vehicle. We have historically put sales tax on purchases of vehicles, sales of vehicles, into the Highway Trust Fund. This move, in my opinion, is simply consistent with that. So I'm willing to go that far. But if you're going to add short-term leases and if you're going to add tires and batteries, or if you're going to add machinery that's used to build roads, I'm not with you. We need to do this much in order to keep our policy consistent. But to begin reaching out and grabbing a nickel here and a dime there, without really seriously examining the structure and recognizing, I think, its inability to take us where we need to go as we look into the future, is a mistake. So I support this bill. I will not go further than this, in terms of putting sales tax receipts into the Highway Trust Fund. Thank you. [LB305]

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SENATOR ERDMAN: Thank you, Senator Raikes. Senator Chambers, you're recognized to close on the motion to reconsider. [LB305]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I didn't hear everything Senator Raikes said, but I think I heard him say something about tires, batteries, whatnot, and if money derived from taxing those items were to go into the Highway Trust Fund, he wouldn't agree with that. So I'd like to ask him a question, to be sure that I understood him. [LB305]

SENATOR ERDMAN: Senator Raikes, would you yield to a question? [LB305]

SENATOR RAIKES: Yes, Senator Chambers. [LB305]

SENATOR CHAMBERS: Senator Raikes, did you say words to that effect? [LB305]

SENATOR RAIKES: I did, Senator. [LB305]

SENATOR CHAMBERS: And why would that be? Why would that be your position? Because without those items, a car could not operate, and the car runs on the road, and that's the basis for people saying, take this \$10 million from the General Fund. Why would not everything related to a vehicle that produces taxes go to the Highway Trust Fund? Why should that not be? [LB305]

SENATOR RAIKES: Well, it's a fair point. We have, I would argue, historically drawn a line that the sales tax revenue from the sales of vehicles goes into the Highway Trust Fund; all the other repair items, the road-building items, or whatever, does not. I think this particular bill is nothing more than keeping our policy consistent, is... [LB305]

SENATOR CHAMBERS: Senator Raikes, how many years would a policy have to be...how many years would a direction have to be in existence before you would call it a policy of the state? [LB305]

SENATOR RAIKES: More than five. [LB305]

SENATOR CHAMBERS: This money from leased vehicles has been the policy of the state for 40 years. So you say that this policy has less standing than other policies, because we're dealing with the Highway Trust Fund? [LB305]

SENATOR RAIKES: Well,... [LB305]

SENATOR CHAMBERS: If five does it, we have eight times that amount of number of years. But go ahead, if you'd like to answer. [LB305]

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SENATOR RAIKES: The Highway Trust Fund...yeah, I think you're right on the number of years. But what, in my view at least, has happened is that over the years, maybe most recently, purchases of vehicles has, in effect, been replaced by long-term leases. But the function of a purchase versus a long-term lease is largely the same. It's to basically take permanent possession of a vehicle, or as long as you typically would keep a vehicle. The reason for the lease instead of the purchase is one having to do with, perhaps, taxes or business arrangements or that sort of thing. But as this leasing has become more prominent relative to purchases, it's sort of shifted...given our policy, it's shifted sales tax receipts out of the Highway Trust Fund. In my view, this is simply putting back what would have been in the Trust Fund had the practice of buying cars instead of acquiring them on long-term leases continued up to the present day. [LB305]

SENATOR CHAMBERS: But Senator Raikes, if we're going to use that line of reasoning, if there had been no sales tax on a vehicle that is purchased or leased, there would have been no tax revenue going either into the Highway Trust Fund or the General Fund. Isn't that true? [LB305]

SENATOR RAIKES: You're saying, if...? [LB305]

SENATOR CHAMBERS: If there had been no sales tax, there'd be no money going into the Highway Trust Fund or the General Fund as a result of the sale or lease of the vehicles. Isn't that true? [LB305]

SENATOR RAIKES: You're talking about a zero sales...a rate of zero on...? [LB305]

SENATOR CHAMBERS: Yes. [LB305]

SENATOR RAIKES: Yeah, I would agree with that. [LB305]

SENATOR CHAMBERS: But there is a tax, and a decision was made as to where that tax money should go. And that, to me, is the policy that was established,... [LB305]

SENATOR ERDMAN: One minute. [LB305]

SENATOR CHAMBERS: ...that you have a category of vehicles here, or a way they're going to be made available to the ultimate user, and the tax money from that transaction--and I'm using that for the sake of trying to get to my point--is going to go into the General Fund, and it's always been that way. So how can that be said not to be the policy? However, my time is up. But I assure you, we'll have time to continue our discussion. I won't try to get an answer, because my time is up now. Thank you, Mr. President. And I'll ask for a call of the house. [LB305]

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SENATOR ERDMAN: Members, you've heard the closing on the motion to reconsider. The question before the body at this point is, shall the house go under call? All members in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB305]

CLERK: 28 ayes, 0 nays, Mr. President, to place the house under call. [LB305]

SENATOR ERDMAN: 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 Synowiecki, can you please check in. Senator Mines, can you please check in. Members, the house is under call. Senators, please record your presence, and those senators outside the Chamber please return. The house is under call. Senator Preister, please return to the Chamber. The house is under call. Senator Chambers, all members are present or accounted for. How would you wish to proceed? [LB305]

SENATOR CHAMBERS: Machine vote. [LB305]

SENATOR ERDMAN: Members, you've heard the closing on the motion to reconsider the vote to indefinitely postpone LB305. We will proceed to a machine vote. All those in favor of the motion to reconsider vote aye; all those opposed vote nay. Have all members voted who choose to? Record please, Mr. Clerk. [LB305]

CLERK: 7 ayes, 25 nays, Mr. President, on the motion to reconsider. [LB305]

SENATOR ERDMAN: The motion is not successful. Mr. Clerk, you have a motion? Oh, excuse me. Raise the call. [LB305]

CLERK: Mr. President, I do. Senator Chambers would move to bracket the bill, LB305. [LB305]

SENATOR ERDMAN: Senator Chambers, you're recognized to open on your motion to bracket LB305. [LB305]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, it is one thing to vote against these motions. There is a point coming when a vote will have to be given to advance this bill, and that's when we will really see who those are who support shifting this money. I still call it a raid on the General Fund. Now, Senator Fischer has been here long enough to know better, but the new senators have not. If you think that the Department of Roads and the Highway Trust Fund are treated like any other agency or any other fund, you are absolutely wrong. If that's your view, you are wrong. That fund has been referred to, by those who support it and those who are opposed to the way it's handled, as the sacred cow, that it is not to be touched. There

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have been an occasion every now and then when there may have been a brush up against that fund. But it's not going to be easy to get 25 senators to do anything to diminish that which is made available to that Highway Trust Fund. New people don't know that, but you're going to find out. This policy shift, in addition to moving the money, is something that needs to be thought about deeply. But whereas there are other senators who will say on other issues, if we do this, the next thing we're going to do is that, they won't say that on this matter. They say, by their actions and their words, as I interpret them, this is done in a vacuum. There will be the irresponsible act placed this once, and it won't be placed anymore, and after it's done, everybody will forget it, it will go away, and that \$10 million will flow into the Highway Trust Fund forever. And that's what is going to happen. I'd like to ask Senator Raikes a question or two, if he will respond. [LB305]

SENATOR ERDMAN: Senator Raikes, would you yield to a question from Senator Chambers? [LB305]

SENATOR RAIKES: Yes. [LB305]

SENATOR CHAMBERS: Senator Raikes, do you think it would be difficult to obtain enough support on the floor of the Legislature to take back from the Highway Trust Fund this \$10 million windfall that will be granted if this bill passes? [LB305]

SENATOR RAIKES: I think that would be a tough chore, for a couple of reasons. One of them is that as we've kind of seen this session, there are a number of efforts underway to try to grab--I shouldn't say "grab"--try to... [LB305]

SENATOR CHAMBERS: Steal? [LB305]

SENATOR RAIKES: (Laugh) yeah--maybe that's a better term--money from various sources, to get into...or, put into the Highway Trust Fund, because as I mentioned earlier, at least my view is, it's no longer probably a sustainable procedure for building and maintaining roads in Nebraska. [LB305]

SENATOR CHAMBERS: That's a very forthright answer, Senator Raikes, and I agree with you. And the people on this floor know that. Senator Raikes, have you ever heard of, or read of any state issuing general obligation bonds to carry on a road building program, or any portion of it? [LB305]

SENATOR RAIKES: You know, I'm not really familiar, but I think there are some states that do that. [LB305]

SENATOR CHAMBERS: And have those states gone broke or...well, let me ask the question a different way. Apparently, it works for those states. Could we conclude that, if

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that is the course they're pursuing? [LB305]

SENATOR RAIKES: Well, maybe a better way to say it is, it's worked so far for some of the states. [LB305]

SENATOR CHAMBERS: Yes. Okay. Now, Senator Raikes, are you in favor of piecemealing providing money for the Department of Roads--here a little, there a little, then a big chunk like this, if it can be pulled off? [LB305]

SENATOR RAIKES: No, I'm not. [LB305]

SENATOR CHAMBERS: Do you think that if the Department of Roads...if the Highway Trust Fund...let me use that term, even if it's not strictly appropriate all the time, so I don't have to keep jumping back and forth. If the Highway Trust Fund is in trouble, should there be a comprehensive examination of how roads not only are funded, but whether there are wise decisions made in terms of where roads will be built and the type of road being built? [LB305]

SENATOR RAIKES: If you're asking whether I think there needs to be a comprehensive examination of, number one, where you're going to get money to fund roads, and number two, how you're going to control the need for road building and maintenance, yes. [LB305]

SENATOR CHAMBERS: And Senator Raikes, if that is not done, then we could be proceeding, for some time in the future--not you and I, because they might be on the verge of getting us out of here--but whoever is left, in this fashion of piecemealing and picking up what you can here and picking up what you can there. Would you agree with that? [LB305]

SENATOR RAIKES: That is a danger, and so I...like I mentioned earlier, this is the end of the line, as far as I'm concerned. [LB305]

SENATOR CHAMBERS: Senator Raikes, if your...do you believe you have an immortal soul, first of all? (Laugh) If that's not too personal a question. [LB305]

SENATOR RAIKES: Repeat that question? [LB305]

SENATOR CHAMBERS: Do you believe that you have an immortal--not "immoral"--do you believe you have an immortal soul, whatever that may be? [LB305]

SENATOR RAIKES: Well, maybe the first word would be more appropriately describing my soul, but... [LB305]

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SENATOR CHAMBERS: (Laugh) Well, let me not reach that level of philosophical or theological consideration. If your life depended on it, would you keep your life and do away with this bill, or support this bill at the cost of your life? [LB305]

SENATOR RAIKES: If you would run through my agenda tomorrow for me, maybe I could make a better decision on that. (Laughter) [LB305]

SENATOR CHAMBERS: (Laugh) I withdraw that question. And Senator, you've answered the questions that I wanted to put to you, very forthrightly. Thank you. Members of the Legislature, it is known that this that we're doing is not wise. If there is a problem, and I'll concede for the sake of the discussion there may be, this is not the way to solve it. This is the first time since I've been here that somebody tried to take money that was to be raised from a tax on some form of tobacco and put it into the Highway Allocation Fund. That shows desperation. In my frame of reference, it shows something even more sinister than that--that we're prepared to do anything, just throw all rationality out the window, to try to get some money into this fund which people are saying is in trouble. Nobody, as far as I'm aware of, has offered a bill and accompanied it with an A bill to do a thorough study of the state roads and the issues that Senator Raikes and I were discussing. I don't want to repeat all that. That has not been offered. It's much easier to get the lunkheads in the Legislature--and that's what they consider you all, to bring you something like this--to get the lunkheads in the Legislature to throw aside all rationality, all responsible legislating, and do this for the Department of Roads. The fact that you're doing it for the Department of Roads demonstrates that it's different from every other state agency. The fact that you're doing it for the Highway Trust Fund shows that it's different, as far as handling, from the way any other fund would be handled. So that lets you know that there would be a different level of difficulty in trying to undo it once it is done. This will be there forever. Then they'll come back and say, well, you did that; now you got to go further. You've acknowledged that the fund is in trouble. Having acknowledged that, you're responsible to give some money. And the senators will roll over and do it. I have not heard one compelling argument to justify this. [LB305]

SENATOR ERDMAN: One minute. [LB305]

SENATOR CHAMBERS: We're not just talking about \$10 million. We're talking about the way we legislate, how we view the General Fund and the way it ought to be dealt with. Senator Fulton at least took the time to give the illogical, unreasonable, so-called rationale for his unreasonable, untenable position. And wherever he is, he hears what I'm saying. (Laugh) But at least he...and here he comes. That reminds me of a radio program. I may have mentioned it before. It started: Hen-ry! Henry Aldrich! And from someplace faraway: Coming, Mother. And then you'd hear these little footsteps as Henry Aldrich came running home in response to his mother's summons. I know how to summon Senator Fulton. But it's not to put him through an interrogation of the kind that happened earlier. But since I'm going to take this time, I'm going to take it hammering

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away... [LB305]

SENATOR ERDMAN: Time. [LB305]

SENATOR CHAMBERS: ...on some issues. [LB305]

SENATOR ERDMAN: Members, you've heard the opening on the motion to bracket LB305. Those wishing to speak on the bracket motion: Senators Synowiecki, Carlson, Fischer, and Chambers. Senator Synowiecki, you're recognized to speak on the bracket motion. [LB305]

SENATOR SYNOWIECKI: Thank you, Senator Erdman. Looks like a few people want to give Senator Chambers a little break. I just wanted to kind of reiterate what I spoke about on General File on this bill, in the sense of process. As we know, we have a...typically, we'll have a revenue package come to the floor of the Legislature which will provide some impacts to the General Fund ledger of our budget. Then, of course, the appropriations package will come to the legislative floor. There will be give and take. There will be floor debate. I just think that an item of this significance and of this magnitude, relative to its impact on our General Fund, probably should have been part of that package. We're talking about a \$9 million issue here, relative to the General Fund impact. I think that that \$9 million impact should have been discussed within the greater parameters of a package, and not necessarily, I think it's been said, piecemeal, or on its own. Whenever you get to this significant level of General Fund impact, I think everything...all those issues have to be looked at in terms of a package approach, and not individually. The bill, I think, has merit. I think there's a general acknowledgment that the roads funds is not keeping up with the needs, and we're going to eventually have to have a deliberative debate relative to the funding of our roads. But nevertheless, this is something...this action on LB305 will be in statute, it will be year after year after year, every year. And we don't know what the future holds in terms of gas prices and gas utilization and gas consumption. We could potentially be confronted with a temporary situation relative to the income received from the gas tax. The inflated gas prices in the market have caused an underutilization of the product. That's kind of the natural flows of the market. Perhaps in the future, if we see a reduction of the gas prices, the health of the roads fund may improve dramatically, accordingly, to that market fluctuation. So I'm probably more apt to look at...favorably upon LB305 perhaps if it had a sunset in two or three years, as we continue to monitor the markets relative to gas prices, to see if there could be any substantive improvement as we move forward. But I want to thank you for your consideration. I perhaps will vote for the bracket motion just because I think we should move this bill in with the...or, should have probably been moved in with the package, that we might be looking at a temporary situation. This is a long-term fix to what perhaps could be a temporary situation, so I can't support it at this time. Thank you. [LB305]

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SENATOR ERDMAN: Thank you, Senator Synowiecki. Senator Carlson, you're recognized to speak on the bracket motion. [LB305]

SENATOR CARLSON: Mr. President, members of the Legislature, again I'd like to address some questions to Senator Chamber...Chambers. [LB305]

SENATOR ERDMAN: Senator Chambers, would you yield to questions from Senator Carlson? [LB305]

SENATOR CHAMBERS: I think he said "Chambers Chambers," so my answer is "yes yes." (Laugh) [LB305]

SENATOR CARLSON: (Laugh) Thank you, Senator Chambers. You know, I'm asking a question now that goes before your time, so... [LB305]

SENATOR CHAMBERS: Don't count on it. [LB305]

SENATOR CARLSON: ...you may or may not know the exact answer. But this sales tax on leased vehicles I believe started in the 1960s? [LB305]

SENATOR CHAMBERS: Yes, we were told that it started going into the General Fund in 1967. [LB305]

SENATOR CARLSON: Okay. Would it be in your opinion, at that time, that was legislative action that allowed that to take place? [LB305]

SENATOR CHAMBERS: Yes. [LB305]

SENATOR CARLSON: And if that being the case--and I would agree with you--at any time, could the Legislature have changed it to allow it to go into the Highway Trust Fund? [LB305]

SENATOR CHAMBERS: Yes, that could be done. Yes. [LB305]

SENATOR CARLSON: Okay. Would you agree that probably in the 1960s the amount of money that was generated by sales tax on leased vehicles was probably a rather small amount? [LB305]

SENATOR CHAMBERS: Compared to what's happening now, yes. [LB305]

SENATOR CARLSON: Now, at some point in time, the sales tax grew to a larger, significant amount. Would you agree? [LB305]

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SENATOR CHAMBERS: Yes, and it caused the monsters and demons of greed to rear their ugly heads, as in the case of this bill. [LB305]

SENATOR CARLSON: Okay. In your time in the Legislature--and you may have answered this...said this before and I kind of missed it because I was trying to put together my questions I wanted to ask--in your time in the Legislature, has the situation of sales tax on leased vehicles been discussed... [LB305]

SENATOR CHAMBERS: I don't know (inaudible)... [LB305]

SENATOR CARLSON: ...as being something that should go to the Highway Trust Fund? [LB305]

SENATOR CHAMBERS: I don't remember that having happened, but that doesn't mean it never has. [LB305]

SENATOR CARLSON: Okay. Is it understandable that many years could have passed before someone realized how much money the sales tax on leased vehicles involved? [LB305]

SENATOR CHAMBERS: No, somebody would have realized it a long time ago. Some people may not have been aware, but you said, years passed before someone realized. Well, I think a lot of "someones" realized how much tax was being raised, and I think this bill would not have come into play if, as Senator Fischer pointed out in justifying it, the high cost of gasoline had not resulted in people purchasing less gasoline, therefore, less money was derived from the fuel tax, therefore, they need to find a source of revenue for the Highway Trust Fund, and that's why this bill is here. [LB305]

SENATOR CARLSON: Okay. I would say I'm a little surprised that this has not come up previously as an amount significant enough that it would have been addressed before now. But that's the case. Is it in the power of the Legislature to make this shift, whether you agree with it or not? [LB305]

SENATOR CHAMBERS: Oh, unquestionably. [LB305]

SENATOR CARLSON: Okay. And this is why we have the debate, this is why we will vote, and this is why, for now, we will accept the outcome. And there's always next year and another session. Thank you. [LB305]

SENATOR ERDMAN: Thank you, Senator Carlson and Senator Chambers. Senator Fischer, you're recognized to speak on the motion to bracket LB305. [LB305]

SENATOR FISCHER: Thank you, Mr. President and members. I would like to point out

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to my colleagues that the motion to bracket that Senator Chambers has put up is, in effect, a motion to kill this bill. And I hope you will oppose it. There's no date on it when the bill would be taken up again. It's just a motion to bracket, and it's a kill motion. Naturally, I'm opposing it. The policy in the state of Nebraska has been, for a number of years, that our highways, whether state highways or our roads and streets in our cities and counties, are important. They're important, and they are a benefit to the citizens of the state. A previous Legislature believed that, and I believe that the majority of you also believe that. That is why the Highway Trust Fund was established, so that there would be a somewhat stable source of revenue for our state highways, for our county roads, and for our city streets in the state of Nebraska. That was a policy decision. It continues to be the policy of the state. I believe that LB305 is a continuation of that policy. LB305 is taking the sales tax money from leased vehicles and putting it in the Highway Trust Fund. Over half of that money will be going to counties and cities for their roads and their streets. Nebraska is unique in how we fund our roads. The discussion on bonding for roads has come up. Other states do use bonding, but there is no state that relies 100 percent on bonding for their highways. Other states have a sales tax on gas, so if gas is \$2.50 a gallon, depending on the state sales tax, they get so much money. When gasoline goes up to \$3.00 a gallon, depending on their state sales tax, they get more money. Nebraska is unique because we depend on the sales tax from our motor vehicles, from our motor vehicle registration fees, and from the fuel tax. And it's that fuel tax with the fixed rate and the variable rate that makes us unique. Department of Roads has to come before the Appropriations Committee in order to get their budget. That budget determines, in effect, what the gas tax is going to be, because you only have so much money from the sales tax on motor vehicles and you only have so much money on motor vehicle registration. The rest, then, is made up by the gas tax. If the budget increases, the variable increases. That's how we fund roads in this state. [LB305]

SENATOR ERDMAN: One minute. [LB305]

SENATOR FISCHER: And that is, in my opinion, showing accountability, because the Appropriations Committee is involved in the process, this legislative body is involved in the process. There was a study done on the needs of the roads in the state in 2002 or 2004, I don't have the date for sure right now. Senator Raikes has a bill before the Transportation Committee for a study to look at needs and funding. I've had conversations with our Chair of Appropriations and our Chair of the Revenue Committee and with the members of the Transportation Committee on how we are going to address that during the interim. But this is an appropriate bill, this is appropriate that this sales tax money on leased vehicles goes to the Highway Trust Fund. [LB305]

SENATOR ERDMAN: Time. [LB305]

SENATOR FISCHER: I hope you will keep that in mind and remember the bracket is a kill motion. Thank you. [LB305]

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SENATOR ERDMAN: Thank you, Senator Fischer. Senator Chambers, you're recognized to speak on the bracket motion. [LB305]

SENATOR CHAMBERS: Mr. President, members of the Legislature, the bracket motion is not a kill motion. The Speaker can put the bill on the agenda whenever he chooses to do so. Senator Synowiecki had echoed what Senator Wightman said earlier--this proposition should not be dealt with as a standalone item. It should be reviewed, evaluated, and analyzed in the context of what is happening in the Appropriations Committee, and especially the Revenue Committee. It's just out here. These people who support this kind of approach feel that they can more easily justify it if it is sticking out here by itself. If you took a comprehensive view, people would see the skewing effect that it has on the budget, on the money available for other programs, and the giving over to this Highway Trust Fund, a source that makes up a part of the state's tax base. This Legislature could cut the state sales tax out altogether if it chose to do so. It could eliminate taxes on income if it chose to do so. The Legislature has the authority to act in all those areas in the way it sees fit. Some courses of action, however, would be very irresponsible and destructive. What we're dealing with here is a complex issue--how the roads are funded in Nebraska. Senator Fischer mentioned the motor fuel tax, and when it comes to the ranking of these states in terms of how high their tax on fuel is, Nebraska ranks 8th, a higher tax than 42 other states and the District of Columbia. Some of the states which have a lower tax rate than Nebraska: Texas is 26th; Illinois, 31st; there's a tie among Illinois and Michigan at 31st; California is 34th; Florida is 47th; New Jersey is 49th. And I will give you the states that have a higher tax rate than Nebraska: New York, Washington, Pennsylvania, Wisconsin, North Carolina, Rhode Island, Ohio, then Nebraska. High gas tax rate. Care for its children? It's much lower than most of the states. Anything that pertains to improving the quality of life of the citizens, Nebraska is very, very low. But when it comes to yielding to special interest groups--that's what we're dealing with here--Nebraska is among the states at the very top, which means they're an easy mark. And the way this bill is being handled proves what an easy mark the Nebraska Legislature is. You would not do this with reference to any other agency in this state. You don't say, because we trust the Governor and he is the chief executive officer of the state, automatically \$15 million will be available to the Governor to spend any way he or she pleases,... [LB305]

SENATOR ERDMAN: One minute. [LB305]

SENATOR CHAMBERS: ...forever. You wouldn't pass anything like that. But when you come to a department whose record bears scrutiny that it is not getting, you just roll over and say you're going to reduce the state's tax base. The Governor is going to cut taxes while at the same time reducing the base from which taxes can be derived? That...as Mr. Spock, of Star Trek fame, would say, Captain, that is illogical. Thank you, Mr. President. [LB305]

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SENATOR ERDMAN: Thank you, Senator Chambers. Your light is next. You may continue speaking. [LB305]

SENATOR CHAMBERS: Thank you. Members of the Legislature, sticking with the Star Trek imagery, it can be so frustrating down here dealing with the people on this floor. That's what being in the Legislature means. I sometimes wish there was a little device on my chest that I could tap and say, beam me up, Scotty, and just get away from it all for a while. But that's impossible. So once you're in the cauldron, you have to stay there, and that's what I intend to do on this bill. But the bracket motion is not a kill motion. If you have become convinced that more discussion ought to be given to this bill, vote to bracket it. That does not kill the bill, and it gives the chance for mature deliberation by all those who want to engage in it. I realize that when the body has been here as long as they feel like they've been here today...but it's only noon. We've only been here three hours, just three hours, and people feel like they've been here an eternity. Why, brothers and sisters, friends, enemies, and neutrals, you wait till the session gets rolling, and after ten hours, I will say what I think it was John Paul Jones said: I have not yet begun to fight. I don't quit. However, I can be reasoned with. I can be persuaded to compromise. All of that is a part of the give and take, and that's what we're engaging in here this morning, Senator Carlson. I'm taking time and giving my views, so I'm responsible for the give and take alone. This is not an inconsequential issue. Look beyond the amount of money to what we're doing. Senator Fulton, in his way of looking at things, is able to separate this out and say it is unique and it won't be done as a practice. If you were an agency and you wanted money, once the Legislature set the precedent, would you not try to do the same thing? There was a guy named Shaka Zulu, and he was in a discussion about certain things that would or would not be done. So to make his point to these people who were talking to him, he said the following: A leopard does not have wings; therefore, a leopard cannot fly. But if a leopard were offered wings so that he could fly, do you think the leopard would turn down those wings? And the answer, obviously, would be no. The leopard would take those wings. So if the means are here in the rules for me to fight this bad legislation, you think I'm not going to make use of those rules to do so? If others say they wouldn't do it, that's all right, because they're not me. They are not as convinced as I am that certain things ought to be fought to the bitter end. This is one of those that I see in that light. [LB305]

SENATOR ERDMAN: One minute. [LB305]

SENATOR CHAMBERS: I have said over and over that the prerogatives of the Legislature are important to me, and they always will be as long as I'm here. I have always said I will play within the rules, and I shall, always. And I usually vote against the rules when they're being adopted, so that it's clear I'm not playing by rules I put in place; I'm playing by rules that my colleagues put in place. Then they get upset with me when I make use of the rules. Why are the rules there? To govern how we conduct business.

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And because I have more heart, nerve, stamina, and determination than others, am I to be condemned for operating under the rules that you all put in place? Or did you put the rules there because you expected nobody to make use of them? Then I have to be a teacher and an instructor by my example. But my example is going to be put forth by the way I fight against this bill. Thank you, Mr. President. [LB305]

SENATOR ERDMAN: Thank you, Senator Chambers. There are no lights on. Senator Chambers, you're recognized to close on the motion to bracket LB305. [LB305]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I am not through with this bill. I'm not through by a long shot. There are other motions I intend to make, and I intend to fight. I appreciate Senator Synowiecki's contribution to the discussion, but he didn't need to get into the discussion to give me a break. What I prefer, instead of other people talking, maybe to give me a break, give me their time, so that I can continue to talk and give you all the hope that springs eternal in the human breast that I may get tired and wear down. But after three hours? No way. We haven't even gotten started good yet. So don't think that I'm going to wear down. But in the course of presenting these arguments, repetitive though they may be, one might lodge in the crevice of somebody's brain when he or she has the guard lowered, and suddenly, that light bulb will go off...or, turn on in the brain, Senator Carlson, and they will scream, eureka, I have found it, I see. I was blind, but now I see. I'm going to tell you all how a con man got captured. The king was passing through a town, and there was this group of hustlers. And this man was in the town square dancing around, and everybody said to the king, when he asked why is this going on, this man was born blind. And the king said, well, how did he regain his sight? They said, we're not sure. The king said, when did he regain his sight? They said, just this morning--because people knew the king was coming through. So the king said, I must test this. So the king approached the man. He said, is it true that you were born blind? The man said, yes, Your Honor. He said, how old are you? He said, 30 years old. So the king said, in those 30 years you've never been able to see? The man said, that is true, Your Highness. The king said, but you can see now? The man said, yes. The king said, what color is my robe? The man said, purple, Your Highness. The king said, take this man away and throw him in the dungeon for lying, because if he was born blind, how does he know purple when he sees it? Think. He would not have known a color, because he had never seen a color. People live life at the surface, but others think and they go below the surface. So my hope has to be that at some point something I say is going to break through that film, and you'll begin to think with the brains you were born with. You will consider what we as a Legislature are supposed to do. We will see the need to maintain the integrity of the General Fund. We will know that the Highway Trust Fund does not have a greater degree of importance than the General Fund and the way we as a Legislature deal with that fund and conduct our business. Senator Carlson, I will concede, every time somebody asks me, that the Legislature can do what is being attempted now. If they couldn't do it, I wouldn't have to fight like this. But because the

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Legislature can, I've got to put every roadblock into their path that I can. Some people have heard of a guy--I'll go into that later--but he was an Englishman,... [LB305]

SENATOR ERDMAN: One minute. [LB305]

SENATOR CHAMBERS: ...and he was...they were having a fight with some people in Scotland. And this man said, by the bowels of Christ, consider that you may be mistaken, trying to tell them, you cannot beat this army. Concede that you're mistaken, and give it up. They chose not to, and they were defeated, in detail, as they say in military circles. I won't tell you the name of the battle, but it is famous. Consider that what this bill is proposing is mistaken. And I have to create the opportunity for as much thought to be put into this as possible. If you vote to bracket this bill, that is not a kill motion. Senator Fischer may believe... [LB305]

SENATOR ERDMAN: Time. [LB305]

SENATOR CHAMBERS: ...what she chooses. Thank you, Mr. President. [LB305]

SENATOR ERDMAN: Thank you,... [LB305]

SENATOR CHAMBERS: I would ask for a call of the house. [LB305]

SENATOR ERDMAN: Thank you, Senator Chambers. Members, the request before you is a motion to place the house under call. All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB305]

ASSISTANT CLERK: 27 ayes, 0 nays to go under call, Mr. President. [LB305]

SENATOR ERDMAN: Members, the house is under call. Would 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. Members, the house is under call. Would Senator Schimek please report to the Chamber. (Visitors introduced.) Senator Chambers, all members are present or accounted for. How would you wish to proceed? [LB305]

SENATOR CHAMBERS: Machine vote. [LB305]

SENATOR ERDMAN: Members, the question before the body is the motion to bracket LB305. All those in favor of the motion vote aye; all those opposed vote nay. Have all members voted who care to? Record please, Mr. Clerk. [LB305]

ASSISTANT CLERK: 4 ayes, 28 nays on the motion to bracket the bill, Mr. President. [LB305]

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SENATOR ERDMAN: The motion is not successful. Mr. Clerk, motion on the desk?
[LB305]

ASSISTANT CLERK: Mr. President, Senator Chambers would move to reconsider the vote just taken. [LB305]

SENATOR ERDMAN: Thank you, Mr. Clerk. Senator Chambers, you're recognized to open on your motion to reconsider. The house...the call of the house is raised. [LB305]

CLERK: Thank you. Mr. President, members of the Legislature, this motion, although it's cast as a reconsideration motion, is designed to give me the opportunity to continue hammering away, and I'm going to do that. I want it to be crystal-clear from the record that everybody knew that this shift, to use Senator Wallman's nice language, is occurring. I call it a raid on the General Fund, because this money is never going to come back. It's gone. But it's not just taking money from the pot that is there now. It is shrinking the state's tax base. I'm really surprised that Senator Fulton, who is such a logical thinker, can arrive at the conclusion he did. So here is what I must accept, based on the way I analyze this situation. He has not thought it through completely. He reminds me of this young lady, her name was Dagmar (phonetic), Senator Fulton. And let me tell you, it's not that you look like Dagmar or anything, but the way her experience unfolded in this classroom. This professor was talking on and on, and it was a very hot day. They didn't have air conditioning. So she would drowse and she would drift in and out of sleep. So she heard the name "Archimedes," then she heard "water," then "displacement of water," "solid body," and these kind of things. So when the professor got through with his presentation, he said, Dagmar. And she blinked awake. And he said, I want to ask you a question about what I've been discussing. Have you paid attention? She said, well, to be completely honest, to the extent that I could, I did. He said, did you understand what I was saying? She said, I understood part of it. He said, well, Archimedes came up with a theory. He was taking a bath, and it had to do with the water displaced while he was taking a bath. Then he went on to lay out this whole thing, which I won't take the time to do. So he asked her, Dagmar, why do you think he came up with the theory on the day that he did? She said, it was probably the first time he ever took a bath. There are different conclusions people can draw from the same set of facts. So Senator Fulton, as far as he went, made sense, and I'm inviting him to go further, because the logical processes of his mind will bring him unerringly to the right conclusion, that to allow a deviation from a philosophy such as his, which is valid, is not logical. The deviation is not logical, and here's why. We're not talking about a corporation. We're not talking about a PTA deciding how it's going to spend money or where the little funds that they deal with will be shifted. We're talking about a governing body, a body that makes laws for the state, a body charged with the responsibility of making appropriate expenditures of money, and appropriately handling that money in whatever way it is to be handled. To say that there are only two ways for this body to

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raise revenue, which, as Senator Carlson pointed out, are income tax and sales tax, it makes no sense whatsoever to say you're going to shrink that tax base permanently. And that's what is being done here. Why is it being done? Because some people say there is a problem with the amount of money available in the Highway Trust Fund. As a logical thinker, Senator Fulton would say, if the problem is that grave--and this is a large agency, the Department of Roads, charged with a great and important responsibility, building roads and maintaining them--that problem cannot be solved on a piecemeal basis. Sometimes piecemealing makes it worse. If a person has been without water a great long time, one of the worst things to do is give them some cold water to drink and let them drink as much as they want. What you have a desire for is not always what's best for you. That's why children have parents. If children could eat everything they wanted, take them to the candy store and that's all they'd be eating until they got sick, and they'd feel like they'll never eat any candy again, until they got well. So children are given parents. But Senator Carlson, when you look at the way some parents deal with their children, I agree with George Bernard Shaw, the people...the very ones who ought not to have children are parents. This is similar to our responsibility as stewards over the state's money. People should not look at us and say, they're the very ones who should not have that responsibility. I'd like to ask Senator Carlson a question or two. [LB305]

SENATOR ERDMAN: Senator Carlson, would you yield to a question? [LB305]

SENATOR CARLSON: Yes, I will. [LB305]

SENATOR CHAMBERS: Senator Carlson, would you adopt this approach with reference to the Department of Health and Human Services, meaning that we would set aside, out of the General Fund, from now on, \$25 million to spend as they see fit, as long as it's based on what the Legislature assigned them to do? [LB305]

SENATOR CARLSON: No. [LB305]

SENATOR CHAMBERS: How about the Department of Corrections? [LB305]

SENATOR CARLSON: No. [LB305]

SENATOR CHAMBERS: What about the Attorney General, that office? [LB305]

SENATOR CARLSON: No. [LB305]

SENATOR CHAMBERS: Is Senator Synowiecki coaching you? [LB305]

SENATOR CARLSON: No. [LB305]

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SENATOR CHAMBERS: Well, you're giving all the correct answers. (Laugh) Well, this, though, is one of those situations where, like Senator Fulton, you're willing to deviate from your good sense and fall into error, right? [LB305]

SENATOR CARLSON: You want me to answer yes or no, don't you? (Laughter) [LB305]

SENATOR CHAMBERS: I want you to give the answer that you think is appropriate, to be fair to you. [LB305]

SENATOR CARLSON: It looks like I'm headed there. (Laugh) [LB305]

SENATOR CHAMBERS: So...but you're going to fall into error by following this course, right? [LB305]

SENATOR CARLSON: I want accountability. [LB305]

SENATOR CHAMBERS: You want accountability. So you...on whom? [LB305]

SENATOR CARLSON: On the Department of Roads. [LB305]

SENATOR CHAMBERS: And you're going to do that by giving...guaranteeing them \$10 million from now on, without them having to come to the Legislature for it, correct? [LB305]

SENATOR CARLSON: I guess I don't look at this shift as being exactly that. [LB305]

SENATOR CHAMBERS: How does it ensure accountability, then, because I'm missing something. [LB305]

SENATOR CARLSON: So far, in our discussion, I'd have to agree it doesn't. [LB305]

SENATOR CHAMBERS: Okay, so then you're not getting that accountability. You did away with the whole line of questions I was going to ask you by giving that forthright answer. I'm going to give you a test that I gave Senator Jensen, who used to be here. Now, listen carefully. How do you pronounce c-o-p? [LB305]

SENATOR CARLSON: Cop. [LB305]

SENATOR CHAMBERS: How do you pronounce m-o-p? [LB305]

SENATOR CARLSON: Mop. [LB305]

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SENATOR CHAMBERS: How do you pronounce d-r-o-p? [LB305]

SENATOR CARLSON: Drop. [LB305]

SENATOR CHAMBERS: When you come to a green light, what do you do? [LB305]

SENATOR CARLSON: Go. [LB305]

SENATOR CHAMBERS: See, he's sharp. Very good. Now, what direction do you think I want you to go on this bill? [LB305]

SENATOR CARLSON: I know where you want me to go. [LB305]

SENATOR CHAMBERS: And based on the answers you gave earlier, if you're going to be logical, which way should you go? If you're going to be logical and consistent, which way should go? [LB305]

SENATOR CARLSON: I should probably go your way. [LB305]

SENATOR CHAMBERS: But you're going to not behave in a logical manner, correct? [LB305]

SENATOR CARLSON: You'll have to see. [LB305]

SENATOR CHAMBERS: You're not going to behave in a consistent manner, correct? [LB305]

SENATOR CARLSON: You'll have to see. [LB305]

SENATOR CHAMBERS: If I were a day into the future,... [LB305]

SENATOR ERDMAN: One minute. [LB305]

SENATOR CHAMBERS: ...I would know which way you went, correct? [LB305]

SENATOR CARLSON: Correct. [LB305]

SENATOR CHAMBERS: Let's pretend we're there. Which way did you go? [LB305]

SENATOR CARLSON: (Laugh) Probably not the way you want. [LB305]

SENATOR CHAMBERS: So you are going to be illogical and inconsistent? [LB305]

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SENATOR CARLSON: In your mind. [LB305]

SENATOR CHAMBERS: Based on your answers, though, you acknowledged that it would be inconsistent and illogical for you to go against what I'm offering. You said you would probably go my way if you were going to be logical and consistent. So if you're going to go opposite, then you're going to be illogical and inconsistent, based on your own answers, right? [LB305]

SENATOR CARLSON: I would agree with that. Okay. [LB305]

SENATOR CHAMBERS: Thank you, Senator Carlson. He is an honest man, but he's not a wise man. He should go in the direction that his own logic, his own sense of consistency, should take him. And that is the way we as a Legislature should proceed. How many times have I spoken on this, Mr. President? [LB305]

SENATOR ERDMAN: This is your opening, Senator Chambers. [LB305]

SENATOR CHAMBERS: How much time do I have on my opening? [LB305]

SENATOR ERDMAN: None. [LB305]

SENATOR CHAMBERS: Oh, thank you. [LB305]

SENATOR ERDMAN: Senator Howard, you're recognized to speak on the motion to reconsider the bracket motion. [LB305]

SENATOR HOWARD: Thank you, Mr. President and members of the body. I offer my time to Senator Chambers. [LB305]

SENATOR ERDMAN: Senator Chambers, Senator Howard would like to yield you 4 minutes and 50 seconds. [LB305]

SENATOR CHAMBERS: Thank you, Senator Howard. Thank you, Mr. President. Members of the Legislature, Senator Carlson is very forthright, but he's not quite as direct immediately as I am. I have to pull teeth from the hen, but if I keep him up there long enough, he will give the answer that he knows is correct. But he just cannot act in accord with what he thinks would be logical and consistent. I think Senator Fulton has not thought this thing through. But when a worthy request is made by another agency, he should give them the same consideration he's giving to the Department of Roads. If there is an agency that ought to be given that money, it would be the Department of Health and Human Services, based on what their charge is. But none of us trust HHS, or any other department or agency of government, enough to give them that blank check. But we're going to give it to the Department of Roads. And I think that is not

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wise. You all know it is not wise. And at some point your constituents are going to ask you, why did you do that? And you'll stumble around, you'll fumble around, and you'll probably say, well, I didn't realize what I was doing. But I want the record to be clear that everybody knew what he or she was doing. I'd like to ask Senator Ray Janssen a question or two. [LB305]

SENATOR ERDMAN: Senator Janssen, would you yield to a question from Senator Chambers? [LB305]

SENATOR JANSSEN: Yes. [LB305]

SENATOR CHAMBERS: Senator Janssen, do you live in the town of Nickerson, or is that where your store is located? [LB305]

SENATOR JANSSEN: No, I live in the village of Nickerson. [LB305]

SENATOR CHAMBERS: Oh, it's a village? What's the difference between a village and a town? [LB305]

SENATOR JANSSEN: About 300 people, I believe. [LB305]

SENATOR CHAMBERS: Okay. [LB305]

SENATOR JANSSEN: It's getting close to being a town. [LB305]

SENATOR CHAMBERS: Do they have roads... [LB305]

SENATOR JANSSEN: Roads? [LB305]

SENATOR CHAMBERS: ...in the area where you live? R-o-a-d-s. [LB305]

SENATOR JANSSEN: Yes. They have...Highway 91 goes right directly by the town of Nickerson. [LB305]

SENATOR CHAMBERS: Is that highway well maintained? [LB305]

SENATOR JANSSEN: Yes, it is. [LB305]

SENATOR CHAMBERS: Do you think that there would be more of a service to your town or village if additional roads were built? Or you feel that that is adequate for the area? [LB305]

SENATOR JANSSEN: I believe that it is adequate for that area. [LB305]

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SENATOR CHAMBERS: Are you going to support this bill? [LB305]

SENATOR JANSSEN: Yes, I am. [LB305]

SENATOR CHAMBERS: You're the Chairperson of the Revenue Committee, is that correct? [LB305]

SENATOR JANSSEN: That's correct. [LB305]

SENATOR CHAMBERS: Do you think it is a wise move for the Legislature to consider this bill in isolation, rather than along with other action that may be forthcoming from the Revenue Committee? [LB305]

SENATOR JANSSEN: I believe it is. [LB305]

SENATOR CHAMBERS: You think it's wise? [LB305]

SENATOR JANSSEN: Yes. [LB305]

SENATOR CHAMBERS: Did you say that at the time you were running for Chair of the Revenue Committee? [LB305]

SENATOR JANSSEN: Did I say what? [LB305]

SENATOR CHAMBERS: Did you say that you're going to be illogical, inconsistent, and wrong when you were running for the Revenue Committee, and that's why people should vote for you? [LB305]

SENATOR JANSSEN: I maybe should have. [LB305]

SENATOR CHAMBERS: But you didn't say that? [LB305]

SENATOR JANSSEN: (Laugh) I didn't say that, no. [LB305]

SENATOR CHAMBERS: Typical politician. Thank you, Senator Janssen. Members of the Legislature, Senator Janssen knows, just like everybody else knows, what we ought to do. It is never too late to stop and turn around and move in the right direction. This is not the way we should legislate. Senator Fulton knows it. He tried to give himself a way out, though, by showing that in this case he doesn't have to comply with his philosophical principle when it comes to this type of action by the Legislature. If we would do it all the time for everybody,... [LB305]

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SENATOR ERDMAN: One minute. [LB305]

SENATOR CHAMBERS: ...there would be an unlimited number of these requests, and they would not, could not, and from what I gathered from him, should not be granted. But just because cars travel down the highway doesn't justify us in robbing the General Fund. If he thinks there is more money needed for road building, road maintenance, get it a different way, but not by robbing the General Fund. Why don't you just bring a bill and do it straight up, and say, there is hereby appropriated from the General Fund \$10 million to the Highway Department...or to the Highway Trust Fund, and do that every year, instead of shrinking the state's tax base and depriving the state of that tax base forever? That's what's being done. [LB305]

SENATOR ERDMAN: Time. [LB305]

SENATOR CHAMBERS: Thank you, Mr. President. [LB305]

SENATOR ERDMAN: Thank you, Senator Chambers. Your light is next. You're recognized to continue speaking, followed by Senator Carlson. Senator Chambers. [LB305]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I'm going to hammer on something that I've repeated already. What is going to happen when your little bills come up and they will carry an A bill and you're told there is not money available? Are you going to stand up, look pitiful, Senator Stuthman, turn those big soulful eyes back there to Senator Fischer and say, Senator Fischer, help me? And she'll say, okay. She'll open her purse and say, I've got 35 cents. Will that help you, Senator Stuthman? Senator Stuthman will say, I need \$35 million. She'll say, well, I can't help you, buddy. That day of reckoning is going to come. There sits Senator Kopplin. He is a member of the Education Committee. I'd like to ask him a question or two, tap into his knowledge and expertise. [LB305]

SENATOR ERDMAN: Senator Kopplin, would you yield to a question? [LB305]

SENATOR KOPPLIN: Yes, I certainly would. [LB305]

SENATOR CHAMBERS: Senator Kopplin, before I proceed, should the word "expertise," should that last syllable be pronounced as though it's a "z," "exper-teez," or as though it might an "ice"...or, "ees," "exper-teece"? [LB305]

SENATOR KOPPLIN: I would say "exper-teece." [LB305]

SENATOR CHAMBERS: "Exper-teece"? May I gain the benefit of your expertise at this point? [LB305]

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SENATOR KOPPLIN: Yes, sir. [LB305]

SENATOR CHAMBERS: And I'm not just "teecing." Senator Kopplin, has the Education Committee--and I know the answer--been working for a good long time trying to come up with some kind of a proposal to present to the Legislature to address the problem of education in the metropolitan area of Omaha and its environs? [LB305]

SENATOR KOPPLIN: We've been working very hard. [LB305]

SENATOR CHAMBERS: Have you heard or read where the Governor would like to see something like this take place? [LB305]

SENATOR KOPPLIN: Yes, I have. [LB305]

SENATOR CHAMBERS: Have you heard him give the caveat every time: but my support is going to be limited by the cost of this plan? [LB305]

SENATOR KOPPLIN: I read that carefully, yes. [LB305]

SENATOR CHAMBERS: So some programs are going to be able to go only so far, as long as they don't cost more than a certain amount of money, whatever that turns out to be. Is that the way you would construe what his position has been? [LB305]

SENATOR KOPPLIN: That would be his position, not necessarily mine. [LB305]

SENATOR CHAMBERS: Right. I'm not saying that's your position at all. And it's not mine either, by the way. Do you support this bill, LB305? [LB305]

SENATOR KOPPLIN: I have been. You're making some good arguments. [LB305]

SENATOR CHAMBERS: Senator Kopplin, if something is to be done in the realm of education, what pot is the money going to come from to pay for it? [LB305]

SENATOR KOPPLIN: Only the General Fund. [LB305]

SENATOR CHAMBERS: And this bill that we're considering here, will it add to the General Fund, or take money out of the General Fund? [LB305]

SENATOR KOPPLIN: No, sir, it takes a big chunk out. [LB305]

SENATOR CHAMBERS: Will this money that comes out of the General Fund be spent in pursuit of better education for the state's children? [LB305]

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SENATOR KOPPLIN: No, it would not. [LB305]

SENATOR CHAMBERS: If this chunk is taken out, will that leave less money available to find money to pay for education for the state's children? [LB305]

SENATOR KOPPLIN: \$9 million less, yes. [LB305]

SENATOR CHAMBERS: \$9.9 million,... [LB305]

SENATOR KOPPLIN: All right. [LB305]

SENATOR CHAMBERS: ...which, that's why I say \$10 million. Senator Kopplin, you value roads over the education of the state's children, correct or incorrect? [LB305]

SENATOR KOPPLIN: That would be incorrect. [LB305]

SENATOR ERDMAN: One minute. [LB305]

SENATOR CHAMBERS: Now, have you heard of a person called Jesus? [LB305]

SENATOR KOPPLIN: Yes, I have. [LB305]

SENATOR CHAMBERS: Have you read or heard him say, a tree is known by the fruit it bears? [LB305]

SENATOR KOPPLIN: Yes, I have. [LB305]

SENATOR CHAMBERS: That means you judge what a person's view is by his or her conduct. Would you agree? [LB305]

SENATOR KOPPLIN: That...I would agree. [LB305]

SENATOR CHAMBERS: Well, if you're willing to give money to the roads that may take money from the children's education, would that indicate to some people that you value roads over the children's education? [LB305]

SENATOR KOPPLIN: It would have that appearance. [LB305]

SENATOR CHAMBERS: Thank you. You're a very forthright man. Thank you, Mr. President. [LB305]

SENATOR ERDMAN: Thank you, Senator Chambers. (Visitors introduced.) Senator

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Carlson, you're recognized to speak on the motion to reconsider. [LB305]

SENATOR CARLSON: Thank you, Mr. President, members of the Legislature. Again, I would like to, as Senator Stuthman might say, engage in a little conversation with Senator Chambers. [LB305]

SENATOR ERDMAN: Senator Chambers, would you yield to a question? [LB305]

SENATOR CHAMBERS: My pleasure. [LB305]

SENATOR CARLSON: Senator Chambers, you're very, very good with words, and you are very intelligent. Would you pronounce this word for me? B-a-s-e-b-a-l-l. [LB305]

SENATOR CHAMBERS: Say it again? [LB305]

SENATOR CARLSON: B-a-s-e-b-a-l-l. [LB305]

SENATOR CHAMBERS: As you gave it to me, it might be "ba-seb-all," but I pronounce it is baseball. (Laugh) [LB305]

SENATOR CARLSON: All right. You are sharp. That's much better than most do. [LB305]

SENATOR CHAMBERS: Iron sharpens iron. You got me earlier. All I say now is, touché, or as my colleagues might say, "touchy." [LB305]

SENATOR CARLSON: (Laugh) We are, as first-year--I'd use the term "new," but I'm not new--but first-year senators, we're on a fast learning curve, and you understand and know that. I don't understand everything that I'd like to, certainly, about the Highway Trust Fund. I don't have the full picture. I don't have all the knowledge. I don't have all the facts. I simply act on what I do know and what I learn as I listen. And I believe that we've got to do that, and move forward, or we really don't get much done. Now, in listening to the debate today, in listening to you, you've inspired me today. Next year, I would like to present a bill to complete the Snowbird Highway from northeast Nebraska to southwest Nebraska, a follow-up on Senator Johnson's really, really good idea. And in listening, you've inspired me to work toward that end today. Senator Aguilar reminded me of the passage that the Lord gives and the Lord takes away. The Legislature gives and the Legislature takes away. If we give today, we may take it away next year. That's our duty and that's our prerogative. And so I will be one of those that moves forward as best I can. And I never will have all the facts. Thank you. [LB305]

SENATOR ERDMAN: Thank you, Senator Carlson and Senator Chambers. Senator Chambers, you're recognized to speak. [LB305]

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SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature. Senator Carlson, I don't think any of us who believe that education ought to be an ongoing process all of our life will ever believe we have all of the facts, or we would just stop. Like you, I don't have all of the facts, really, on anything. I don't really know that I was born when I was told that I was born. Obviously, I had to be there, but I don't remember a time when I was not in existence. So some people could have been misleading me. I could have been here forever. So we're always going to be learning. But here's what I'm getting at on this issue. Regardless of how short a time we may have been here, we all know by now that the place where the state's funds wind up is called the General Fund, and from the money there, appropriations are made, so that that money will be spent here, there, or wherever else. There are two sources of raising money by the state, and you pointed them out--sales tax, income tax. The state does not have other avenues for raising taxes, revenue. I know they talk about excise, or they give different names, but they're taxes anyway. When we reduce the tax base of the state, we cripple our ability as a Legislature to do the things that need to be done. When we reach the latter parts of this session, the A bills that are going to fail--it might seem ironic--might be the small ones. The big ones have enough support from special interest groups or others to get what they need. Taking this \$10 million off the table is going to be a justification to say, that bill cannot be funded, this one cannot be funded, the other cannot be funded. And that decision will have nothing to do with the quality, the merit, of the particular program. We're dealing in politics. Politics can be described various ways. Terry Carpenter, who used to be here, said he deemed politics to be a dirty, backstabbing, double-crossing business, and that's why I like it, said Terry Carpenter. People present a certain front, which may or may not be what they really are. They may genuinely hold a position on Monday which for legitimate reasons they alter on Tuesday. They ought to notify the people who may have trusted them to hold that position that they've changed their mind, and it has to be the prerogative of people to change their mind, and that has to be accepted, even though it's harder to accept it at some times than others. But when it comes to the notion that because you support something like this today, people are going to be as open-minded and considerate when a proposal of yours comes up tomorrow, is a mistake when you're in a political setting. They want what they want today. The only reason some people are engaging in this discussion is because they're opposed to what it is I want to do, not that they have an interest in the legislative process, as I have, or maintaining the integrity of the Legislature and the General Fund, as I do. But... [LB305]

SENATOR ERDMAN: One minute. [LB305]

SENATOR CHAMBERS: ...their particular ox is going to be gored, and they don't want that to happen, so they will talk. Somebody has to be the gatekeeper when it comes to how the Legislature functions. I assume certain responsibilities that are not mine just because I'm here or just because I'm a member of the Legislature. But I think there are

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ways we ought to proceed, and one of the greatest mistakes we can make is to permanently reduce the state's tax base. And you're going to send that good money into a broken program, if what we're being told by the supporters of this bill is true. This is not going to solve the problem. It's going to persist and become increasingly severe. So today you take \$10 million from the Trust Fund...I meant, from the General Fund. Will it be \$20 million tomorrow? And is that how we ought to do other programs,... [LB305]

SENATOR ERDMAN: Time. [LB305]

SENATOR CHAMBERS: ...don't go through the budgeting process, but circumvent it? Thank you, Mr. President. [LB305]

SENATOR ERDMAN: Senator Chambers, thank you. That was your third time. You are recognized to close, however, on the motion to reconsider. [LB305]

SENATOR CHAMBERS: Thank you, Mr. President. Mr. President, members of the Legislature, sometimes, as they say, before the dawn,...the darkest hour is before the dawn. And the reason people should never give up is because as long as you are alive and there is time, you may live to see the dawn. But what I'm interested in seeing is other people live to see the dawn. On this bill, I don't want to see the legislative process skewed. You saw the position that Senator Kopplin is put in. Do you think I, for a moment, believe that because in response to my questions the appearance resulted from his answers out of his own mouth, that he cares more for roads than he does for children? I don't believe that for a moment. But I was just trying to show the untenable positions we let ourselves get put into when we deviate from that which is appropriate for the Legislature to do. Senator Carlson confessed that he has to behave illogically and inconsistently with what he thinks ought to be done to go along with what we're doing. Senator Fulton tried, in a yeoman fashion, to provide a rationale and justification that would be accepted by others, when it's not even accepted by him, that what he's doing makes sense. But it doesn't make sense to him. He's smarter than that. I'd like to ask Senator Fulton a question. [LB305]

SENATOR ERDMAN: Senator Fulton, would you yield to a question from Senator Chambers? [LB305]

SENATOR FULTON: I will. [LB305]

SENATOR CHAMBERS: Senator Fulton, I said you're smarter than that? Is that true? Are you smarter than that, or are you not smarter than that? [LB305]

SENATOR FULTON: That depends on what the meaning of the word "that" is, sir. [LB305]

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SENATOR CHAMBERS: Are you smarter than to do that of which we've been talking?
[LB305]

SENATOR FULTON: If in asking whether or not I'm smarter than that which was said earlier about my smartness, then I would not be smarter than that. [LB305]

SENATOR CHAMBERS: All right. Thank you, Senator Fulton. Members of the Legislature, as we proceed, you are going to see that what is being proposed here is not in keeping with the way we're going to operate. I don't see Senator Kruse back there, but I see Senator Friend. I'd like to ask Senator Friend a question or two. [LB305]

SENATOR ERDMAN: Senator Friend, would you yield to a question from Senator Chambers? [LB305]

SENATOR CHAMBERS: Senator Friend,... [LB305]

SENATOR FRIEND: Yes, I will. [LB305]

SENATOR CHAMBERS: Senator Friend, have you ever been a member of the...let me ask it a different way. Are you now or have you ever been a member of the Appropriations Committee? [LB305]

SENATOR FRIEND: I thought you were going to ask me the KKK or something like that. [LB305]

SENATOR CHAMBERS: No, don't worry. [LB305]

SENATOR FRIEND: Started to scare me. [LB305]

SENATOR CHAMBERS: Would you please answer the question? (Laugh) [LB305]

SENATOR FRIEND: Yeah. No, I have not. [LB305]

SENATOR CHAMBERS: Okay. Have you been aware of the work done by the Appropriations Committee? [LB305]

SENATOR FRIEND: Yes. [LB305]

SENATOR CHAMBERS: Do they usually try to have a united front when they come out here to support the proposals they present to us? [LB305]

SENATOR FRIEND: They make a very solid attempt to do that, yeah. [LB305]

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SENATOR CHAMBERS: And have there been occasions, nevertheless, when one or some of the members might, during debate, decide that they will break ranks and support something that the committee had not supported, or oppose something that the committee had supported? [LB305]

SENATOR FRIEND: I've seen that happen. [LB305]

SENATOR CHAMBERS: Senator Friend, do you support this bill? [LB305]

SENATOR FRIEND: I do. [LB305]

SENATOR CHAMBERS: Senator Friend, do you have any bills that are going to carry an A bill this session? [LB305]

SENATOR ERDMAN: One minute. [LB305]

SENATOR FRIEND: That's a good question. I've got...Senator Chambers, I believe that I do have bills that would require an A bill, but I don't know that those are going anywhere. [LB305]

SENATOR CHAMBERS: (Laugh) That's...I'd better quit while we're all ahead. Thank you, Senator Friend. [LB305]

SENATOR FRIEND: Sure. [LB305]

SENATOR CHAMBERS: Thank you, Mr. President. [LB305]

SENATOR ERDMAN: Thank you, Senator Chambers. Members, you've heard the closing on the motion to reconsider the bracket motion. All those in favor vote aye; all those opposed vote nay. Have all members voted who care to? [LB305]

SENATOR CHAMBERS: (Microphone malfunction)...a record vote. [LB305]

SENATOR ERDMAN: Record vote has been requested. Record please, Mr. Clerk. [LB305]

CLERK: (Record vote read, Legislative Journal pages 932-933.) 1 aye, 22 nays, Mr. President, on the motion to reconsider. [LB305]

SENATOR ERDMAN: The motion is not successful. Mr. Clerk, items for the record. [LB305]

CLERK: Mr. President, new resolution: Senator Pirsch would offer LR60. That will be

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laid over. An appointment letter from the Governor, three appointments to the Environmental Trust Board. And a Reference report as a result of those introductions by the Governor. Amendments to be printed: Senator Synowiecki to LB324; Senator Burling, LB218; Senator Johnson, LB236; Senator Mines to LB395; and Senator Chambers to LB305. New A bills, Mr. President. (Read LB328A, LB324A, LB303A, and LB395A by title for the first time.) An announcement: Education Committee will meet upon adjournment in Room 1126; Education, upon adjournment, Room 1126. And Senator Cornett would like to add her name to LR14 as cointroducer, Mr. President. (Legislative Journal pages 933-936.) [LR60 LB324 LB218 LB236 LB395 LB305 LB328A LB324A LB303A LB395A LR14]

SENATOR ERDMAN: Thank you, Mr. Clerk. Senator Pedersen, for what purpose do you rise?

SENATOR PEDERSEN: A point of personal privilege, Mr. President.

SENATOR ERDMAN: Senator Pedersen, please state your point.

SENATOR PEDERSEN: Colleagues, we are lucky enough to serve in this Legislature, but only with the support of our wonderful staffs and those people who work for us--the pages, the Clerk's Office, and all those supporting offices. But today we have a chance to recognize someone who's served with us for many years, and has reached the wonderful age, this coming Monday, of the age 98. I think we should recognize her, being as we will not be in session this weekend and on her birthday--Sally Gordon, one of our tremendous serving sergeant-at-arms. (Applause) Happy birthday. Thank you, Mr. President.

SENATOR ERDMAN: Thank you, Senator Pedersen. Mr. Clerk, priority motion?

CLERK: Mr. President, I do, thank you. Senator Langemeier would move to adjourn until Tuesday morning, March 27, at 10:00 a.m.

SENATOR ERDMAN: Members, you've heard the motion, which is to adjourn until Tuesday, March 27, at 10:00 a.m. All those in favor say aye. All those opposed say nay. The ayes have it. We are adjourned.