

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

Floor Debate  
March 27, 2007

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[LB57 LB91 LB106 LB160 LB235 LB255 LB292 LB292A LB304 LB316 LB328 LB338  
LB377 LB389 LB405 LB425 LB425A LB488 LB495 LB499 LB505 LB603 LB629 LB636  
LB638 LB677 LB681 LB697 LB705 LR6CA LR52 LR53 LR54 LR55 LR56 LR57 LR58  
LR61 LR62 LR63]

SENATOR LANGEMEIER PRESIDING []

SENATOR LANGEMEIER: Good morning, ladies and gentlemen, and welcome to the George Norris Legislative Chamber for this, the fifty-second day of the One Hundredth Legislature, First Session. Our chaplain for today is Pastor Bob Snell, from the Southern Heights Presbyterian Church, Lincoln, Nebraska, Senator Fulton's district. Would you please rise. []

PASTOR SNELL: (Prayer offered.) []

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

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: Thank you. Are there any messages, reports, or announcements? []

CLERK: Enrollment and Review reports LB106, LB160, LB292, LB292A, LB328, LB389, LB638, LB681 as correctly engrossed. Confirmation reports, two separate reports, from Health and Human Services Committee, those signed by Senator Johnson. That's all that I had, Mr. President. (Legislative Journal pages 937-938.) [LB106 LB160 LB292 LB292A LB328 LB389 LB638 LB681]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. We will now proceed to the first item on the agenda. Final Reading, LB255. [LB255]

CLERK: Mr. President, Senator Cornett would move to return LB255 to Select File for specific amendment, AM720. (Legislative Journal page 917.) [LB255]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Cornett, you are recognized on your motion to return to Select File for specific amendment, AM720. [LB255]

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SENATOR CORNETT: Thank you, Mr. President and members of the body. LB255 was amended by Business and Labor Committee. Those committee amendments were adopted on General File. On Select File, Senator Rogert amended LB255 by adding LB505 to the bill. When LB505 was added to LB255, the original committee amendments to LB255 were inadvertently moved to a different place within the Wage Payment and Collections Act. This was an error by Bill Drafting. I am offering AM720 to correct that technical error by placing the language from the committee amendment back into the definition of "wages," where it originally was intended to be. This amendment simply strikes the new language, and reinstates the same language within the proper place in the statute. While I have my light on, I do have a couple of questions. Is Senator Mines present? [LB255 LB505]

SENATOR LANGEMEIER: Senator Mines, would you yield to a question? [LB255]

SENATOR MINES: I will, Mr. President. [LB255]

SENATOR CORNETT: LB255, as amended, has language that deals with commissions and how commissions are to be paid at the separation of employment. The language was part of LB505, which was added to LB255 by the amendment. The amendment says that an employer and an employee, through a contract, can agree how commissions are to be paid when an employee leaves employment. If there's no agreement, wages include commissions on all orders delivered and all orders on file at the time of separation. The amendment also states that such contract is binding if it is in place at the commencement of the employment, or at least 90 days prior to the separation of employment. Senator, some companies use annual contracts, that is, a new commission agreement is entered into annually. When an annual contract is utilized, it may...it is my understanding that if an employee leaves employment in the first 90 days of the new contract, then the prior year's contract would govern the payment of commissions. Is that correct? [LB255 LB505]

SENATOR MINES: That's the way I understand it, Senator, yes. [LB255]

SENATOR CORNETT: Thank you, Senator Mines. Senator Rogert, would you yield to a question? [LB255]

SENATOR LANGEMEIER: Senator Rogert, would you yield to a question? [LB255]

SENATOR ROGERT: Yes, I will. [LB255]

SENATOR CORNETT: Senator Rogert, it is the same question that I asked Senator Mines. It is your...is it your understanding the language of LB255, as amended, that when a company enters into an annual commission agreement, if an employee leaves

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employment in the first 90 days of the new contract, that the prior year contract would govern the payment of commissions? [LB255]

SENATOR ROBERT: Absolutely, yes. That's true. [LB255]

SENATOR CORNETT: Thank you, Senator Mines and Senator Rogert. Questions were raised regarding this issue, so I wanted to establish legislative intent that was behind the provisions in this bill. In closing, I would like to remind you that AM720, which is before the body, merely corrects a drafting error and places the committee language of LB255 back into the correct spot within the statute. I thank you for support in adopting this amendment. [LB255]

SENATOR LANGEMEIER: Thank you, Senator Cornett. The floor is now open on the motion to return for a specific amendment. Is there anyone wishing to speak to the motion? Seeing no lights on, Senator Cornett, you are recognized to close on your motion to return to Select. Senator Cornett waives closing. The question before the body is, shall LB255 return to Select File for a specific amendment? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB255]

CLERK: 37 ayes, 0 nays, Mr. President, on the motion to return. [LB255]

SENATOR LANGEMEIER: The motion to return is adopted. Mr. Clerk, for a motion. [LB255]

CLERK: Senator Cornett would offer AM720, Mr. President. [LB255]

SENATOR LANGEMEIER: Senator Cornett, you're recognized to open on AM720. [LB255]

SENATOR CORNETT: Thank you, Mr. President. As I previously stated, AM720 simply reinstates the language into the correct place in statute. It was an error in bill drafting, and I urge the body to support this amendment. Thank you. [LB255]

SENATOR LANGEMEIER: Thank you, Senator Cornett. You have heard the opening on AM720 to LB255. The floor is now open for discussion. Is there anyone wishing to speak to AM720? Seeing no lights on, Senator Cornett, you are recognized to close on AM720. [LB255]

SENATOR CORNETT: Thank you, Mr. President, members of the body. I urge the body to support AM720, as it is important for the passage of LB255. Thank you very much. [LB255]

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SENATOR LANGEMEIER: Thank you, Senator Cornett. You have heard the closing on AM720. The question before the body is, shall AM720 be adopted to LB255? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB255]

CLERK: 41 ayes, 0 nays, Mr. President, on the adoption of the Select File amendment. [LB255]

SENATOR LANGEMEIER: The amendment is adopted. Mr. Clerk. [LB255]

CLERK: Mr. President, the motion is to readvance the bill. [LB255]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB255]

SENATOR MCGILL: Mr. President, I move LB255 to E&R for engrossing. [LB255]

SENATOR LANGEMEIER: You've heard the motion on the advancement of LB255 to E&R for engrossing. All those in favor say aye. All those opposed say nay. It does advance. Mr. Clerk. [LB255]

CLERK: Mr. President, Select File. First bill, Senator McGill, LB425. I do have Enrollment and Review amendments. (ER8046, Legislative Journal page 815.) [LB425]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB425]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB425]

SENATOR LANGEMEIER: The motion is the adoption of the E&R amendments. All those in favor say aye. All those opposed say nay. They are adopted. [LB425]

CLERK: I have nothing further on the bill. [LB425]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB425]

SENATOR MCGILL: Mr. President, I move LB425 to E&R for engrossing. [LB425]

SENATOR LANGEMEIER: You've heard the motion on LB425. All those in favor say aye. All those opposed say nay. It does advance. Mr. Clerk. [LB425]

CLERK: LB425A. Senator McGill, I have no amendments to the bill. [LB425A]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB425A]

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SENATOR MCGILL: Mr. President, I move LB425A to E&R for engrossing. [LB425A]

SENATOR LANGEMEIER: You've heard the motion on LB425A. All those in favor...Senator Chambers, you're recognized. [LB425A]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm not going to try to do anything with Senator Pankonin's A bill. But this morning, I'm in a condition and circumstances of a young man described in Job, the Book of Job in the Old Testament, who had listened to his old...to Job's older, in age, friends condemn Job. Then when he finally spoke he said, I am so full of matter. I am like wine. If I don't speak, I will burst as wine from a bottle. I shall speak; then shall I be refreshed. Rather than take a point of personal privilege, I just want to indicate that some things are happening in this Legislature of which I disapprove intensely. I read an article in this morning's paper where Senator Ashford was quoted as saying that some action by the Judiciary Committee will not be completed before an execution is carried out. Others had comments saying there was no intent by what the Judiciary Committee is doing to forestall or result in the calling off of an execution. That is my only reason for participating in what the Judiciary Committee is doing. I am not trying to temporize, soft-pedal, or trick anybody into or out of anything. And to those senators who have been threatening to put pro-life amendments and other amendments on this bill if it comes out, I can play that game better than anybody on this floor, and I will. The suggestion that an amendment to a bill which is a committee amendment will be considered not germane is insane. It is wrong. And people are trying to cover themselves politically, and I'm not going to sit and watch that happen. So I want you all to know that you're going to be in a battle with me the rest of the session. And I'm not just saying it to my colleagues. I don't whisper, Senator Harms, behind my hand. I had a little meeting with the Chief Justice yesterday as I was leaving the building, and I told him how displeased I was with what they had done, how wrong that it was. And I meant everything I said in the newspaper about it, and I had used words such as "cruel," "indecent," "inappropriate," and "overly hasty." He said, I know you're not happy. I said, that is an understatement. You all did what you thought you had to do; well, I'm going to do what I have to do to deal with what you all did. So I don't really know what is going on in the minds and in the meetings of my colleagues, but I am not going to sit and watch it happen. I will tear up this entire session, and I dare you to try to stop me. You can't stop me. And there are other matters I will talk about this morning, but not on Senator Pankonin's bill. In fact, I'm going to support his bill. Mr. President, members of the Legislature, that's all I have to say at this point. But before the morning is over, I shall have much more to say. Thank you. [LB425A]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Preister, you're recognized. [LB425A]

SENATOR PREISTER: Thank you, Honorable President, friends all. I rise because I

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just want to take a moment to highlight that we had received a letter from the State Chamber of Commerce in support of this bill. And once again, this is a measure that the chamber wants. And once again, it's likely that they will get it. I don't have a problem with that. I've supported many of the chamber bills. But again, when we talk about LB57 and a little bit of support for labor, it would certainly be nice to get something, just a little something to help labor. We keep helping business. I'm all fine with that. I support that. But we need to also remember who helps to make the businesses successful, and we need to look out for the working people of the state, as well. And when it comes time that the workers ask for a little something, we could give them equal deference. Thank you very much. [LB425A LB57]

SENATOR LANGEMEIER: Thank you, Senator Preister. Seeing no other lights on, Senator McGill, for a motion. [LB425A]

SENATOR MCGILL: Mr. President, I move LB425A to E&R for engrossing. [LB425A]

SENATOR LANGEMEIER: Thank you. You've heard the motion, the advancement of LB425A to E&R for engrossing. All those in favor say aye. All those opposed say nay. It does advance. Mr. Clerk. [LB425A]

CLERK: Mr. President, LB304. Senator McGill, I have Enrollment and Review amendments. (ER8048, Legislative Journal page 894.) [LB304]

SENATOR LANGEMEIER: Senator McGill. [LB304]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB304]

SENATOR LANGEMEIER: Thank you. You have heard the motion on the E&R amendments. All those in favor say aye. All those opposed say nay. The amendments are adopted. [LB304]

CLERK: I have nothing further on the bill at this time, Mr. President. [LB304]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB304]

SENATOR MCGILL: Mr. President, I move LB304 to E&R for engrossing. [LB304]

SENATOR LANGEMEIER: You've heard the motion on the advancement of LB304. All those in favor say aye. All those opposed say nay. LB304 does advance. Mr. Clerk. [LB304]

CLERK: Mr. President, LB677. Senator McGill, I do have Enrollment and Review amendments. (ER8049, Legislative Journal page 895.) [LB677]

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SENATOR LANGEMEIER: Senator McGill. [LB677]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB677]

SENATOR LANGEMEIER: You have heard the motion to adopt the E&R amendments. All those in favor say aye. All those opposed say nay. They are adopted. Mr. Clerk. [LB677]

CLERK: I have nothing further on the bill at this time, Mr. President. [LB677]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB677]

SENATOR MCGILL: Mr. President, I move LB677 to E&R for engrossing. [LB677]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. LB677 does advance. Mr. Clerk. [LB677]

CLERK: LB636, Mr. President. Senator McGill, I have Enrollment and Review amendments. (ER8051, Legislative Journal page 895.) [LB636]

SENATOR LANGEMEIER: Senator McGill. [LB636]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB636]

SENATOR LANGEMEIER: You've heard the motion on the amendments. All those in favor say aye. All those opposed say nay. They are adopted. [LB636]

CLERK: I have nothing further on the bill at this time, Mr. President. [LB636]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB636]

SENATOR MCGILL: Mr. President, I move LB636 to E&R for engrossing. [LB636]

SENATOR LANGEMEIER: You've heard the motion on LB636. All those in favor say aye. All those opposed say nay. LB636 does advance. Mr. Clerk. [LB636]

CLERK: Mr. President, General File. First bill this morning, LB338, offered by Senator Gay at the request of the Governor. (Read title.) The bill was introduced on January 11 of this year, referred to the Revenue Committee for a public hearing. The bill was advanced to General File. I do have Revenue Committee amendments pending. (AM660, Legislative Journal page 809.) [LB338]

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SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Gay, you're recognized to open on LB338. [LB338]

SENATOR GAY: Thank you, Mr. President, members of the Legislature. LB338 is a bill which is an improvement on a College Savings Plan of Nebraska. What this bill does is increase the amount of the deduction that a grandparent or parent could take when they're saving for their child's education. Currently,...just, I want to give a little bit of a history on how the plan works, created by the federal government and just made permanent in the tax law for the whole country. But each state can create these plans. Nebraska chose to do that. And what the plan does is, any parent, grandparent, cousin, uncle, family member, can save for a beneficiary, which is usually a child or a grandchild, to go to college. The savings that they put into these accounts, which are provided by the states--the state must create the plan--are then grown tax deferred until that child or grandchild needs the funds for a college education. Best time to start doing this, obviously, is when a child is very young. Now, many times, though, that's not available to happen, and parents or grandparents don't get started until maybe a little later. We've given you some handouts that I hope you'll take a minute to look at. And time and time again, we've heard, tuition is going to increase, tuition is going to increase, and the value of an education. This bill, I think, addresses both those important matters. Just recently, if you look through here, the president of the university has talked about tuition increases. We have a statement from United States senators talking about the importance of education. I don't think anyone can dispute that a good education, quality education, is going to get you a better long-term opportunity in our country. So if you'd take a minute and look through those. The second page discusses a little bit of why this is needed. Currently, the inflation rate on a college education is growing 6 percent per year. So if you're saving and only getting 8 percent, you're only, obviously, getting a net gain of 2 percent if you're saving through one of these plans. If a child were born today, let's say, they would...if you look at the second page under the University of Nebraska, Chadron, Creighton, or Southeast Community College, these plans can be used at any community college, university in the country, so...but we would like to keep our students, obviously, going here to the University of Nebraska, or any fine institution we have in our state, and then keep that child, which would then be a future worker for Nebraska, in our state. But if you look, monthly contribution needed is about \$400. Well, if you can come anywhere close to that, you're doing a fine job, but many people can't. The amount we are talking about would be \$2,500 tax deduction for a single filer, and \$5,000 for a family or joint filer. Now, that \$5,000 could be spread amongst any...one child, two children, five children, or eight children. It makes no difference, but you can only go up to that \$5,000. You could save more if you wanted, but you would only get the \$5,000 or the \$2,500 tax deduction. The third page is very important, and I want to touch on this. If you look at Nebraska compared to our surrounding states, or many other states in the country, we are very low on the opportunity we give for tax deduction. The most critical thing in these 529 plans is the tax deduction. So if you're talking, if an accountant, or a financial advisor, or anyone

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else, or the Nebraska College Savings Plan is selling their plan, tax deduction is an incentive to get into the plan. Many times, though, if somebody has a better option, or better investment vehicle, they will take their money outside of our plan, which could be a long-term problem, and I would say will be a long-term problem. We were early in the process and received some outstate money into our plan. But let's say, for instance, you lived in Missouri. Your accountant or advisor would say, well, listen, why don't you just stay right here in Missouri, and I can give you an \$8,000 per beneficiary, or \$16,000 joint deduction. You can accomplish the same thing in your own state, and still save for your child's education, even if that child is in Nebraska. Well, they would take their money out--I know they would, and they should--they would take their money out of the Nebraska plan and put it into their own state's plan. But if you look all around us, Iowa, for example, has \$2,500 per beneficiary, much better opportunities to save in their own states. On the other page, the third page, shows in your county or your district who's currently taking advantage of the 529 plan. It's very successful, but we'd like to make it more successful and get more savings going into our plan. The final page shows, of the four plan...four choices you have in Nebraska, who's putting in the different amounts of money. Seventy-nine percent...if we look at the College Savings Plan of Nebraska, 14,778 accounts; 79, almost 80 percent are putting in just a little over \$1,000, many less than \$5,000. What we'd like to encourage is that 80 percent to put in more money into their plans, save for their children's or grandchild's education. So the idea would be affordability. Again, I want to go back to, many times, under an ideal world, you'd want to save for a young person right when they're born. Well, that's not always doable. But as people progress through their, hopefully, economic growth, and they're doing a little better as they get older, they can save a little more. And so we need a larger deduction to say, well, hey, I think I will put more money into my ten-year-old's 529 plan. This vehicle would help them...would be an incentive to help them do that. So I would encourage...we have much support on this. If you look at your statement of intent, many of the colleges and universities are strongly behind this. Many of my colleagues, I thank you for cosponsoring this bill with me. But I hope for your support. Like I say, the benefits of this is helping our young people actually achieve a college education, and that will be so important to retaining workers in Nebraska, and also to help their lives in the long term. So I look forward to any questions, and I hope you'll join me in supporting LB338. Thank you, Mr. President. [LB338]

SENATOR LANGEMEIER: Thank you, Senator Gay. As the Clerk has stated, there are amendments from the Revenue Committee. Senator Janssen, as Chair of the Revenue Committee, you're recognized to open on the committee amendments. [LB338]

SENATOR JANSSEN: Thank you, Senator Langemeier. The committee amendments would cut the proposed increase in the tax deduction for contributions from \$5,000 for a single taxpayer, to \$2,500; and from the \$10,000 to \$5,000 for other taxpayers. Actually, what it does, it just cuts both of them in half, and reduces the A bill down to \$910,000. With that, that's the extent, just cuts them in half. [LB338]

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SENATOR LANGEMEIER: Thank you, Senator Janssen. We have heard the opening on LB338, and the Revenue Committee amendments, AM660. We are open for discussion on the Revenue Committee amendment. Senator Chambers, you're recognized. [LB338]

SENATOR CHAMBERS: Mr. President, as I do on occasion when bills come before us, I have questions about the existing law so that I can understand better the amendment. Senator Gay, do you have a copy of the bill before you? [LB338]

SENATOR LANGEMEIER: Senator Gay, would you yield to a question? [LB338]

SENATOR GAY: Yes. [LB338]

SENATOR CHAMBERS: Would you turn to page 6? This is existing law. [LB338]

SENATOR GAY: Yes, Senator. [LB338]

SENATOR CHAMBERS: But it's in subsection (c), beginning at line 8, which is where you are offering changes. Are you with me? [LB338]

SENATOR GAY: Yeah. [LB338]

SENATOR CHAMBERS: Now, in line 12 it says, "not to exceed five"...you'd strike "hundred" and put "thousand dollars per married." Per married what? [LB338]

SENATOR GAY: That should actually, Senator,...if that were "married filing jointly," is probably how that should read. Thank you for pointing that out. [LB338]

SENATOR CHAMBERS: But it says "for married filing separate return." [LB338]

SENATOR GAY: Yes, I... [LB338]

SENATOR CHAMBERS: What I want to know, what is married? Is this per married person, or per married...is that the way that the tax law refers to married people, just as "a married," or "a married person"? "Person" is not in this language. That's what I'm looking at. And it's existing language. You didn't put this here; it's already there. [LB338]

SENATOR GAY: No. And thank you, Senator Chambers. I think what that would need to be--and Enrollment and Review would check--would be "married filing jointly." But it must follow the federal tax code, because this is under the federal tax code. So you'd have to qualify under the...it should be "married filing jointly." Whatever the federal tax code would allow, that's what it would be. [LB338]

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SENATOR CHAMBERS: But are we talking about a married person? [LB338]

SENATOR GAY: Federal tax code, that would be married filing jointly, and I don't know the... [LB338]

SENATOR CHAMBERS: I think you're running past. I'm just looking at this construction of the language. The language just says "per married filing separate return." Does that mean per married person, or per married what? What is married here? [LB338]

SENATOR GAY: I mean, it's married filing... [LB338]

SENATOR CHAMBERS: Okay, that's all right. I won't bother you. [LB338]

SENATOR GAY: Thank you. Thank you, Senator. [LB338]

SENATOR CHAMBERS: Members of the Legislature, is Senator Janssen here?  
Senator Janssen,... [LB338]

SENATOR LANGEMEIER: Senator Janssen, would you yield to a question? [LB338]

SENATOR JANSSEN: Yes. [LB338]

SENATOR CHAMBERS: Are you still the Chairperson of the Revenue Committee?  
[LB338]

SENATOR JANSSEN: As of this morning, I am. [LB338]

SENATOR CHAMBERS: Would you turn to page 6 of the bill? [LB338]

SENATOR JANSSEN: Gotcha. [LB338]

SENATOR CHAMBERS: This is existing language. In line 12, it talks about the amount of money per married filing separate return. It says, "per married." [LB338]

SENATOR JANSSEN: Yes. [LB338]

SENATOR CHAMBERS: Should it be "per married person," or just "per married"?  
[LB338]

SENATOR JANSSEN: Well, I imagine it's married purpose...persons, married... [LB338]

SENATOR CHAMBERS: So I'm asking you, since you're an expert on all matters

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pertaining to tax codes and law, why does it say just "per married," and not "married person"? [LB338]

SENATOR JANSSEN: That is what the Internal Revenue Code calls for in filing returns. [LB338]

SENATOR CHAMBERS: So if we put "person," that would put this law out of compliance with the Internal Revenue Code, and destroy the bill? [LB338]

SENATOR JANSSEN: That's my understanding. [LB338]

SENATOR CHAMBERS: That's...thank you. That's preposterous. Senator Janssen, here's the question now. I looked away so you won't think I'm saying what you're saying is preposterous, in terms of telling me why it's there. Suppose I put the word "person" after "married," or "individual." [LB338]

SENATOR JANSSEN: Well, I don't know whether that would hurt anything, whether that would be in violation of the Internal Revenue Code. I'm not sure of that. But I don't...I see what you're getting at. I don't imagine it would hurt anything if you want to do that. [LB338]

SENATOR CHAMBERS: Thank you, Senator Janssen. [LB338]

SENATOR JANSSEN: Sure. [LB338]

SENATOR CHAMBERS: I would like to ask Senator Wightman a question. [LB338]

SENATOR LANGEMEIER: One minute. Senator Wightman, would you yield to a question? [LB338]

SENATOR CHAMBERS: Now, Senator Wightman may not know... [LB338]

SENATOR WIGHTMAN: Yes, I will. [LB338]

SENATOR CHAMBERS: ...quite as much about Senator Janssen, but he might have a comment. Senator Wightman, did you hear the little discussion that has gone on? [LB338]

SENATOR WIGHTMAN: I did, Senator Chambers. [LB338]

SENATOR CHAMBERS: Is it your view that if I were to insert the word "person" or "individual" after the word "married" in line 13, do you think that would harm this bill or throw anything out of kilter? [LB338]

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SENATOR WIGHTMAN: I would think it would probably improve the bill, as far as making it understandable. [LB338]

SENATOR CHAMBERS: Thank you, Senator Wightman. Members of the Legislature, at some point, I'm going to do that, but I won't do it right this minute. I want to listen to the substance of what is being presented here. And that's all I will ask or say at this time. Thank you, Mr. President. [LB338]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Synowiecki, you're recognized. [LB338]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier. Thank you, Senator Gay, for bringing this. Appreciate...I think it is an innovative program, one that should be used. But would you yield to a question or two? [LB338]

SENATOR LANGEMEIER: Senator Gay, would you yield to a question? [LB338]

SENATOR GAY: Yes. [LB338]

SENATOR SYNOWIECKI: Senator Gay, in your opening you spoke to affordability, accessibility, which I think is very important for our youth in the state of Nebraska, that they have access and that the cost of higher education is affordable. Your plan seems to be a remedy, perhaps, to a middle-class family, perhaps upper-middle-class family, that can afford to put some funds away for their child for later years, in their formative years, so that they have some money put aside for a university education. But likewise, isn't it incumbent upon us as a Legislature to keep the cost of secondary education affordable and accessible to all Nebraskans? [LB338]

SENATOR GAY: Yes. [LB338]

SENATOR SYNOWIECKI: Wouldn't you agree, Senator Gay, that with our lack of appropriate funding of the university system, of the community college system, and the state college system, that when we don't fund (sic) them appropriately, the result of that is an increase in tuition? [LB338]

SENATOR GAY: I would think so, Senator, if... [LB338]

SENATOR SYNOWIECKI: Do you agree with that? [LB338]

SENATOR GAY: Yes, I would. [LB338]

SENATOR SYNOWIECKI: Again, Senator Gay, thanks for bringing this bill. I appreciate

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you bringing it. I appreciate having the ability to have innovative means by which we can keep a university and a secondary college education affordable to our youth. But there's another side of this equation. The other side of the equation is our General Fund appropriation. Under the preliminary budget, under the preliminary budget, the university is looking at 12 to 15 percent increase in tuition rates. Now, we may go ahead and adopt Senator Gay's bill, and it may do some good for some folks, particularly those that can afford to put some money aside, maybe middle-class, upper-middle-class folks in our state of Nebraska. But what we do in our General Fund appropriation and its resulting impact on tuition, I would argue, does more in terms of "detrimenting" accessibility and affordability. There is a direct correlation between what we fund as a General Fund appropriation to the university system, and what the tuition is for our kids and for our youngsters that attend that institution. If you're serious about areas of accessibility, if you're truly serious about affordability, you will fund at appropriate levels our community colleges, our state colleges, and our university system. Those families that fit the parameters of Senator Gay's bill are, for the most part, those that can probably, as their youngsters move forward in life, afford to enroll at the university system, community colleges system, state college system. My concern is for the families that will be locked out, locked out of a secondary education, because the Legislature...and what strikes me is, we're talking about a time in our state where we have in excess of \$360 million, \$400 million above the minimum reserve. And yet we're going to go to the till on student tuition, this year, when we're \$400 million above minimum reserve right now in our preliminary budget. We're going to go to the till on the students, and the students are going to have to pay increased tuition because of our lack of appropriateness in funding secondary education. I don't think that's appropriate. I don't think that during a time in which... [LB338]

SENATOR LANGEMEIER: One minute. [LB338]

SENATOR SYNOWIECKI: ...we're enjoying above minimum reserve status in terms of our state budget, that we force upon our secondary system a raise in tuition rates. While I agree with Senator Gay in what he's doing here with this innovative plan and tax...I guess you save tax money, and so forth, kind of like a 401(k) for college, I think we also equally, equally have to examine and look at what we're doing on the General Fund ledger, and our appropriation to secondary education, its impact on tuition. Thank you. [LB338]

SENATOR LANGEMEIER: Thank you, Senator Synowiecki. Senator Avery, you're recognized. [LB338]

SENATOR AVERY: Thank you, Mr. President. I agree with Senator Synowiecki. We're not funding our colleges at an adequate level. I do believe, however, that this legislation helps families deal with these rising costs, and helps families deal with the fact that we're not doing our job in this body. This is a needed tool to help families finance the

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ever rising costs of college education. I don't have to tell you in this body that college is such an important economic development tool because people with higher education are able to make a greater contribution in the job place. It also has a profound contribution to a person's quality of life over their lifetime. College graduates earn more money. They tend to work in new-knowledge jobs, these are concept jobs, idea jobs, jobs that pay more. And these are jobs that we need in this state and currently don't have very many. I'm not sure I like this amendment, because it seems to me that it backs away a bit from the objective and the intent that Senator Gay is trying to achieve. I do have, though, a couple of questions for Senator Gay, if he'd be willing to yield. [LB338]

SENATOR LANGEMEIER: Senator Gay, would you yield to a question? [LB338]

SENATOR GAY: Yes. [LB338]

SENATOR AVERY: Senator Gay, I support this bill. You know that. I'm a cosigner. But do you have...are there penalties in these 529 accounts for nonqualified withdrawals? [LB338]

SENATOR GAY: Thank you, Senator Avery. Yes, that's a very good question. And it...they're somewhat complex plans, but there is. There's a disincentive. If you're just putting the money in and you're not truly saving it for an education and you take it out early, any time early, and it's not used for that beneficiary, there's a 10 percent penalty, much like if you take money out of a 401(k). Plus, you'd owe taxes on any gain you had had, as well. So it truly is directed towards college savings. If you're going to use it for anything else, there's penalties under the IRS code. [LB338]

SENATOR AVERY: A couple more questions, if you don't mind. Can a parent change the beneficiary if, say, the primary beneficiary decides not to attend college? [LB338]

SENATOR GAY: Yes. A quick example, Senator Avery, would be, let's say I had three kids and the oldest doesn't plan on going to college right now, but I have two others, and one needs to be...the beneficiary can be changed for your child or grandchild. The owner of the account is in control of the beneficiary's money. That's the unique thing of these accounts, compared to in the older days, when you had a gift to a minor, or something like that, the minor would get the money and they could use it for whatever they wanted. This truly targets those college-bound students, whether it's your grandchild or your child. [LB338]

SENATOR AVERY: I have one final question. And I think these questions might help people understand what a 529 can do and what it cannot do. Can an owner of a 529 direct nonqualified withdrawals to a beneficiary, one that is not going to college? [LB338]

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SENATOR GAY: No. And thank you, Senator Avery, for these questions. They're very good questions. No, they cannot. You cannot take the money out and just give it to any other beneficiary that is not going to college. Actually, you have to, on your returns, keep good records of how you're using this money, and it can only be used, pretty standard things--room and board, books, tuition, tangible things that you could go back, if you ever got audited, and said, here's what I used this money for. [LB338]

SENATOR AVERY: Thank you. I think this is good legislation, I think it's needed, and I would very much like to hear from members of the Revenue Committee as to why they offered this amendment. Thank you. [LB338]

SENATOR LANGEMEIER: Thank you, Senator Avery. Senator Pirsch is next, followed by Chambers, Wightman, Harms, and others. Senator Pirsch, you're recognized. [LB338]

SENATOR PIRSCH: Mr. President, members of the body, I think education is such a key to our future, the health of our state. I thank Senator Gay for bringing this discussion forward. I would just ask if Senator Gay would yield for a question. [LB338]

SENATOR LANGEMEIER: Senator Gay, would you yield to a question? [LB338]

SENATOR GAY: Yes. [LB338]

SENATOR PIRSCH: Senator, it's...correct me if my understanding is incorrect, but these 529 accounts, Nebraskans who utilize these types of accounts can ultimately make withdrawals and use these funds towards any accredited university nationwide, is that correct? [LB338]

SENATOR GAY: Yes. Yes. [LB338]

SENATOR PIRSCH: I would wonder...I wonder if you would...or, if you could comment with respect to--and not with any particularity, but just in general terms--the idea that the majority of the students who are going to be utilizing these accounts will use them for higher education here in Nebraska, as opposed to elsewhere? [LB338]

SENATOR GAY: Senator Pirsch, I can make a general speculation. I don't have exact figures. The one thing, what I did hand out on the final page, it shows the amount that people are saving. The idea of this is to get Nebraskans investing in the Nebraska plan, and not choosing other plans that are out there. My assumption, and this is an...would be, if you're saving for your child or grandchild and you're a Nebraska resident, your child is in Nebraska, which...and I don't have the correct...but a lot of these accounts are Nebraska accounts. You see that on the other page. What we're trying to do is increase

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the savings rate for Nebraskans in Nebraska. That's why we get the credit. The job of that would be up to the university, to keep recruiting our own kids, obviously, and keeping them here in Nebraska. As Senator Avery's questions pointed out, the money must be used for college. So if they...you know, yeah, they could go somewhere else, but I assume they would stay in Nebraska. But there's still those other intangibles that the university must recruit and retain, and we have to have jobs that they can graduate to, I guess. So if we're kicking out graduates and we don't have any jobs, well, I guess they could go elsewhere. So it's a good question. I don't know the exact answer, but I would make that assumption based on those facts. [LB338]

SENATOR PIRSCH: I thank you for that. One just quick question. Is this...bill was testified, was there a position taken by the University of Nebraska and the Nebraska Community Colleges during testimony at the hearing? [LB338]

SENATOR GAY: Yeah. Senator Pirsch, I'd direct you to your computer monitor there, in the statement of intent. We had everybody from...well, I'll just say some. The University of Nebraska, the Independent Colleges and Universities, Community Colleges very much support. Really no opposition on this, but we received great support from all the universities and college systems in Nebraska who testified. [LB338]

SENATOR PIRSCH: Great. With that number...the number of testifiers in support of the bill here in-state, I would have to take the strong presumption that it would be beneficial for the long-term health of the higher education here in the state. I think this is a good bill, and I appreciate your bringing this forward. And thank you very much. I'm going to yield back the balance of my time, Mr. President. [LB338]

SENATOR LANGEMEIER: Thank you, Senator Pirsch. Senator Chambers, you're recognized. [LB338]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'd like to ask Senator Gay a question or two. But first of all, Senator Gay, is my recollection correct that you support taking that \$9 million in money on the leases of these vehicles from the General Fund and putting it in the Highway Trust Fund? [LB338]

SENATOR LANGEMEIER: Senator Gay, would you yield to a question? [LB338]

SENATOR GAY: Yes, I did, Senator. [LB338]

SENATOR CHAMBERS: Okay. And you realize that by taking that money out of the General Fund, less money will be available for assisting the university if the Legislature would choose to do so, correct? [LB338]

SENATOR GAY: Correct, Senator. [LB338]

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SENATOR CHAMBERS: Okay. Now, I'd like to ask you a question or two about those who testified. But before I do that, so that it will be clear in the record, do these accounts bear interest? [LB338]

SENATOR GAY: Excuse me, Senator? [LB338]

SENATOR CHAMBERS: Do these accounts bear interest? [LB338]

SENATOR GAY: Yes. There's several...there are many options. You can go from a very conservative fixed account to a more aggressive...there's age-based accounts. There's many choices within there that anyone can find their risk tolerance. So if you don't want to take a big risk, you could invest it in bonds and things like that. But if...usually, as a child ages from a young person, you can be more aggressive; as they get closer to that college age, 16, 17, 18, you want to make sure that it's not in an aggressive format, so that you don't lose your money. [LB338]

SENATOR CHAMBERS: So then you mean I can say that I'm investing in these bonds for my child's education, and I keep control of the money? [LB338]

SENATOR GAY: Yes. [LB338]

SENATOR CHAMBERS: Well, how do they know whether I'm disposing of the bonds ahead of time? [LB338]

SENATOR GAY: Well, the account is held with the treasurer, who...in Union Bank or one of the four sponsors, and there's rules. So you... [LB338]

SENATOR CHAMBERS: And they make money off the money that this person is putting into his or her account for his or her child or grandchild, is that true? [LB338]

SENATOR GAY: There are administrative fees, I'm sure, that the treasurer pays. When this was drafted in 2000, that was set up in 2000...but yeah, there's a...they're getting a fee for managing the account, and all the, you know, 30,000 accounts. [LB338]

SENATOR CHAMBERS: How were the depository institutions selected? On what basis were the chosen, if you know? [LB338]

SENATOR GAY: I will...Senator, I will venture to guess. In 2000, it was put out for an RFP, and then they bid on it. Union Bank got the contract, and then there was other additions along the way--AIM, TD Ameritrade, and State Farm. I wasn't involved in that in any way, or do I know exactly, but I assume through an RFP process. And then...and I know a couple of these are coming due. They will give them a certain time period. I

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think the College Savings Plan is due in about three years, for bid. [LB338]

SENATOR CHAMBERS: Okay. Not to cut you off, but before my time runs out, if this money were not put into this account, there would be tax money...taxes on that money accruing, and it would be going to the General Fund. Is that correct? [LB338]

SENATOR GAY: Yes. [LB338]

SENATOR CHAMBERS: So this is a way also of underwriting private and parochial schools, at the expense of the General Fund. Is that true? [LB338]

SENATOR GAY: I think it's...I would argue...I think it's supplementing an opportunity for them, and the General Fund is...I mean, it's such a broad thing to make that specific... [LB338]

SENATOR CHAMBERS: Well, if money is taken... [LB338]

SENATOR GAY: It takes out some money from the General Fund, Senator. [LB338]

SENATOR CHAMBERS: Well, why would some of these private school groups...was anybody representing private schools testifying for this bill? Association of Independent Colleges and Universities, that...those are private schools, including religious schools, aren't they? [LB338]

SENATOR GAY: Yes. Under federal law, it can be used for any school... [LB338]

SENATOR LANGEMEIER: One minute. [LB338]

SENATOR GAY: ...that receives federal aid. [LB338]

SENATOR CHAMBERS: I understand that. I just want to know what it does. Don't be so defensive, Senator Gay. I'm just asking the questions, and either the answers are yes or no. This program, to the extent that the money is used at private and parochial schools, will underwrite those schools at the expense of taxpayers. True? [LB338]

SENATOR GAY: Yes. [LB338]

SENATOR CHAMBERS: Okay. Now, that wasn't painful, was it? [LB338]

SENATOR GAY: (Laugh) No. [LB338]

SENATOR CHAMBERS: Thank you. I'm just trying to get information. Thank you, Mr. President. [LB338]

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SENATOR LANGEMEIER: Thank you, Senator Chambers. (Doctor of the day introduced.) Returning now to discussion on the committee amendments, AM660. Senator Wightman, followed by Harms. Senator Wightman, you're recognized. [LB338]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the Legislature. I would like to ask a few questions of Senator Gay, as well. [LB338]

SENATOR LANGEMEIER: Senator Gay, would you yield to a question? [LB338]

SENATOR GAY: Yes. [LB338]

SENATOR WIGHTMAN: Senator Gay, can you tell me, when you set up an account, is it...is that account beneficiary specific? In other words, if I have four granddaughters and I wanted to set up an account for each one of them, I can't join them all together in a single account? Is that correct? [LB338]

SENATOR GAY: No, it's specific per child, per beneficiary. [LB338]

SENATOR WIGHTMAN: And my son can set up an account for his daughter, and I can set up a separate account for my granddaughter, but we each direct our own account, even though it's for the same beneficiary, is that correct? [LB338]

SENATOR GAY: That's correct, Senator. [LB338]

SENATOR WIGHTMAN: Well, first of all, it's been an interesting discussion. I applaud Senator Synowiecki for his position and concern over the fact that, you know, we can do all we want to at this level, but if we don't also do something with regard to funding the university budget at a proper level, that we've only accomplished a very small part of the problem. As I understand it, this can be used either for a child attending private school, which would include a religious school in some cases, or a public school. I guess I would ask if Senator Gay would yield for an additional question. [LB338]

SENATOR GAY: Yes. [LB338]

SENATOR WIGHTMAN: I am correct that this can be used--and you discussed that with Senator Chambers--can be used for a private or public school, and it can be used for private as well as public? [LB338]

SENATOR GAY: Yes, Senator. [LB338]

SENATOR WIGHTMAN: And generally, would you concede that the cost of attending a private school is, across the country, substantially higher than that of a public school?

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[LB338]

SENATOR GAY: Yes, Senator, dramatically. [LB338]

SENATOR WIGHTMAN: And does the University of Nebraska or the state of Nebraska, I should say, gain when somebody uses the funds that they've set up to attend a private college? [LB338]

SENATOR GAY: No, that money would go, at that point, to pay tuition to the college they choose. If they happens to be a private college, that's where...you still get individual direction of where you want your money to go. And Senator, this is a federal...we can't change it. That's the federal guidelines. [LB338]

SENATOR WIGHTMAN: I understand that. What I'm trying to get at is the citizens of Nebraska have a benefit, even if that money is used at a private college, because they're subsidizing the cost of the education if they attend the public university or college. Is that correct? [LB338]

SENATOR GAY: Yes, Senator. [LB338]

SENATOR WIGHTMAN: So there is a benefit to the citizens of the state of Nebraska, in that they are not then subsidizing that child's education, to the same extent, at least, that they would be if they attended a public university or college. [LB338]

SENATOR GAY: Yes, I would agree with that. [LB338]

SENATOR WIGHTMAN: With that, I certainly am in support of the bill. I, too, have some questions. I see that...and I guess I would ask if Senator Janssen would yield to a question, as well. [LB338]

SENATOR LANGEMEIER: Senator Janssen, would you yield to a question? [LB338]

SENATOR JANSSEN: Yes. [LB338]

SENATOR WIGHTMAN: Senator Janssen, I see from the fiscal note, I think the first year is about \$1.2 million or \$1.3 million. I assume this is very speculative, because we don't know how many people are going to use this type of an investment. Is that correct? [LB338]

SENATOR JANSSEN: That's correct, although I will say, with the committee amendment, the estimate was \$910,000. [LB338]

SENATOR WIGHTMAN: And that's what I was going to ask, if the fiscal note we see is

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based upon the original \$5,000 and \$10,000 amounts, or whether it's based upon the \$2,500 and the \$5,000. [LB338]

SENATOR JANSSEN: I think it's based on the original. [LB338]

SENATOR WIGHTMAN: On the original bill? [LB338]

SENATOR JANSSEN: The original bill, yes. [LB338]

SENATOR WIGHTMAN: Thank you. [LB338]

SENATOR LANGEMEIER: Thank you, Senator Wightman. Senator Harms, you're recognized. [LB338]

SENATOR HARMS: Mr. President and colleagues, thank you very much. I rise to really support what Senator Gay is trying to do here. In a recent study that was done, Nebraska rated an F in affordability in college education, across the board, compared to all the rest of the states in the country, an F. And that's going to continue to be unless we start to address this issue, unless we start to place money aside, where grandparents and aunts and uncles can make an investment so their grandchildren or their nephews or nieces can go to school. Higher education is going to continue to get more expensive. And I'd like to see if Senator Synowiecki would yield to a question for just a moment. [LB338]

SENATOR LANGEMEIER: Senator Synowiecki, would you yield to a question? [LB338]

SENATOR SYNOWIECKI: Yes. [LB338]

SENATOR HARMS: Senator Synowiecki,...and I agree with what you were saying about higher education and about affordability and about the University of Nebraska and the community colleges and the state colleges. But how much do you know about federal programs for kids to go to school? [LB338]

SENATOR SYNOWIECKI: How much do I know about federal programs? [LB338]

SENATOR HARMS: Yeah. [LB338]

SENATOR SYNOWIECKI: Very little, Senator. [LB338]

SENATOR HARMS: Okay, well, that's the point I want to make here, is the simple fact is, there's lots of opportunities for both men and women to go to school, both through federal programs and through tuition assistance programs like what Senator Gay is doing. The people that fall through the cracks, quite frankly, are the middle class.

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They're the ones who have the difficulty going to school. And hopefully, if the middle-class folks can begin to put some money aside, they will not fall through the cracks. But there are, for low-income students, there are all kinds of dollars available for young men and women to go to college. It's the middle-class group that we're losing. And in fact, it's time for us to take a long, hard look at how much tuition increases we're allowing the university to levy, and the state colleges and the community colleges, because quite frankly, we're just going to price ourselves out of the business. So I hope that as you look at this, you'll understand that there are other programs that are available, but the group that Senator Gay is looking at, and hopefully we can get some investments that will help our kids go to school and get some assistance with their tuition. Thank you. [LB338]

SENATOR LANGEMEIER: Thank you, Senator Harms. Is there anyone else wishing to speak to the committee amendments. Senator Chambers, you're recognized. [LB338]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'd like to ask Senator Gay a very forthright and direct question. [LB338]

SENATOR LANGEMEIER: Senator Gay, would you yield to a question? [LB338]

SENATOR GAY: Yes. [LB338]

SENATOR CHAMBERS: Senator Gay, will you support giving a greater amount of money to the university than that recommended by the Governor? [LB338]

SENATOR GAY: Senator, that's a direct question. I support the university, graduated from the university, and I've discussed with the university,... [LB338]

SENATOR CHAMBERS: But that has nothing to do with answering the question. [LB338]

SENATOR GAY: It kind of does. On all merits of this, I mean, to pull out how I'm going to vote on a certain thing,...I think I will. I don't know...I haven't seen the budget directly yet, Senator. [LB338]

SENATOR CHAMBERS: Thank you. I'd like to ask Senator Harms a question. [LB338]

SENATOR LANGEMEIER: Senator Harms, would you yield to a question? [LB338]

SENATOR CHAMBERS: Senator Harms, first of all, if all this money is available that you're talking about, a lot of the youngsters I know trying to get assistance to go to school would easily get it. But I'm not going to say that what you're saying is not what you really believe. But here's my question. Will you support giving the university more

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when we appropriate for them than the amount recommended by the Governor?  
[LB338]

SENATOR HARMS: Absolutely, and I'll tell you why. We are pricing ourselves out of a business. We're pricing our kids out of a point where they cannot attend the University of Nebraska. I would also, Senator Chambers, tell you that I would support the state colleges and the community colleges. They all need assistance and help, and I think it's time we addressed that issue, and yes, I will support that. [LB338]

SENATOR CHAMBERS: Thank you, Senator Harms. I know to whom to put questions. And I'm going to proceed. I'd like to ask Senator Avery a question. [LB338]

SENATOR LANGEMEIER: Senator Avery, would you yield to a question? [LB338]

SENATOR AVERY: I will. [LB338]

SENATOR CHAMBERS: Senator Avery, will you agree to appropriate more money to the university than the amount recommended by the Governor? [LB338]

SENATOR AVERY: You bet. [LB338]

SENATOR CHAMBERS: Thank you. I'd like to ask Senator Pirsch a question. [LB338]

SENATOR LANGEMEIER: Senator Pirsch, would you yield to a question? [LB338]

SENATOR PIRSCH: I will. [LB338]

SENATOR CHAMBERS: Senator Pirsch, would you agree to appropriate more money to the university than that recommended by the Governor? [LB338]

SENATOR PIRSCH: Why, I'd certainly be open to it. I guess I'd like to have a greater detail of how that would be before I'd commit to something. [LB338]

SENATOR CHAMBERS: But you're not prepared to say that you would do that at this point? [LB338]

SENATOR PIRSCH: Oh...no, I'm not ruling anything out at this point. [LB338]

SENATOR CHAMBERS: I didn't understand the last part? [LB338]

SENATOR PIRSCH: I'm sorry. I wouldn't...I would rule nothing out. So that would include it, yes. [LB338]

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SENATOR CHAMBERS: Okay, thank you. Members of the Legislature, I think Senator Synowiecki hit the nail on the head. And for Senator Gay and those people who ignored what I said the other day about stealing that money from the General Fund to give to the Department of Roads...and I talked about them building roads to nowhere. You remember that? And the Chairperson of the Transportation Committee wasn't too distressed by that. The World-Herald had a big headline across the page, saying "an offramp to nowhere." And I'm going to give that information to us, because I think it is terribly irresponsible what the Legislature is proposing, and I think that some people who are on these committees think that their job is to support the Department of Roads and give them what they want. I had stated that they have no oversight, that they're like a rogue agency and they do anything they want to, and it doesn't even have to be rational. And in this project, where they're talking about this interchange that goes nowhere, the interchange may not even be allowed. The Department of Roads admitted that it violates their own standards when they wrote support to the federal government for it. They said the criteria they used would mean that this whole thing could not be justified. So they're going to change when they give support to these kind of things. Now, they just want it to go along and be good. I told you... [LB338]

SENATOR LANGEMEIER: One minute. [LB338]

SENATOR CHAMBERS: ...how these contractors will say, you give us the money and we'll build anything. If you want it on a 45-degree angle, you pay us and we'll build it. And I pointed out how irresponsible the Department of Roads is. And the Chairperson of the Transportation Committee supports them, thinks that they are under appropriate oversight. They need to pay attention to what is happening, which is what I'm going to do. And I tie it into this discussion because we're talking about money available for education. And I definitely will support considerably more for the university than that recommended by the Governor. He is constantly of a mind to cut taxes, as he calls it, to pander to and kowtow to those he think might give him a vote when he runs for office. He doesn't have a broad, general, comprehensive plan for education or anything else. It's piecemealing. And I think--and it's just my view--that much... [LB338]

SENATOR LANGEMEIER: Time. [LB338]

SENATOR CHAMBERS: ...is politically motivated. Thank you, Mr. President. [LB338]

SENATOR LANGEMEIER: Thank you, Senator Chambers, and that was your third time. Is there anyone else wishing to speak to AM660? Senator Preister, you're recognized. [LB338]

SENATOR PREISTER: Thank you, Honorable President, friends all. I would yield my time to Senator Chambers if he would like it. [LB338]

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SENATOR LANGEMEIER: Senator Chambers, 4, 50. [LB338]

SENATOR CHAMBERS: Thank you. And Mr. President, I didn't realize that that first time I spoke was on the amendment, so you're absolutely right, and I stand corrected. I've been humbled, and I accept the chastisement in the spirit in which it was given--with a smile. Mr. President, members of the Legislature, this session is going to become contentious. We're running out of days, and there are issues of great import and magnitude which much be addressed. There must be a philosophy or some unifying principle according to which we operate--there should be--when we talk about the expenditure of money, the cutting of taxes, the shifting of funds, and all of the other things that might be done shortsightedly to reach a particular constituency who might give votes, who might give votes. I want everybody, Senator Harms, who has an interest in going to school to have that opportunity. And I know it takes money. And by the way, brothers and sisters, friends, enemies, and neutrals, I have harsher criticisms of the university than anybody on this floor. I have an ongoing dispute with the university which I said I will put on the back burner. I will transcend my outrage and indignation toward the university regarding a matter that led to what I describe as a grudge. Sometimes those things which we feel personally have to be laid aside so that we can deal with the greater good. Some philosophers say, the greatest good for the greatest number. Another philosopher, a utilitarian, had the question posed to him, what is the greatest number? And this philosopher said, number one. And that's what most people feel--number one, meaning self, is the greatest number. This bill is not touching the core issue of the availability and accessibility of education in this state. Why would the Governor bring a bill to up the amount that can go into one of these accounts from \$500 to \$5,000? That's ten times as much, and the Governor doesn't do that. Then when it comes to the university where he says he hopes these children will attend, give them peanuts. That is illogical, and there is a disconnect there. He deals, as most politicians will deal, in smoke and mirrors. There was a man named David Stockman who worked for a guy named Reagan, I think. That was so long ago. And he was talking about the trickle-down philosophy, where, take care of the people on top, and something good will trickle down to those on the bottom. And I read this morning a headline that said David Stockman has been indicted for securities fraud, another high-ranking, self-righteous, moral "Repelican." [LB338]

SENATOR LANGEMEIER: One minute. [LB338]

SENATOR CHAMBERS: They always are the ones who commit these crimes at the high levels, and they're the ones who meddle in people's business and talk more about righteousness than anybody else. Then they say they're conservatives. Conservatives are those who maintain and preserve those things which are in place which are good and uplifting and helpful to society. So these so-called conservatives ought to be willing to spend more on education than anybody else, as long as we demand accountability. I am never in favor of giving money to educationists, at whatever level, without

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demanding accountability. And the demand of that accountability is on us as the Legislature. But we must provide enough resources for the university system to do its job. If that job is not done, we should then see that some heads roll. [LB338]

SENATOR LANGEMEIER: Time. [LB338]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Preister. [LB338]

SENATOR LANGEMEIER: Thank you, Senator Chambers and Senator Preister. Senator Synowiecki, you're recognized. [LB338]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier, members of the Legislature. Thank you, Senator Harms. Senator Harms has been a tremendous resource on the Appropriations Committee. He truly has. And a guy like me, who doesn't know a whole lot about secondary education in terms of logistical aspects and stuff, look upon him as a resource, as a bona fide resource as we navigate the committee process. And I appreciate Senator Harms' input to the process. It is much, much valued, much valued, his direction and leadership, particularly as it relates to education issues, and even more particular as it relates to secondary education. You know, Senator Harms, I understand on the federal programs that we have programs for kids that are extremely low-income, and I acknowledge that. But like Senator Chambers kind of alluded to, I've got kids in my district that for whatever reason--you speak to this a lot in committee--that for whatever reason, they can't navigate the process to get into the university seat, or to get in a community college seat, or a state college seat in our state. And there are fundamental problems above and beyond money, relative to that. But I know a lot of kids in my district who are not attending secondary education, because of several reasons, and one of the primary drivers, obviously, is funds, availability and accessibility and affordability. And secondly, I think the navigation of all these systems and programs, you know, it's a problem. And you talk about it a lot. And my ears pop up when you start talking in committee, because I appreciate your resourcefulness and your expertise in the area. And that's just something we're going to have to navigate through as a Legislature, is, how do we reach these kids in our communities that, for whatever reason, even if they do qualify, they're not navigating appropriately to get to the secondary education. And again, as I said in my earlier remarks, if we want to do something for that middle class, for those folks that are working paycheck to paycheck, maybe can put aside a few bucks for something like Senator Gay's program, if we truly want to do something that's demonstrated good, is to try to hold down these tuition costs. When we were going through the tough times here in the Legislature, we reduced our budget by something like \$780 million, maybe even \$800 million, one year I was here, and the university took a big hit. And the corresponding result of that was in tuition. Tuition went up, unfortunately. It was something that was very difficult for the Legislature as a body to do. But I would just

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remark that our budget system, our budget revenue flows and appropriation flows are fluid. They're fluid. They change. They evolve with the economy. They evolve with the revenue streams. And it just so happens right now, we have an opportunity to do something. We have before us an opportunity to do something substantive, and it's up to us, it's a political decision by us, whether or not we do that and whether or not we take steps to rectify what happened here four or five years ago when our budget did go down significantly. But again, it's a fluid situation. It's a fluid budget. It evolves. There are periods of times where we have monies above and beyond what is needed in the minimum reserve under the constitution; then there are times when we don't. And there's tough decisions on both sides of that ledger. But I think we have an opportunity to do something substantive. We've got to look at it. We've got to recognize that our number one resource in this state, our youngsters, getting them to a secondary education will benefit us all, getting them properly educated so they can engage in the world economy,... [LB338]

SENATOR LANGEMEIER: One minute. [LB338]

SENATOR SYNOWIECKI: ...so they can engage in the Nebraska economy and our local economies. You know, I want the kids of my district to engage in the economy on the university-educated level, or secondary-educated level. And that's my goal. And I appreciate, again, Senator Harms, what you bring to the committee. I think you've got some great, great ideas. The bill you have, the bill that we talked about here just a few days back, is a remarkably good bill, and it's just, I think, a sign of things to come with your expertise on the legislative floor. But my only point is, is that we not only incorporate some of Senator Gay's thinking here on affordability; we also look to what we can control directly or indirectly relative to cost of education, secondary education in our state. Thank you. [LB338]

SENATOR LANGEMEIER: Thank you, Senator Synowiecki. Is there anyone else wishing to speak to AM660? Seeing no lights on, Senator Janssen, you're recognized to close on the committee amendments, AM660. [LB338]

SENATOR JANSSEN: Thank you, Senator Langemeier, members of the Legislature. Committee amendment just cuts the total in half, from \$5,000 to \$2,500, and from \$10,000 down to \$5,000. I ask for your support of the committee amendments. Thank you. [LB338]

SENATOR LANGEMEIER: Thank you, Senator Janssen. You have heard the closing on the committee amendments. The question is, shall the committee amendments to LB338 be adopted? All those in favor vote yea; all those opposed vote nay. Has everyone voted that wishes to? Record, Mr. Clerk. [LB338]

CLERK: 33 ayes, 1 nay, Mr. President, on adoption of committee amendments. [LB338]

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SENATOR LANGEMEIER: The committee amendments are adopted. We return now to discussion on LB338, the bill itself. Senator Chambers, you are recognized. [LB338]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'd like to ask Senator Gay a question or two. [LB338]

SENATOR LANGEMEIER: Senator Gay, would you yield to a question? [LB338]

SENATOR GAY: Yes. Yes. [LB338]

SENATOR CHAMBERS: Senator Gay, were you approached by the Governor to offer this bill? [LB338]

SENATOR GAY: Senator Chambers, I had this bill written, and visited with him on it, so we jointly supported it. But the bill was written. [LB338]

SENATOR CHAMBERS: You drafted it before you had any conversation with the Governor? Is that what you're telling me? Just yes or no. Either you did or you didn't. [LB338]

SENATOR GAY: Well, it was...yeah, we had it... [LB338]

SENATOR CHAMBERS: Come on, you're the one who knows. [LB338]

SENATOR GAY: Well, we had a draft of it. It's changing two words. That was my idea during my campaign, quite honestly. [LB338]

SENATOR CHAMBERS: Which two words did you change? [LB338]

SENATOR GAY: The \$2,500 and the \$5,000. [LB338]

SENATOR CHAMBERS: And then, in line 13, you went from \$1,000 to \$10,000, right? [LB338]

SENATOR GAY: That was at the request of the Governor. [LB338]

SENATOR CHAMBERS: The Governor requested that? [LB338]

SENATOR GAY: Yeah. [LB338]

SENATOR CHAMBERS: Okay. And the Governor was going to appoint you to office when he thought that my former seatmate was going to retire....resign early, true?

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[LB338]

SENATOR GAY: Yes. [LB338]

SENATOR CHAMBERS: So you are in political favor. The Governor holds you in political favor, true? [LB338]

SENATOR GAY: No. [LB338]

SENATOR CHAMBERS: Oh, he doesn't? He's politically opposed to you? [LB338]

SENATOR GAY: Well, I wouldn't say he's against me, for me, whatever. The voters held me in favor. I won the election. [LB338]

SENATOR CHAMBERS: Well, I'm not talking about the voters. I'm talking about you and the Governor. Now, is there something wrong or suspicious about being in the Governor's favor? [LB338]

SENATOR GAY: No. No. [LB338]

SENATOR CHAMBERS: Is that what you're suggesting? [LB338]

SENATOR GAY: No, not at all. I hope he does. [LB338]

SENATOR CHAMBERS: Then why don't you admit what is clear? [LB338]

SENATOR GAY: I hope he does. [LB338]

SENATOR CHAMBERS: Do you think he'd offer to appoint somebody who is out of step with his political philosophy? [LB338]

SENATOR GAY: No, I don't think he would. [LB338]

SENATOR CHAMBERS: Are you in step with his political philosophy? [LB338]

SENATOR GAY: I think on most issues, yes. [LB338]

SENATOR CHAMBERS: So you're in political...in his political favor, is that right? [LB338]

SENATOR GAY: You could say that. I...yes. [LB338]

SENATOR CHAMBERS: Okay. Now, when you say that...let me make sure I got this

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right. You said during your campaign that you were going to do something about this program. Is that what you said? [LB338]

SENATOR GAY: Yes, I did. [LB338]

SENATOR CHAMBERS: Okay, but the dollar amount may not have been determined at that point. Is that fair? [LB338]

SENATOR GAY: That's fair. [LB338]

SENATOR CHAMBERS: Now I want to ask you this. Why did you jump that first figure from \$500 to \$5,000? [LB338]

SENATOR GAY: Because...the reason why, I thought it made sense to me to ask for that. Many times, as we have a wealth transfer going on in the country, people come into money through an inheritance or something like that, and... [LB338]

SENATOR CHAMBERS: We have a what? A well transfer? [LB338]

SENATOR GAY: Wealth. There's a massive wealth transfer going on. [LB338]

SENATOR CHAMBERS: Oh, wealth. Oh, okay. [LB338]

SENATOR GAY: There is, from estates and things like that. As somebody comes into a...some money, a lot of times their priority is education for their kids or their grandkids. With a \$10,000 amount, they could put the \$10,000 into the account and just have a great influx of money, which would be a huge opportunity for that child or their grandchild. So I thought it was very appropriate. It... [LB338]

SENATOR CHAMBERS: Well, \$20,000 would be more, though, wouldn't it? [LB338]

SENATOR GAY: Yeah, \$20,000 would be more. Yes. [LB338]

SENATOR CHAMBERS: Would you be in favor of upping that amount to \$20,000? [LB338]

SENATOR GAY: No, I wouldn't. I don't think that's needed. But... [LB338]

SENATOR CHAMBERS: It's not needed, or you think it's not politically...? [LB338]

SENATOR GAY: Not for a tax deduction. Right now, Senator, you could put \$60,000 in there, but it's not needed for a tax deduction. If somebody is going to do that, at that point, I mean, they would do that. But I don't think...the goal with this is, it's a nice

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compromise, and we just voted for that. And I agree with that. But there's a certain amount. If you want to put more in, you can, but I don't know that we want to, as you discussed, give away a lot more revenue to do that. [LB338]

SENATOR CHAMBERS: I don't want to put more. I'm trying to get an understanding. When you say this is a compromise, you mean the committee amendment which we adopted is a compromise? [LB338]

SENATOR LANGEMEIER: One minute. [LB338]

SENATOR GAY: Yes. [LB338]

SENATOR CHAMBERS: What about just doubling that amount, that original amount, from \$500 to \$1,000, and the \$1,000 on the next line to \$2,000? Would you support that? [LB338]

SENATOR GAY: No, because I think \$5,000 was an appropriate amount, because that's more in line. Back in 2000, actually, when you were debating this bill, \$2,000 was put out there. But it was a new program, so they decided not to do that. And...but the times have changed. This program has been around. College, obviously, has gone up a lot more, as Senator Synowiecki discussed. Tuition is going up. So this is appropriate adjustment for the price of college education, and still an incentive for a parent or grandparent to save for their child. [LB338]

SENATOR CHAMBERS: Senator Gay, did you go to college? [LB338]

SENATOR GAY: Yes, sir. [LB338]

SENATOR CHAMBERS: Did your parents or your grandparents pay your way? [LB338]

SENATOR GAY: No, sir. I paid 100 percent of my college education. [LB338]

SENATOR LANGEMEIER: Time. [LB338]

SENATOR CHAMBERS: Thank you. [LB338]

SENATOR LANGEMEIER: Senator...thank you, Senator Chambers, and you're rerecognized. [LB338]

SENATOR CHAMBERS: Thank you, Mr. President. "Rerecognized." I like that. So the next time, will I be "re-rerecognized?" Senator Gay, I'm not through with you yet, if you will continue your discussion with me? [LB338]

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SENATOR LANGEMEIER: Senator Gay, would you yield to a question? [LB338]

SENATOR GAY: Yes, Senator. [LB338]

SENATOR CHAMBERS: Senator Gay, had you said earlier that you attended the University of Nebraska? [LB338]

SENATOR GAY: Graduated from the University of Nebraska, yes. [LB338]

SENATOR CHAMBERS: Okay. What's the difference between attended and graduated? [LB338]

SENATOR GAY: Attended...graduated means you got the appropriate hours and were conferred a diploma, I suppose. [LB338]

SENATOR CHAMBERS: If I just said "attended," would that necessarily mean that you did not graduate? [LB338]

SENATOR GAY: That's what I would interpret that to mean, but I assume you... [LB338]

SENATOR CHAMBERS: But on the face of it, it wouldn't necessarily mean that, would it? [LB338]

SENATOR GAY: I think most people that graduated would put they graduated, instead of putting they attended. [LB338]

SENATOR CHAMBERS: But I'm asking you, because you're a more precise thinker. I attended Creighton undergraduate school and I attended Creighton Law School. Did you attend the University of Nebraska? [LB338]

SENATOR GAY: I attended the University of Nebraska, and graduated. [LB338]

SENATOR CHAMBERS: Okay. Why do you go beyond my question, Senator Gay? [LB338]

SENATOR GAY: (Laugh) You want yes-and-no answers to... [LB338]

SENATOR CHAMBERS: Here's what gets me. Sometimes you go beyond my answer...the question; then other times you won't answer the question at all. You're a cagey individual. That's all I will ask you, though. [LB338]

SENATOR GAY: Thank you. [LB338]

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SENATOR CHAMBERS: Members of the Legislature, this bill gives us the opportunity to discuss education and how important it is. I am extremely concerned about the lack of education given to nonwhite children and poor white children in the elementary schools in Omaha Public Schools. What good does it do to talk about early childhood education, meaning preschool, then you talk about middle school and high school, but the critical link is elementary school, and if they don't learn how to read, they don't learn math, they're not given facility in language, science is just a word, then all this other talk is worthless and a hoax is being worked on these children. And somebody has to speak for them. I don't care about specialty schools. I don't care about magnet schools. All of those are tack-ons. We need to look at the basic core element of public education, and in my view, that is the elementary schools. If a child gets to the third grade and can't read, that child is finished. And when it comes to the children I'm talking about, let us presume that somehow, miraculously, the situation that I criticize in the elementary schools in OPS would be corrected, and those children would get an outstanding education. It continues through middle school and high school, whether they go to one of these so-called specialty schools or magnet schools. I don't know why you have to get all these esoteric names when all you're talking about is a building in which are classrooms where teachers preside and are to educate children. When you have to add all these esoteric names, you're not talking about education; you're trying to distract attention from the fact that educating is not going on. But let's presume that through this K through 12 period, a quality education is given. Then the children enter a university--or one of these private schools, but I'll cast them out of the mix, because I'm talking about the public schools,... [LB338]

SENATOR LANGEMEIER: One minute. [LB338]

SENATOR CHAMBERS: ...over which we have direct control. They go to a third-rate university. All that they had gotten up to that point is wasted, and they should go someplace else to continue their education, instead of just taking up space. And that very well can happen, because I think to some extent it's happening right now in the University of Nebraska system. Thank you, Mr. President. [LB338]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Chambers, you do have your third light on. You're recognized. [LB338]

SENATOR CHAMBERS: Do I have my third light on, or do I have my original light on for the third time? [LB338]

SENATOR LANGEMEIER: Either way you want it. [LB338]

SENATOR CHAMBERS: Thank you. I want it correct. Members of the Legislature, language is important. What we say means something. If somebody were watching our debate, they'd say, that no-good so-and-so Chambers, not only does he run the

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Legislature; he has three lights. Everybody else has one light, but is one light good enough for Chambers? Oh no, oh no, Chambers is never satisfied. He got three lights. So if that's true, why get angry at me? Get angry at whoever gave me three lights. I had mentioned the other day about the question put to Shaka, whether or not a leopard could fly, and if he were offered wings, would he accept them. And Shaka said, yes, if the leopard were offered wings, he would accept them and he would fly. So if having one light is of value, certainly I will accept three if they're given to me. Am I to be backward and a pussyfooter because everybody else may be, or because there may be people who don't like the approach that I take because they're scared of their shadow and I'm not afraid of anybody's shadow or anybody who casts a shadow? There are things we are to deal with on this floor, and to the extent that I can force that kind of discussion, I intend to do it. And I'm going to continue talking about the need to advance the interests and the fortunes of the university. We have to look past some of the individuals who are connected with that institution, and look at what it is supposed to do. It is supposed to educate our and everybody else's children. I have a Page light on, but it hasn't been responded to. Oh, I'm sorry. Somebody is coming. Thank you very much. They are always on the ball. That's why I was somewhat nonplussed that nobody had shown up yet. Perhaps, because Einstein said time is relative, I thought a longer period of time had passed than really had. And you know why I thought that, Senator Synowiecki? They say time flies when you're having fun. Well, since I wasn't having fun, it seemed like time was creeping, not on little cat's feet, but on a snail's little underside. And you know they don't move very rapidly. But before I complete...how much time do I have, Mr. President? [LB338]

SENATOR LANGEMEIER: Two minutes. [LB338]

SENATOR CHAMBERS: Thank you. I want to applaud Senator Synowiecki bringing our discussion this morning right to the issue that we need to consider whenever we're talking about education, no matter how tangentially or incidentally. Senator Gay used the expression "wealth shift," or something like that. But he's for shifting money out of the General Fund into that Highway Fund, so that the irresponsible violator-of-its-own-standards can get more money to squander and fritter away because the committee that should exercise oversight is too busy being a sycophant, pandering to the Roads Department. [LB338]

SENATOR LANGEMEIER: One minute. [LB338]

SENATOR CHAMBERS: With the amounts of money they get and the untrammelled spending they can engage in, somebody has to deal with them. If I couldn't do a job, I wouldn't ask for it. But if I ask for it, that means I can do it; and if I don't, I should expect to take the heat. And there will be some heat from my side coming to the Natural Resources Committee, or whatever they're called. There's work that needs to be done that's not being done this session. And the ones on the outside know that people are

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here who either don't know anything, don't have the backbone to do anything, or are just too afraid or lacking in interest. But the little time that I have left here, I'm not going to spend it slipping and sliding through here, saying I'm a lame duck so I'm not going to do anything. We have a responsibility... [LB338]

SENATOR LANGEMEIER: Time. [LB338]

SENATOR CHAMBERS: Thank you, Mr. President. [LB338]

SENATOR LANGEMEIER: Thank you, Senator Chambers. (Visitors introduced.)  
Senator Pahls, you are recognized. [LB338]

SENATOR PAHLS: Mr. Chairman, members of the body, I want to thank Senator Synowiecki and Senator Chambers for bringing up a couple issues this morning. I heard Senator Synowiecki say that we have children or young adults who are ready to meet that senior year and then they have nowhere to go. And I hear Senator Chambers say that we are concerned about the children at the elementary level. So am I. Both of these individuals have spoken to one of the issues that I have brought forth on the floor by paper or by voice at times. We need to give the schools adequate funding, but we need to hold them accountable. And one of the suggestions I have had is we need to audit them. I'm not talking financial, but we need to audit the schools to see what's going on. Let's say that we have an issue in the secondary level that there are funds out there, and I can assure you there are funds out there that children or young adults have not had the opportunity to grasp and go on to higher learning. Maybe it's because something is happening in that school system. Possibly it could be the counselors are not doing their job appropriately. In elementary, let's say that we have some learning issues that are going on down there at that level. We can investigate that. And sometimes if we work within the systems, we are so blinded because we're working hard and not doing things intentionally wrong but we're just working day by day. So when you have an outside agency who comes in and takes a look at your school and tells you the good--and I'm going to say the good, the bad, and the ugly--so then they focus you on those areas. And they can say you need to look at these areas. And so it's written out and there are groups out there, there are private groups that do that, and in some states, the Department of Education. They have nothing to do with that school system, so it's not the "good ol' boys" network. So you take a look at these schools and you point out the issues. And if they are having problems not meeting the needs of the children at the primary level, at the elementary level, it doesn't take long; you say, you need to do this, this, this, and this. Because I truly believe in my heart that the majority of the classroom teachers are working hard. They actually are working their tails off. So what we need to do is take a look and say, you're right, you're working hard but we need to take a look at this. If we're willing to do that and we're willing to provide adequate funding, I think we can make things happen. That is, again, and you're going to hear me say this several times, that's why we need to take a look at our schools,

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praise them for what they're doing--and I think they're doing very many great things. But if there are some weaknesses, we can point those out. And it's transparent, everybody knows about it. For example, if we happen to go to a school that's not meeting the needs of those children, if we involve the parents and of course, the staff, it's out there, broad daylight. You can't hide it because it's public information. People can look at that and then they can question the administrator. What are you doing, how are you incorporating the parents in this battle of trying to make this a better world? What are you doing? Teachers, what are you doing? Parents, what are you doing? Kids, what are you doing? It's out there. I just think we need to work together as a group and make it happen. And as I've said, you can either do it by public--actually the state department. There are other organizations. McREL, out of...it's a regional center out of the Denver area. They'll come to schools. There are private companies that do this. And somebody told me, well, there's a cost factor. Can't be any more expensive than what we're paying for the attorneys, especially in a metropolitan area. If that \$12 million had been put in to make those schools better by having them analyzed, we would be a lot better off than we are. We wouldn't be even talking about some of these issues. We wouldn't be concerned about that elementary kid who cannot read. [LB338]

SENATOR LANGEMEIER: One minute. [LB338]

SENATOR PAHLS: Take a look at it. We have the answer. We have the questions and I think we have the answers. This is just one of the ways of approaching this issue. Because, see, it's very easy for me to say this school or that school is not meeting their needs because I'm doing it through my perception or just by taking a look at the outside. There may be things going on within that school that I know nothing about. There may be little issues that have drawn and have made into extremely large issues that do not have to be continued. So we can get the people in the education plus some of us in this chamber to make it help people. This is just one thing. And again, I would say, you're going to hear me talking about the concept of auditing, and I'm not talking about the financial, I'm talking about what happens within that school, what happens to that child, what happens to that teacher. Because I truly believe, I've been doing this for 30-some years, and I truly believe that there are a lot of good individuals out there. [LB338]

SENATOR LANGEMEIER: Time. [LB338]

SENATOR PAHLS: Thank you. [LB338]

SENATOR LANGEMEIER: Thank you, Senator Pahls. Mr. Clerk, for a motion. [LB338]

ASSISTANT CLERK: Mr. President, Senator Chambers would offer a floor amendment, FA51. (Legislative Journal page 939.) [LB338]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Chambers, you are

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recognized to open on FA51. [LB338]

SENATOR CHAMBERS: Mr. President, members of the Legislature, this is that amendment which would be found on page 6, line 13. After the word "married" I would insert "individual" so that the language would say "per married individual" rather than just "per married," even if the Internal Revenue Code says "per married." Now if somebody can show me where the insertion of this word "per married individual" when we're talking about a separate return, then I will withdraw this insertion. But as I stated, I'm sensitive about language. Some of you all may have heard me go through this before, but I'm going to go through it again, and as the session proceeds, again and again, and yet again. You talk about "Henry the Eighth, I am; I got married to the widow next door; she's been married seven times before; everyone was a Henry; she wouldn't touch a Willie or a Sam; and my name is Henry; so Henry the Eighth I am, I am." You know what, those little songs sometimes bring a smile. But on occasion, there is more to the song than what meets the eye or the ear the first time around. But repetition is necessary, especially in a legislative setting, hammering and hammering, like water also steadily dropping. Senator Carlson, few things are harder than stone, few things are softer than water. But that continuous running of the water cut the Grand Canyon through stone. And if you look at that magnificent vista, you wonder, how could water have done this? At any rate, what I'm going to mention again is the importance of language and we cannot emphasize that at too early in a child's education. But if the teacher is not proficient in the use of language, how can the teacher go beyond and above what he or she knows? Back to the water allusion, water will not rise above its level; water runs downhill if left to the laws of physics, unless there's some laws that have been amended and I didn't know it. And this Legislature is subject to do anything. But there's what I call the "Anthem to Ignorance" sung by Sam Cooke. And you all may have heard me mention it. But he says: I don't know, don't know much about history; don't know much biology; don't know much about a science book; don't know much about the French I took. Then to the young lady: but I do know that I love you; and if this one, if you love me too, what a wonderful world this would be. Two ignoramus going to get together and make a wonderful world, neither knows A from bullfrog. And if the child is given by nature the wherewithal to survive and is sent to the grocery store to get a can of corn, the child has to use his or her own devices and look on the label for a picture of some corn. Why do you think they have pictures of every product that is inside a sealed container? Because a lot of Americans cannot read. Cannot read. There are teachers who don't read well. Cuba, on the other hand, has the highest level of literacy of probably any country that has been reckoned, above 98 percent. And there are businesses in this country drooling about Cuba when Castro is no longer there so they will have the most literate workforce in this hemisphere and probably in the world. So what is that dirty "Communist," as they call him, doing that will bring such a high rate of literacy? Maybe communism ought to be tried in this country instead of capitalism, which is exploitive and based on the idea of Mr. A having something because he has exploited Ms. B, Mr. Coffee versus Ms. Tea. So we go back to this "Anthem of

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Ignorance". Don't know much geography, don't know much trigonometry; don't know much about algebra, Senator Carlson, don't know what a slide rule is for; but I do know one and one is two; and if this one can be with you, what a wonderful world that would be. And that's a tragedy. But as I conclude this little presentation always, Sam Cooke knew how to write music. He knew how to sing, and he did know more than what he suggested in this "Anthem of Ignorance," but these things put out there to our children can give the impression that there are things more important than learning all these things in these books. That's hard work, it's boring, I don't need it. I see a lot of people making it through the world by shaking their...I won't use the words they use, their rear end. So why don't I do that? The fewer clothes you wear, the better chance you have of making it. And there are people who are our age who would just tsk, tsk, tsk. But what can we show them that's any better? What can we show them that we're doing that is making the world a better place? They see us accepting campaign contributions, violating our own standards, and helping a rich developer get money to build a road to nowhere. And the kids say, well, I'm not doing anything that bad, so who are you to tell me anything? This is why when we talk about education, we need to stop talking only about preparing young people to work for somebody else, because that's not a high thing to aspire to if you're young. I'm going to school so I can work for somebody else? Tell them that if making money is what you want to do, you try to learn what it takes to run the company and hire other people to work for you. If you're in the military, you get all those braids and those badges on you so you can send other people to die and you don't have to die. You can send Senator Carlson's child and grandchild to die but your child and your grandchild will not die. And when Cheney and Bush are talking, Cheney tells Bush, good news and bad news. George says, what's the bad news? Cheney says, all those young people, men and women, are dying in Iraq and Afghanistan. Bush says, well, what's the good news? He says, our young children are not doing it, your children and mine are not there. But nobody else's child matters. And Senator Friend was upset a few years ago when I talked about how wrong America was to go stumbling off in these countries and killing all these young people for no purpose. And I said, bring them out, bring them home, turn them loose now. And now they're all saying it. Not every person, but it's popular and safe to say, bring them home now. I said it then. If they'd have listened to me, there are 3,000 young people who would still be alive now and tens of thousands who would not be shattered physically and mentally, some of them tucked away in VA hospitals that treat them like dirt in, by the way, dirty surroundings. Americans are hypocritical. Americans are cowardly and they will not speak when speaking is what is needed. They sit back and go along with the program. Then somebody such as myself am the bad guy. That's what is in my genes, to be the bad guy and say what needs to be said when it should be said, when it will make some difference instead of waiting until even the conservatives feel safe now saying, bring them home. You're not like Frank Buck. He was an animal trainer, no relationship to anybody in the Chamber as far as I know. His motto was "bring 'em back alive." [LB338]

SENATOR LANGEMEIER: One minute. [LB338]

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SENATOR CHAMBERS: He would go and get these animals and he would bring them back alive, not as skins to hang on somebody's wall or a head to hang on a door. And I want to bring the young people back before they die, because after they die, I don't have the power, Senator Carlson, to bring them back alive, meaning raise them from the dead. A young man, Christopher Marlowe, said, cursed be he who invented war. And he died in his middle twenties, not from warfare. But anyway, my amendment is simple and easily understood. If somebody can show me why it ought not to be offered, speak now. Thank you, Mr. President. [LB338]

SENATOR LANGEMEIER: Thank you, Senator Chambers. (Visitors introduced.) You have heard the opening on FA51 offered by Senator Chambers. The floor is now open for discussion. Senator Synowiecki, you are recognized, followed by Janssen and Chambers. [LB338]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier. Senator Gay, would you yield? [LB338]

SENATOR LANGEMEIER: Senator Gay, would you yield to a question? [LB338]

SENATOR GAY: Yes. [LB338]

SENATOR SYNOWIECKI: First of all, are you okay with Senator Chambers' amendment? [LB338]

SENATOR GAY: This bill, Senator Synowiecki, if you'd bear with me, was drafted in 2000. There's no questions or any concerns on that. We changed the numbers, that's all. I wouldn't want to do that because tax code is very complex. But I'll let Senator Janssen talk on that. I did not draft every word of this bill. [LB338]

SENATOR SYNOWIECKI: Okay. [LB338]

SENATOR GAY: I'm going to vote no on this. [LB338]

SENATOR SYNOWIECKI: Well, I just wanted to give you an opportunity to speak to the amendment. And then Senator Janssen... [LB338]

SENATOR GAY: Thank you. I think Senator Janssen may, too. [LB338]

SENATOR SYNOWIECKI: ...is going to that, that's fine. [LB338]

SENATOR GAY: Thank you, Senator. [LB338]

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SENATOR SYNOWIECKI: Senator Gay, I did run across just now--so I'm not trying to hold up anything, I think we're going to be here until noon anyway... [LB338]

SENATOR GAY: No, it's okay. [LB338]

SENATOR SYNOWIECKI: ...some quotes that you gave us to support your bill. The first quote you have is, according to President Milliken, tuition across NU's four campuses will rise and academic programs will be chopped. And it's cited Lincoln Journal Star, March 6, 2007. Your bill won't remedy the chopping of programs. Is that fair to say? [LB338]

SENATOR GAY: No, I think this arms the individual to help pay for whatever is going to happen. If we can stop those tuition increases, great. [LB338]

SENATOR SYNOWIECKI: Well, I'm getting my point. If we appropriately fund secondary education, both the university, community colleges, and state colleges, that would provide the remedy for the chopped programs and the tuition in that quote. [LB338]

SENATOR GAY: Assuming the university uses the money appropriated in an appropriate way, I agree with you, Senator Synowiecki. [LB338]

SENATOR SYNOWIECKI: Senator Gay, next quote, if we raise tuition, rural Nebraska can't attend college. If they don't go to college, the economic development of rural Nebraska doesn't happen and rural Nebraska continues its downward spiral. This is attributed to Chancellor Stan Carpenter with the Nebraska State College System. Again, your bill really doesn't speak to tuition. But we have within the purview of the Legislature the power to speak to the tuition increases. Would you agree that appropriate level of funding for state colleges would be a remedy relative to that particular quote? [LB338]

SENATOR GAY: I think it would be very helpful. [LB338]

SENATOR SYNOWIECKI: The next quote you have here, despite the importance of a college education to an individual's future success and the competitiveness of the entire economy, steep tuition increases have made college an intimidating financial hurdle for middle-class families. That's the Joint Economic Committee on the federal level, February 2007. Again, Legislature has got it within its power, its purview to respond directly to that quote. Would you agree? We would respond to that by an appropriate level of funding for secondary education. [LB338]

SENATOR GAY: I agree. And also... [LB338]

SENATOR SYNOWIECKI: Does your bill have anything to do with tuition rates relative

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to what this speaks to? [LB338]

SENATOR GAY: This just empowers, I think, people to save to deal with that. No direct...it has no bearing on what the university or any university will charge on tuition. That would be, obviously, Board of Regents. And you're right, we could help. [LB338]

SENATOR SYNOWIECKI: And we have, albeit indirect, we can have a substantive say in that, can't we, through our appropriations process? [LB338]

SENATOR GAY: We're all learning the appropriations process, but I would assume that's a fair statement, definitely. [LB338]

SENATOR SYNOWIECKI: I'll just read you one more of your quotes. Nebraska and 42 other states are failing to offer students an affordable college education. Tuition increases that are outpacing available financial aid make it tougher for middle-class Nebraskans to send a child to college than a decade ago. This is attributed in the Omaha World-Herald. Again, your bill... [LB338]

SENATOR LANGEMEIER: One minute. [LB338]

SENATOR SYNOWIECKI: ...might mitigate to a degree middle-class families, maybe upper-middle-class families who put aside some money for every month. But we as the Legislature has within its purview and its power through the appropriations process perhaps to be more responsive to that quote. [LB338]

SENATOR GAY: I believe we could. [LB338]

SENATOR SYNOWIECKI: Thank you, Senator Gay. [LB338]

SENATOR GAY: Thank you, Senator. [LB338]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier. [LB338]

SENATOR LANGEMEIER: Thank you, Senator Synowiecki. Senator Janssen, you are recognized. [LB338]

SENATOR JANSSEN: Thank you, Senator Langemeier, members of the Legislature. The way the language is written on line 13, it probably appears in documents a thousand times or more. This is the correct language the Department of Revenue uses and intends to keep using. So if we really want to be correct, then this is the language as written that we need to use. I understand that Senator Chambers is using this, he insists that we should put "individuals" in there. We would probably have to change the statutes probably a thousand times if we were going to rewrite that particular language

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into the bill. I think it's correct the way it is. I see no need to add "individuals" behind "married." With that, I would answer any questions if someone would have any questions to ask. But that would be, in my opinion and in counsel's opinion, that it needs to be left the way it is. With that, thank you for the time. [LB338]

SENATOR LANGEMEIER: Thank you, Senator Janssen. Senator Chambers, you are recognized. [LB338]

SENATOR CHAMBERS: Are there other lights, Mr. President? [LB338]

SENATOR LANGEMEIER: No, there are not. [LB338]

SENATOR CHAMBERS: Then I will let this be my closing. The reason I'm going to close is to let you know what this amendment does. It does not hurt the bill or affect the bill in any way. Instead of leaving the word "married" standing there, I would insert after it "married individual." There's so much allowed per married individual filing separately. And I think we ought to say what it is that is married, and we don't have to leave it to anybody's conjecture, even though somebody would say that is like the grammatical construction where the word "you" is understood. Well, I don't want to just understand that certain words are intended when it's very easy for us to insert the word. So that's all this amendment would do. That's all I have to say, Mr. President. And this one is of so little consequence to me that if you want to get even with me, this is the time to do it. Vote red and there will be no price to pay. Thank you, Mr. President. [LB338]

SENATOR LANGEMEIER: Thank you, Senator Chambers. You have heard the closing on FA51 offered by Senator Chambers. The question before the body is, shall FA51 be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Have all those voted who wish to? Senator Chambers, for what purpose do you rise? [LB338]

SENATOR CHAMBERS: I would ask for a call of the house. [LB338]

SENATOR LANGEMEIER: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB338]

CLERK: 36 ayes, 0 nays, Mr. President, to place the house under call. [LB338]

SENATOR LANGEMEIER: The house is under call. Senators, please record your presence. All those senators outside the Chamber please return to the Chamber. And all unauthorized personnel please leave the floor. The house is under call. Senators Dierks, Lathrop, Aguilar, Ashford, Raikes, Pedersen, please return to Chamber. The house is under call. Senators Dierks and Lathrop, please return to the Chamber. The

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house is under call. While we're waiting, Senator Chambers, how do you wish to proceed? [LB338]

SENATOR CHAMBERS: Roll call. [LB338]

SENATOR LANGEMEIER: In regular order? Thank you. All the senators are present or accounted for. The question before the body is, shall FA51 be adopted to LB338? There's been a request for a roll call vote in regular order. Mr. Clerk. [LB338]

CLERK: (Roll call vote taken, Legislative Journal page 939.) 24 ayes, 9 nays, Mr. President, on the amendment. [LB338]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. The Chambers amendment, FA51, does not pass. We return now to discussion on LB338, the bill itself. And with that, I raise the call. Seeing no lights on, Senator Gay, you are recognized to close on LB338. [LB338]

SENATOR GAY: Thank you, Mr. President. Very briefly, I appreciate my colleagues' discussion on this. I thought there was some very good points made. I agree with many of them. This particular bill, if you would support, I think empowers people to help get any further education. This, again, does not mean always a four-year education. This could be at a community college, many other things. So I think it's an important tool in the toolbox to help them reach those goals. And again, I appreciate my colleagues' views on this. I would say that the Governor has proposed \$1 million a year for a scholarship fund that has been through the initial round of the Appropriations Committee and approved. So I think there is some very valid arguments to be made for that. But on this particular bill, I would encourage your support and ask for your support. Thank you, Mr. President. [LB338]

SENATOR LANGEMEIER: Thank you, Senator Gay. You have heard the closing on the advancement of LB338. The question before the body is, shall LB338 advance to E&R for initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB338]

CLERK: 45 ayes, 0 nays, Mr. President, on the advancement of LB338. [LB338]

SENATOR LANGEMEIER: LB338 does advance. Mr. Clerk. [LB338]

CLERK: Mr. President, some items. New resolution, Senator Kruse offers LR61. That will be laid over. The Committee on Revenue, chaired by Senator Janssen, reports LB235 to General File with amendments, LB488 to General File with amendments. The Revenue Chair...and LB697 indefinitely postponed. Natural Resources, chaired by Senator Loudon, reports LB705 to General File. Education, chaired by Senator Raikes,

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LB316 to General File with amendments. I have a hearing notice from Natural Resources Committee. An amendment to LR6CA from Senator Avery. An announcement that Business and Labor will have an Executive Session tomorrow at 10:00 a.m.; Business and Labor tomorrow at 10:00 a.m. underneath the north balcony. And Mr. President, announcement that the Education Committee will meet in Executive Session in Room 1126 over the noon hour; Education Committee, Room 1126. (Legislative Journal pages 940-947.) [LR61 LB235 LB488 LB697 LB705 LB316 LR6CA]

Priority motion, Mr. President. Senator Nelson would move to recess until 1:30 p.m. []

SENATOR LANGEMEIER: You have heard the motion to recess until 1:30 p.m. today. All those in favor say aye. All those opposed say nay. We are recessed until 1:30. []

RECESS []

SENATOR LANGEMEIER: Good afternoon, ladies and gentlemen, and welcome to the George Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Mr. Clerk, please record. []

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

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Do we have any items for the record?

CLERK: Just one, Mr. President, new resolution. Senator Howard offers LR62. That will be laid over. And that's all that I have. (Legislative Journal pages 947-948.) [LR62]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. We will proceed now to the first item on the afternoon's agenda, LB405. [LB405]

CLERK: LB405, a bill by Senator Pedersen. (Read title.) The bill was introduced on January 16, referred to the Urban Affairs Committee, advanced to General File. There are Urban Affairs Committee amendments pending, Mr. President. (AM497, Legislative Journal page 676.) [LB405]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Pedersen, you are recognized to open on LB405. [LB405]

SENATOR PEDERSEN: Thank you, Mr. President and members of the Legislature. Most of you know what LB405 is. My staff, Barb, has done a wonderful job in typing me up an introduction, and I'm going to lay that introduction aside and just visit with you a couple minutes. In 1964 I came to Nebraska from a little town in South Dakota called Winner, South Dakota, to work at Boys Town--Boys Town, Nebraska, the world-famous Boys Town. I worked there for 13 years. Nine years I lived in a house with 20

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adolescent boys by myself, and then I went into administration as a camp director and met my wife. We were married the last few years, and I lost my job in the changeover of administration. But it was 33 years ago, when my wife and I were looking to build a new home, that we chose Elkhorn to be our home, because it was close to Boys Town and I thought I would be there forever. As all of you know, Elkhorn was recently annexed by Omaha, and I'm not going to make any differences with that at this point. Elkhorn is our home and will always be our home. But there's no vindictiveness on my part, as far as coming, talking about Omaha. Whenever away from Elkhorn or Omaha, people ask where you live, I said Omaha. We live in Omaha, because nobody knew where little Elkhorn was. Omaha has been our home. My wife was raised there her whole life, and I met her there. So I'm not anti-Omaha. I worked in Omaha for many years. I still work in Omaha. This bill has nothing to do with our feelings about being annexed or not annexed, but it does have to do with, now that we are annexed, as having representation on the city council of Omaha, which I am now a part of. The cornerstone of our democracy is representation. By adding two members to the Omaha city council, I believe that the numbers would be much more manageable for representation with a number of nine, instead of a number of seven. Right now with the new annexed areas, the Omaha representatives of seven on the city council are representing right close to, let's see, 59,000 people. Those of us in here are representing around 35,000 people. I think it's only fair, and I think it's only right that we could ask for more representation when there's been more numbers added to the population of Omaha. Of course, this bill does not guarantee that Elkhorn would have its own representative, or them areas that were just recently annexed, the SIDs that came in with it, but it would give them a better chance than the way it has been divided up now with the current city council. I'm asking you to please take a look at all the sides of this bill as we discuss it, and hope that you will vote for it, and give us another chance of having one representative for the new annexed areas, instead of two. And again, I will reiterate that this does not guarantee that, but would give us a better chance. With that, I know there are amendments from the committee, and I will close saying thank you, and please, again, take a good look at all sides. Thank you. [LB405]

SENATOR LANGEMEIER: Thank you, Senator Pedersen. As the Clerk has stated, there are amendments from the Urban Affairs Committee. Senator Friend, as Chair of the Urban Affairs Committee, you're recognized to open on the committee amendments. [LB405]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. As drafted, this bill makes a significant policy shift beyond the simple addition of two new council members for metropolitan class cities, so that's what we had to deal with, or that's what we felt like we needed to deal with as a committee. In Section 2 of the bill, amending Section 14-201.03, the new subdivision echoes the language of...excuse me. The new subdivision 2 echoes the language of new subdivision 1, the current statute. And this has the election commissioner assuming responsibility for the redistricting of

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the city into nine districts, while leaving any future redistricting to the city council. The language of the current Section 14-201.03, which as the election commissioner dividing the city into seven districts is an historical artifact. When LB71 in 2001 was adopted, the election commissioner was taken out of the redistricting process, but the amendment did not take out this initial phrase in the statute, since it had relation only to the initial redistricting mandated when LB329, which was the bill that created district elections in Omaha, was adopted in 1979. It was not necessary in 2001 to remove that language, since the number of council members in districts was not being changed with LB71. By repeating that language in new subdivision 2 of the amended Section of 14-201.03, the passage of this bill would return to the election commissioner in Douglas County the responsibility which was removed by LB71 in 2001. Okay, the committee amendments delete the old language of Section 14-201.03 and amends the provisions of Section 2 to add two new districts to a metropolitan class city council, while preserving the redistricting function in the city council. Finally, there's an emergency clause added, to speed up the change to a larger city council by permitting works to begin immediately on the redistricting, and the appointment of two new council members, without the obligatory wait of more than three months from the end of a legislative session before work could legally begin on the activities. That's all the committee amendment does--clarifies and cleans up. I would ask for the adoption of the Urban Affairs amendment, AM497 to LB405, and the advancement of the bill. Thank you, Mr. President. [LB405]

SENATOR LANGEMEIER: Thank you, Senator Friend. You have heard the opening on LB405 and the opening on the committee amendments by the Urban Affairs Committee, AM497. The floor is now open for discussion. Those wishing to speak: Schimek, Chambers, Pedersen, Howard, and others. Senator Schimek, you are recognized to address AM497. [LB405]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I stand in favor of the committee amendments, and want to find out from Senator Pedersen, if I can, a few more details about the bill. [LB405]

SENATOR LANGEMEIER: Senator Pedersen, would you yield to a question? [LB405]

SENATOR PEDERSEN: Yes, Mr. President. [LB405]

SENATOR SCHIMEK: Thank you, Senator Pedersen. Senator Pedersen, did I understand you to say that right now, each city council member represents about 59,000 citizens or constituents? [LB405]

SENATOR PEDERSEN: That's right, Senator. After the annexation it's right at close to 59,000. [LB405]

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SENATOR SCHIMEK: So that means...that's based on a population of about 413,000, and I haven't gotten to the calculations yet. I just borrowed a calculator, but if your bill went through, there would be nine city council districts, which then would mean that how many people would be represented in each city council district, with the increase in the number of districts? [LB405]

SENATOR PEDERSEN: Increase of nine would bring it to close to 47,000, Senator. [LB405]

SENATOR SCHIMEK: Forty-seven thousand? Okay, and what's the population of Elkhorn? [LB405]

SENATOR PEDERSEN: The population of Elkhorn itself was about 6,500; somewhere between 6,000 and 7,000. [LB405]

SENATOR SCHIMEK: So even in the best of circumstances, Elkhorn is not going to own its own city council person, no matter how you cut the pie, right? [LB405]

SENATOR PEDERSEN: It's not necessarily; that's right. This does not guarantee that. [LB405]

SENATOR SCHIMEK: They'd be a small part of a larger population district. [LB405]

SENATOR PEDERSEN: Yes, that would also include them SIDs that Omaha had to annex to get to Elkhorn. [LB405]

SENATOR SCHIMEK: Okay. Well, I'm kind of...I'm trying to think this through, but what I'm wondering here is why is it necessary to increase the city council districts. I'm not sure what you're trying to attempt here. Are you...is your goal to prevent Elkhorn's division into two city council districts? [LB405]

SENATOR PEDERSEN: Yes, Senator. [LB405]

SENATOR SCHIMEK: Could that not be done by leaving the city council districts the same? [LB405]

SENATOR PEDERSEN: That is not what the Omaha city council did, Senator. [LB405]

SENATOR SCHIMEK: But is...could that be done? [LB405]

SENATOR PEDERSEN: I don't know. I mean, I haven't looked at them possibilities of how they would redraw them lines. [LB405]

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SENATOR SCHIMEK: Well, I'm looking at this map, and I think it would be possible to put all of Elkhorn into one city council district or another--either five or six--and you could basically accomplish the same thing, maybe without increasing the number of districts. [LB405]

SENATOR PEDERSEN: That possibly could have been done, Senator, but that isn't what they chose to do. And you know, with adding that many people, we thought that we'd go ahead and, you know, add two seats anyway and move on with adding more seats, and hopefully, take care of that growth in the future, also. [LB405]

SENATOR SCHIMEK: Well, I appreciate that, Senator Pedersen. I appreciate what you're trying to do for Elkhorn, and I'm just wondering. Some of the opposition seems to come from increasing the numbers, and I'll be interested to hear what other people have to say, as well. [LB405]

SENATOR LANGEMEIER: One minute. [LB405]

SENATOR SCHIMEK: I'll be interested to hear what Senator Chambers has to say, because he's the one who was responsible, in the first place, for elections by districts. So I'd like to get his take on it, as well. But I just throw that out there as a thought, because I think maybe the same thing could be accomplished without actually adding to the number of districts. So thank you very much, Senator Pedersen. [LB405]

SENATOR LANGEMEIER: Thank you, Senator Schimek. Senator Chambers, you're recognized. [LB405]

SENATOR CHAMBERS: Mr. President, members of the Legislature, with all due respect to Senator Dwite Pedersen, I am four-square opposed to this bill. It took me several years to move Omaha from an at-large system to a district election system. Before I did that, you could have taken a map about the size of the one that was handed out to us, or maybe a full-size map, and place a quarter on it, and you'd include just about all of the members who were elected at large on the city council. They would run together, and they could pool their resources and were the only ones who could raise enough money and profile to be elected. There had never been a black person on the council, nobody from South Omaha. And a very terrible waste treatment plant was in South Omaha. Nobody on the council was responsive. And I did what I could here in fighting against those things, but pointed out that until we had representation by district, which was the rule throughout the state, there would never be any concern shown for the area east of 72nd Street, north or south of Dodge Street. So when districts were put in place, it came after several years of hard struggle, overcame vetoes by, of all people, the Democrat Governor, and after I got district elections, his son, Steve Exon, got elected to the council by district, when he never could have gotten elected in an at-large system. If this were an issue of representation, I would have led the way. This is a

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continuation of the struggle and the dispute between Omaha and Elkhorn. I don't know that that's Senator Pedersen's intent, but I'm telling you, based on the facts of the situation, that's what it is. About 8,000 people come into the city, so you create two new council districts? Senator Pedersen acknowledged that there's no guarantee that Elkhorn would be entirely in one of the districts. But even if it were, how much impact, voting as a bloc, are they going to have in a district of 57,000 or so people? Scarcely any. This is not something that I believe the Legislature ought to do at this time. If the governing structure of the city of Omaha is to be changed radically, as this will do, if there are seven members now, what is the percentage that you get when you take two-sevenths and say you're going to increase it by that many? There should be serious consideration given to the impact on all aspects of the governing of the city of Omaha. The present city council, pursuant to a law that I got passed a few years ago, now draws the city council districts. They have redistricted the city council. There has been a minimum of disruption in all of the existing seven districts. There has been an allegation, if you want to call it that, that 8,000 people are going to be disfranchised because they did not vote for the present city council. That argument was raised when we moved from at-large to a district system, because after the districts were drawn, there were people placed in a district who had not voted for the person representing their district. The Supreme Court wisely pointed out that this is a transition period, and to get from point A to point B,... [LB405]

SENATOR LANGEMEIER: One minute. [LB405]

SENATOR CHAMBERS: ...there's no other way to do it than the way adopted by the Legislature. In this instance, there are people in Elkhorn who are still chafing, who are still angry, and some are bitter. That cannot be resolved by the Legislature, and nothing should be done by the Legislature, in my opinion, that would encourage the maintaining of that kind of animosity. Doing what Senator Pedersen is asking us to do is not going to do away with the hard feelings that exist on the part of Elkhorn people, due to being annexed by Omaha, which they did not want. So I am not in favor of creating two new districts, altering the governing structure of the city of Omaha, to accommodate 8,000 people who may not get what it is that some people say that they're trying to get, anyway. Thank you, Mr. President. [LB405]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Wishing to speak we have Pedersen, Howard, Friend, Mines, and others. Senator Pedersen, you are recognized. [LB405]

SENATOR PEDERSEN: Thank you, Mr. President, members of the Legislature. Yes, I do agree with Senator Chambers, and mentioned that in my opening, that it will not guarantee Elkhorn any representation. And it surely wouldn't do anything to take care of the anger and hurt that some of those people in my area have over the annexation. However, this bill was drafted last year, in the anticipation of them annexing at that time,

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because of the fear of being cut up into more than one district, which has come true with the annexation. First of all, talking about the Urban Affairs amendment, I am in support of the committee's amendment. As far as the number goes, I think it's only right, again, that we give these people who are annexed representation on the city council, to make sure that they are not treated as the, for lack of a better word, stepchild of another area. There will be great effort on the part of the city of Omaha for awhile, to make everything look good. And there's not a person on that board or city council--some of them I don't even know personally--that I have any personal gripes with. But I do believe that representation with a manageable amount of people that you represent is most important, and that's what I am trying to do with this bill, and I do not see that it would hurt anybody politically, from the mayor to the city council, in any way, shape, or form. It would give more representation, which is what our government is made of. Thank you. [LB405]

SENATOR LANGEMEIER: Thank you, Senator Pedersen. Senator Howard, you're recognized. [LB405]

SENATOR HOWARD: Thank you, Mr. President and members of the body. I'm supportive of LB405 for a number of reasons, but primarily because I have a deep belief in personal representation. Every individual has the right to be able to access those who represent them in whatever elected body or office that they hold. The Omaha city charter set the city council number at seven members in 1956. That number has not changed from that period of time, even though the population of Omaha has nearly doubled. As you can imagine, the larger numbers make for less access, less response, more impersonal government. City government needs to be a neighborhood-oriented system that residents can have more personal contact with and be able to reach their representatives. This is the level of government that deals with your everyday concerns. It deals with your trash pick-up, deals with your chuckholes, deals with things that happen in your neighborhood that you want some resolution on. Districts for the Legislature are approximately 35,000 individuals, and that actually is a manageable body. People have contact with us, people feel connection with their state senator. And I've often thought when I've sat in hearings hour upon hour upon hour, and considered the people who were sitting there, who had given up a day of their vacation to come down and be able to access us, to speak to us, to have a voice at the proceedings, who waited and waited and waited, simply to speak, I feel we have to be cognizant of the numbers that we are expecting our present city councilmen to represent, and we have to be appreciative of the individuals who have recently become members of that constituency. I welcome those individuals, those residents of Elkhorn, those taxpayers of Elkhorn, and I'd like to see them fairly and equally represented. Thank you. [LB405]

SENATOR LANGEMEIER: Thank you, Senator Howard. Senator Friend, followed by Mines, Schimek, and Chambers. Senator Friend, you're recognized. [LB405]

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SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. I was reminded, and I sometimes bring up movie quotes, book quotes, whatever, but I was reminded...this subject matter brings me back to a old movie, and since I'm an advocate and a guy who likes Boys Town, I remember the movie Boys Town. Mickey Rooney and other well-known actors that I can't name at this very moment, but...Pat O'Brien, I think. Mickey Rooney's...the person, you know, he's playing, a guy named Whitey, shows up at Boys Town and the president is showing him around. And the president goes, you know what? On a clear day you can see Omaha. And Whitey goes, oh yeah, then what have you got? I thought it was funny. Now it's not really funny anymore, because when you stand on a hill at Boys Town, not only can you see Omaha, but you can see a lot on a cloudy day. You can see a lot more than that. You can see growth, you can see economic development, you can see a city that's prospered with its westward movement--the only movement that it could make--by the decisions of a sometimes competent city councils and sometimes competent mayors, that made those economic development decisions--wise ones. Every time we're dealing with an issue out here, there's a reason that it's here. We know that. Senator Pedersen has his own reasons to bring a bill, or to bring legislative action. I don't know, in the deep recesses of his heart or his mind, what his reasons are. I only know mine, to a certain degree. I can't usually dig that deep. They say you only use, what, 10 percent of your brain? I think I'm lucky if I can get to that point. But I know what's on my mind, and it's not Elkhorn. It's not Elkhorn. It's not Elkhorn. It's the rapid growth. Here's an interesting tidbit. You know, in 1950, do you know how many city council members Omaha had--1950? Seven. Seven members in 1950. Oh, oddly enough, in 1979, they had seven then, too. Probably inappropriate representation in both of those eras, if you will. Why is it a problem, and why is it an issue when we bring that subject matter out here to talk about it right now? Fifty-seven years, at least, that that city council has been seven strong. I think it's totally appropriate that we deal with this subject matter, and it has nothing to do with Elkhorn--nothing. For me, it's the rapid growth and the expansion that Omaha has chosen for the economic development purposes. The time has come, either to talk about it or to do it. And for me, it's not political. There are all kinds of reasons that people don't want this to happen, all kinds of reasons that city council members in Omaha don't want it to happen, all kinds of reasons that the mayor doesn't want it to happen, all kinds of reasons, politically based. Boy, I wonder if this guy is running for mayor. He showed up to, you know, do this. Boy, this guy would sure like to see this happen. I'm pandering to the people in Elkhorn. I'm not pandering to anybody. I'm pandering to Jack. [LB405]

SENATOR LANGEMEIER: One minute. [LB405]

SENATOR FRIEND: That means nothing. I'm pandering to the idea that this is subject matter, when I first heard it, that was totally relevant, and by the way, nobody showed up in opposition. What...now there's opposition, and you've heard plenty of it, but why wasn't there then? Because they just thought that Friend would think it's a bad idea and

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not kick it out, or they thought that we couldn't do anything about it? We are empowered. Senator Chambers and others have talked on this floor about the power of the counties and the cities. They are empowered by us. The Constitution of the United States didn't give the power to the cities and the counties. The power is to the states, the sovereign operators that produce these answers to these questions. And we're going to produce an answer to this one, I have a feeling, today. [LB405]

SENATOR LANGEMEIER: Time. [LB405]

SENATOR FRIEND: Thank you, Mr. President. [LB405]

SENATOR LANGEMEIER: Thank you, Senator Friend. Senator Mines, followed by Senator Schimek. Senator Mines, you're recognized. [LB405]

SENATOR MINES: Thank you, Mr. President, colleagues. I'm going to stand in opposition to LB405, as well as AM497, and just let me explain why. Coming from the background...a municipal background, I understand that as growth happens, that you water down your representation. However, this one feels like a poke in the eye to Omaha to me, rather than a thoughtful and some kind of program where we evaluate the representation in a metropolitan area. I mean, why not 11 representatives? Why not 13? And if that's how we get closer to the people, as Senator Howard said, you know, as population doubles, perhaps we should double the bureaucracy that goes along with that. Omaha, in my opinion, is doing fine. The representation seems to be quite good. The council members themselves, by and large, oppose this measure, as you would expect, the mayor opposes it, as you would expect. And I guess when I look at the total outcome, Elkhorn had a population of about 8,000 people, Omaha has a population of about 425,000 people--about 2 percent of the population, and as Senator Chambers suggested, it doesn't matter how you split it or cut it, those 8,000 people in Elkhorn are going to have no more representation on a council seat with nine than they will with seven. It just isn't going to matter that much. And if you look at, just in particular--I'm not picking on Senator Pedersen, I'm not picking on Elkhorn--but if you look at the makeup of the city itself...you know, Elkhorn went through a process of annexation, as well. They started out with a city, I'm going to guess, 10 years ago, of about 2,000 or 3,000 people, with the intent to grow to 10,000 people so Omaha couldn't annex them. And that was the code that was followed by the city council, the mayor, and the city administrator. And you can see on the large map that was handed out, the northern part of the Elkhorn is the core city, the core city of Elkhorn that we all knew. Through annexation, you can see the southern part of that was added, and Elkhorn grew to 7,000 and 8,000 people. And then I think we all know the story that they tried to aggressively expand south, and that's when Omaha stepped in and took them. Elkhorn is not, as you would imagine in a rural community of Lexington or Platte Center or Columbus or Norfolk...it's not a homogenous city. Elkhorn is spread out into suburbs. They have a core city, but much of the city is suburbs. I believe that we are not doing the best work we can by expanding

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the number of council members in Omaha to nine, and would urge you to oppose LB405. Thank you. [LB405]

SENATOR LANGEMEIER: Thank you, Senator Mines. Senator Schimek, you're recognized, followed by Senator Chambers. Senator Schimek, you're recognized. [LB405]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I continue to understand where Senator Pedersen is coming from, and I think that it would be nice if there was some serious consideration of this. However, I continue to be concerned about adding two more council members. I don't think that's the right way to go. But what I would like to do is to give my time to Senator Pedersen at this point, if I could. [LB405]

SENATOR LANGEMEIER: Senator Pedersen, 4, 20. [LB405]

SENATOR PEDERSEN: Thank you, Mr. President, and thank you, Senator Schimek. Please, colleagues, remember that this isn't just Elkhorn. Elkhorn is about 7,000 people, and there was another annexed 4,000 people to get to Elkhorn. One of the biggest concerns with the Omaha city council currently is the cost of adding two more members, which is about \$150,000 a year for adding two members to the city council. That is probably a petty expense, compared to what they are gaining and what they spent to get it, and that doesn't count lawyer fees. They're gaining \$720 million, according to the Omaha World-Herald, on February 24, to their tax base. Now the next figure you want to remember, and keep this close to your head, they have to pay \$26 million--not \$150,000 a year, but \$26 million went onto their debt, to cover the debt for those high-priced areas that they annexed to get to Elkhorn. You've all got the big maps on your desks. The purple area on the far left that's coming out from District 5 and District 6, up until it gets to Dodge Street, is not Elkhorn. There are very high-priced residential areas that Elkhorn had no part of, but Omaha had to annex them to get to there. The number of people on the city council, as I looked at it last year and look at it now, has nothing to do...not just to do with the current 10,000 people, or 11,000 that it came to with the SIDs, but has to do with those numbers that have been growing in Omaha for the last ten years, or ever since Senator Chambers passed the law to make it seven. I agree with Senator Friend. This is about the growth of Omaha, and representation. The main reason we went to the number of nine was, one of the city council members last year, when talking about annexation...not annexation, but adding a number...a seat to the Omaha city council and the number eight was mentioned, and said no, we don't want eight, because that's a tie number, but nine would be probably workable. That's where the number nine came from. Now they don't support that any more,... [LB405]

SENATOR LANGEMEIER: One minute. [LB405]

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SENATOR PEDERSEN: ...but that is where the number nine came from. Adding a member, making it eight, and the tie business, we decided was also really kind of nil, because you need five votes, majority, to pass anything anyway. Again, if the growth of Omaha has grown much since Senator Chambers passed his bill to make it seven, and this bill would add...only the annexation of Elkhorn has, yes, sparked this, but another eleven, I think it's 11,000, with the SIDs, people,... [LB405]

SENATOR LANGEMEIER: Time. Time. [LB405]

SENATOR PEDERSEN: ...plus all the growth we've had since, would add to it. Thank you. [LB405]

SENATOR LANGEMEIER: Thank you, Senator Pedersen and Senator Schimek. Wishing to speak we have Chambers, Friend, Pedersen, Howard, and others. Senator Chambers, you're recognized. [LB405]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I am not one who often speaks in a way that could be considered for Omaha. There are so many contentious issues that black people and poor people face in Omaha, and so much that Omaha attempts to do ignores those groups or actually hurts them, that I generally am on the opposite side of anything that Omaha brings down here. This, however, is one of those matters where the Legislature should not jump into the middle of something which is based on a squabble. If the Bible was right, Senator Friend's tongue would have cleaved to the roof of his mouth, and his right arm would have lost her cunning, because if this has nothing to do with Elkhorn, then his name is not Friend. He knows it, and when people have to deny what everybody else knows, you know there is no argument. They blundered in rushing that bill out to this floor. They did it partly as a favor, and this is too serious a matter to be handled as a favor. Why do you think that I'd be speaking against something like this? But I'm going to tell you something, since they want to talk about representation. White people are more homogenous among themselves, speaking of white people in Elkhorn and those in Omaha, than black people in any group of white people. So let's break it down into those numbers. You would have nine people on the council--eight white people against one councilman who is black. Right now, we're outnumbered six to one. They want to make it eight against one, and then they want to talk about this representation. What kind of representation are they talking about? They can vote. Their interests overlap the interests of other white people. They parallel those interests. Sometimes they overlay directly. They will have representation. We all know that. So they use that word, but it does not apply when we're talking about other things of substance, where representation really counts, such as the way OPS is administered. And these people up here fat-mouthing about representation don't really care about it at all where it counts. This is about Elkhorn. This is continuing a squabble. This is taking a finger and sticking it in the eyes of the Legislature. And as for Jim Suttle, who came down there, he

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was with the planning department in Omaha when they split the black community with a freeway, and I held them off for several years down here. And having committee meetings, we took several thousand signatures to the white city council at that time, and you know what they said? Anybody can get signatures. But nobody could get that many against what they were doing. They destroyed our community. So I know the damage that can be done, and how we don't count for anything. So when we talk about representation, let's bring it right down to where the rubber meets the road. Eight white people against one black person is far worse than six white people against one black person, and that is sometimes how it breaks down, even now. There is racism in this society, and it's reflected in the people who are of the majority race. They support bad things that the police do in our community. Just the other day there was an incident written about in the paper, although it occurred several weeks ago, where this white cop was menacing people with his pistol when he was in his private car. But it happened in a white neighborhood, so they fired him. If it happened in our neighborhood, they wouldn't even accept the call and take it seriously. [LB405]

SENATOR LANGEMEIER: One minute. [LB405]

SENATOR CHAMBERS: They fired him, on the word of a citizen, a white citizen, complaining to 911. They conducted an investigation, and cops, knowing that they are encouraged to lie, lied during that investigation, like they do when we file a complaint as black people. They established that he was lying and they fired him. That won't happen when it comes to things that happen in our community. That's where the lack of representation rears itself. It is in our situation as black people that we can say, the representation that we have does not generate fairness, but it puts us in a position to have a meaningful voice, and one out of seven is more of a meaningful voice than one out of nine. If it hadn't been for Elkhorn, this wouldn't be before us. Senator Friend has been the Chair of that committee and has been a member of it, and he has never talked about expanding the size of the city council in Omaha, or bringing a bill to do it. Neither has Senator Dwite Pedersen. So... [LB405]

SENATOR LANGEMEIER: Time. [LB405]

SENATOR CHAMBERS: ...this talk of representation is smoke. Thank you, Mr. President. [LB405]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Friend, you're recognized, followed by Howard, Stuthman, Kruse, and others. [LB405]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. I withhold my laughter to try to get through the next five minutes. And I would think Senator Chambers, being the good listener that he is, would realize that my issue isn't with Elkhorn. I said that. Just because I didn't bring a bill doesn't mean I haven't cared

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about the size of the city council. And when...you know, I had an uncle on the city council way back when--same size as it is today. That's the point. I do believe in God, and my tongue isn't cleaved to the roof of my mouth right now. You're welcome. The bottom line is this: There's nothing wrong with this bill--functionally, nothing wrong with it. If there was, it wouldn't be out on this floor, and Urban Affairs would have killed it ourselves. If there's something theoretically wrong, let him make his case. But oddly enough, I haven't heard that yet. Can somebody go back to 1950 at least, and tell me why they had seven council members then, and it was...everything was just apple pie and...what's the proper rhetorical term? Everything--hotdogs--or is that baseball? This is a joke. We can't bring the issue up after 57 years to talk about it? I don't care who brought it, and I don't care what their reason was. I'm telling you the reason that I helped kick it out, and that it's legitimate public policy to discuss. And guess what? We're going to do that, and it's up to Senator Pedersen as to how long. Look, ten cities. Each one of our council members represents, right now, 57,000 people--54,000; is that it? Memphis, Tennessee, 650,000 people in that town. You know how many council members they have? Thirteen. They have two super districts represented by three members each. You know why they have those super districts? To represent minority needs. They've made those decisions. We can make those, too. But we can't talk about it, can we? Oklahoma City--they're talking about it down there. They were talking about it last year--506,000 people. They have eight city council members. They're looking to expand. Albuquerque, New Mexico, a growing community--448,000 people. They have nine. Tulsa, Oklahoma, nine--393,000. These are as of the 2000 census. Omaha, it's right after Tulsa; they have seven--390,000 people and growing. Colorado Springs, close to Omaha--they have seven; Wichita has got six--they're at about 344,000; St. Paul, Minnesota--two-thirds of the size of Omaha, seven members. Lincoln, Nebraska has seven members. Oh, but this subject matter is taboo. You know what? If we want to talk about minority representation in Omaha, let's do it. Throw some amendments up there. I'm talking about growth. I'm talking about the growth of the city of Omaha since 1950, at least. Let's talk about that. Did the subject matter come up because of what happened to Elkhorn? Yes. Should it have come up sooner? Probably. That's my view. I'd be happy to talk about this all afternoon. Maybe we will. Thank you, Mr. President. [LB405]

SENATOR LANGEMEIER: Thank you, Senator Friend. Senator Howard. [LB405]

SENATOR HOWARD: Thank you, Mr. President and members of the body. My esteemed colleague, Senator Mines, has referred to me as a fan of a bureaucratic structure, which I feel compelled to stand and share with him that I spent many years in a bureaucratic system--many, many years. And I would have to say, I am no fan of a bureaucratic structure. I am not, I am not standing in favor of this bill because I think we should have more bureaucracy, we should have more bureaucratic structure, we should promote that. No, I am standing here for the simple reason that Omaha now stretches from the Missouri River west to 256th Street. As the city annexes, the seven council

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district boundaries must shift west to balance the population among the districts. With two more district seats, city council district balances will shift back east. My district is inner-city Omaha, and I am proud of it. As the movement toward east would continue, this would increase the opportunity for representatives to be elected from the older, historic areas, from areas in north Omaha, and from the lesser...if you want to call them the lesser-income areas, the working people, the areas of Omaha where people are not considered to be influential, but are considered to be working hard and paying their taxes. I believe in fair representation. I believe that numbers matter. High numbers work against you. I will never bring a bill to you that promotes bureaucracy, and I will speak to you on the problems within a bureaucratic system. This bill is not intended to promote more bureaucracy. It's intended to promote fairness. Thank you. [LB405]

SENATOR LANGEMEIER: Thank you, Senator Howard. Mr. Clerk, for an announcement. [LB405]

ASSISTANT CLERK: Mr. President, I do. The Education Committee will meet at 2:45 in Room 2022. [LB405]

SENATOR LANGEMEIER: Thank you. Returning to discussion on AM497, Senator Stuthman, followed by Kruse, Schimek, and Chambers. Senator Stuthman, you are recognized. I'm not seeing Senator...oh, here he comes. I hear him. Senator Stuthman, you're recognized. [LB405]

SENATOR STUTHMAN: Thank you, Mr. President, members of the body. I've been listening to this debate for quite a bit of time. The thing that concerns me with not having individuals from the Elkhorn area serving on the board, and what Senator Pedersen is trying to accomplish, I think even the statement of saying that, you know, maybe they will never have an impact, even having a couple members on the board. But I think that is very true. But I think the thing that we have to look at is, they would have a voice. They would have a voice from that community on the board. Maybe they will never have anybody with the present existing board ever be from that community. Yes, it will be all one community combined. But I think at the present time I look at it as a community that has been governed by their own local board. Their local board knows what that community needs, they know the demands of the area, and I think, in my opinion, they're just asking for the chance to have a voice in the new system, and I think we, in my opinion, owe it to them. Thank you. [LB405]

SENATOR LANGEMEIER: Thank you, Senator Stuthman. Senator Kruse, you're recognized. [LB405]

SENATOR KRUSE: Mr. President and members, thank you. I am like others that you may hear. When I get done, you're not going to know whether I'm for this or against this, so if you discover, please tell me. I have come to the conclusion that the people of

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Elkhorn should vote against this bill, and I would submit that the senator representing the people of Elkhorn would certainly be opposing this bill. Under the bill--under the present circumstances, Elkhorn is represented by two city council members. They get two votes, and the proposal assumes that they would be dropped back to one. Let me assure you that having two ears on the city council is better than having one person listening to you. And it's kind of bemusing to me, because I was involved in the present lines of the city council, and noted that some people won and some people lost. If you've got that map in front of you, just take a look at it, and you can quickly see who in the lobby--and these were in the citizen input things and so on--the business section of West Center Street won, because they have two votes on the city council. They have both sides of Center Street, and they have their own association out there, so they got two people to go after, whereas the business group from Maple Street lost. They have only one vote on the city council, and those who were centering around 72nd and Dodge won, because they got three votes. So it's not as simple as we assume in all of this. I submit to you that if this bill passes, the people of Elkhorn might be pleased. If it doesn't pass, they should still be pleased, because they have two votes. Thank you. [LB405]

SENATOR LANGEMEIER: Thank you, Senator Kruse. Senator Schimek, you are recognized, followed by Chambers, Cornett, Pedersen, and others. [LB405]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. Senator Kruse makes a point, but I think that if you're one of say, 3,000 people in a district of 45,000 people, your voice isn't quite as strong. It's a little bit weaker. If you have 6,000 people in a district that's 59,000, your voice is a little bit stronger. Granted, you may only have one voice, but sometimes one voice is strong enough. I guess I'm having an amendment drafted that would give the option...or actually, wouldn't give the option--it would say that a city of the metropolitan class that has an annexation like this would do its level best to include that annexed area within the same district. It would not move...it would not increase the number of districts, but it would say that all the people of Elkhorn could go into one district. And I think that's an option that should be on the table, and I think it's doable. One of the things I got to thinking about, as I was thinking about redrawing lines, is if we did decide to adopt Senator Pedersen's bill, then we wouldn't have just one or two district lines being changed, but we would have all the district lines being changed. And it's only another five years until the next redistricting, so it seems to me that it would be better to only affect two council districts at this point, and then at the next...the next time around is when you could have that fight, the next time redistricting comes up. So I'm kind of leaning towards trying to find some way in which the district numbers don't move, don't increase, but yet you allow Elkhorn to remain within one district. It would be difficult to draw those lines, but I think it would probably be doable, and it might be the good thing to do, for the sake of good relations with that smaller community. At this point, I'd like to give the rest of my time to Senator Chambers, if I might. [LB405]

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SENATOR LANGEMEIER: Senator Chambers, 2, 20. [LB405]

SENATOR CHAMBERS: Thank you, Senator Schimek. Thank you, Mr. President. I'd like to ask Senator Friend a question or two. [LB405]

SENATOR LANGEMEIER: Senator Friend, would you yield to a question? [LB405]

SENATOR FRIEND: Yes, I will. [LB405]

SENATOR CHAMBERS: Senator Friend, if this bill passes, who will draw the boundary, the district lines, for these nine districts? [LB405]

SENATOR FRIEND: The city council. [LB405]

SENATOR CHAMBERS: The current city council? [LB405]

SENATOR FRIEND: Yes. [LB405]

SENATOR CHAMBERS: And how will people be...how will people wind up in the two additional districts, wherever they happen to be? [LB405]

SENATOR FRIEND: I would imagine it occurs the same way that it would with our previous, or at least...or our current process. I think that they will get in there and vote on how those...on how the council districts are, I wouldn't say gerrymandered, but created. So there's a...okay. [LB405]

SENATOR CHAMBERS: I don't want you to use your imagination. I want you to use your knowledge as the Chairman of the committee. [LB405]

SENATOR FRIEND: No, no, no. I know, I know, and that's why I stopped. [LB405]

SENATOR CHAMBERS: Okay. Are you going to withdraw everything that you've said up to this point? [LB405]

SENATOR LANGEMEIER: One minute. [LB405]

SENATOR FRIEND: (Laugh) No, I'm saying that the city council will use the process that they've always used since 2001 to create...or to redraw those boundaries. [LB405]

SENATOR CHAMBERS: So what you will have is this big new pie, and the current city council will divide it into nine parts, correct? [LB405]

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SENATOR FRIEND: Which used to be...correct. Which used to be the election commissioner's job (inaudible). [LB405]

SENATOR CHAMBERS: So now you have seven existing members, one in each of seven districts. How will you get the members for each of the two new districts? Where will they come from? [LB405]

SENATOR FRIEND: It doesn't have to be Elkhorn. [LB405]

SENATOR CHAMBERS: No, no. I meant how will they be...how will it be determined who the people are who will represent those two new districts? [LB405]

SENATOR FRIEND: Depends on... [LB405]

SENATOR CHAMBERS: Who will make that decision? [LB405]

SENATOR FRIEND: Oh, the city council, yeah. The city council will pick them out of those... [LB405]

SENATOR CHAMBERS: So if there's this dispute going on now, is this city council... [LB405]

SENATOR LANGEMEIER: Time. [LB405]

SENATOR CHAMBERS: ...likely to give Elkhorn what they want? [LB405]

SENATOR LANGEMEIER: Time, Senator Chambers, but... [LB405]

SENATOR FRIEND: Probably not. [LB405]

SENATOR CHAMBERS: Thank you, Mr. President. [LB405]

SENATOR LANGEMEIER: You are the next light, so if you'd like to continue. [LB405]

SENATOR CHAMBERS: Yes, and then I'm going to ask for a division of the question, because there are two parts here--one, to eliminate some obsolete language, which I don't disagree with; but then the emergency clause, which I do disagree with, because I don't support anything connected with this bill. So after I speak, then I'm going to see if I can, if it's necessary to approach, to divide this question, because I think it can easily be done. But here's the point, in all of this, that I see: Elkhorn is upset. To get back at Omaha, you change the governing structure of the city that annexed you. No study of any consequence or significance to determine what the impact of that would be. Absorbing these relatively small numbers of people in the two areas that Senator Dwite

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Pedersen mentioned has resulted in minimal adjusting of current boundaries for the city council of Omaha. Districts 5 and 6 will represent between them the bulk of the people in the newly annexed area. People talk about what Elkhorn is entitled to, and they can talk about that as much as they want to. Senator Friend said this is a policy issue and we should discuss it and we will. I don't discount any of that. But the fact that they sent this bill out here, I think, is not a wise decision to have made. That committee has not looked at the demographics of Omaha, so they start in an ad hoc manner to jerry-build certain arguments to justify what they're doing, and now all of a sudden, Elkhorn has nothing to do with it. This bill is out here because Omaha is expanding to the west. I am the one who years ago argued and mentioned to the people of Omaha and the representatives that they had better do something, because Omaha was going to be ringed about and unable to expand at all. They couldn't expand to the south and take Sarpy County. They were not going to go to the north and take Washington County. Although some people might have wished Omaha would expand into the Missouri River, they were not going to do that. So the only direction was west, and if Omaha waited too long, they could be ringed in by population groups large enough to prevent Omaha from annexing. So what is being done here is not unusual, it is not unheard of, and it should not be a surprise. The bitterness is there, but that does not justify altering the governing structure of the cities...of the state's largest city. When a point is reached where the population is so large and the representation is so diluted, I would support increasing the size of the city council, but that point has not been reached. And contrary to what Senator Howard suggested, southeast Omaha has representation, north Omaha, where I live, has representation, and we never had it before district elections. So she's talking about giving representation where it exists. Senator Stuthman is up here talking about, because 8,000 people come into the city, you should change the governing structure of the city because these people want it that way. [LB405]

SENATOR LANGEMEIER: One minute. [LB405]

SENATOR CHAMBERS: That's not a sound argument. It's a sympathetic argument. It's a justification for making an unwise vote, as a favor to somebody. But I live in Omaha, and I suffer, where there is suffering, from the problems that exist in that city. If I thought increasing the size of the city council would address them, I would have brought a bill. I brought the bill to bring district elections years running, and Senator Friend and nobody else--and they were old enough to say something about it--none of them participated, and most of the white people opposed it. Those on the city council opposed it, the mayor opposed it, the chamber of commerce opposed it, all of their friends opposed it, because they wanted to leave it like it is...like it was. And now all of a sudden you can get the impression that they were out there fighting like I am, to try to get district elections, that they were concerned about representation. No, they were not. The way it went, without us having any representation, or south Omaha having any representation, was all right with them. That was all right with them. [LB405]

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SENATOR LANGEMEIER: Time. [LB405]

SENATOR CHAMBERS: This is all about Elkhorn. And Mr. President, I'd like a ruling as to whether this question can be divided. I think it can. [LB405]

SENATOR LANGEMEIER: Thank you, Senator Chambers. I have reviewed your request for division, and it is dividable into two sections, the first being the emergency clause, and the second being the language change. Senator Friend, you're recognized to...this is pretty fresh. We're going to give you five minutes to restart on the first component of the division, the emergency clause. (FA52, Legislative Journal page 948.) [LB405]

SENATOR FRIEND: Thank you, Mr. President, members of the Legislature. Again, the emergency clause was to speed up the change in the cities, within the metropolitan class cities, the work by the city council, or permitting the work by the city council to begin immediately on the redistricting, and not having to wait the normal two months after a legislative session. Understandably, Senator Chambers...I took this up first, because frankly, Senator Chambers said this was obviously the biggest concern that he had, and I thought that it might be the most fun at this time, and the most appropriate. So may I continue, Mr. President, adding some thoughts in regard to that subject matter? [LB405]

SENATOR LANGEMEIER: Four minutes. [LB405]

SENATOR FRIEND: Thank you. Members, look, I understand the trepidation and the concern here. I do. And just to...the district...the redrawing of the districts and removing the county election commissioner as the redistricting agent, I wasn't here yet. I'm sure I probably would have been involved in the discussion, had I been, but I wasn't. I don't remember where I was in 2001--somewhere in Omaha. Look, there's a reason--and I can give you case studies or information from around the country--there's a reason that we approach these issues. Like I said from the very outset, there's a reason sometimes that legislative action is taken--something may spark it. The Elkhorn issue did spark this--there's no question in my mind. All I've said was, it wasn't my impetus or my idea, nor the committee's, for the most part, and I think I can speak for them on this particular issue, that believed that this subject matter should be out there. I found something in the Oklahoma City Journal Record last year. I mentioned Oklahoma City earlier. They have nine...excuse me, eight council members and looking to expand. The city's population...and I'm quoting out of the article here, an article by Brian Brus: The city's population has grown by about two-thirds since 1966, the last time Oklahoma City council wards were increased in number. Councilman Pete White said he wonders if it might not be time to consider adding two-thirds more wards, as well. Quote by Councilman White: Surely in 40 years it deserves another look. This city has become much larger from a population standpoint and much more diverse from an ethnic

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standpoint, end quote. Now, why can't we talk about that here, right now? You add two more council members. Why does it have to necessarily mean that we will lose the opportunity to gain diversity? The districts can only go so far. We've already established that Elkhorn is only so big, right? Those...there is an opportunity, a legitimate opportunity, to create actually more representation in some of the diverse areas of our city. There's an opportunity there. Now I can't be sure that that's going to happen, but the city is only so big. It's like taking a pie, cutting it up, and saying, let's cut it nine times, as opposed to seven, right? [LB405]

SENATOR LANGEMEIER: One minute. [LB405]

SENATOR FRIEND: How does that necessarily mean that we're going to lose minority representation? It doesn't, I would submit to you. There is an opportunity here, and I don't think--and I'm going to give our city council some credit here--I don't think that city council is going to be looking--this is just my guess; I know Senator Chambers doesn't like it when I guess, you know, but I'm going to, because I can't tell what's on their minds. But there's an opportunity here, and Councilman Suttle spoke to this, that there's an opportunity to expand minority representation. I think he'd like to see it happen. I don't know about the rest of them. I'd like to try to find out. Thank you, Mr. President. [LB405]

SENATOR LANGEMEIER: Thank you, Senator Friend. We had a number of lights on prior to the division, and we'll go through those. Senator Cornett, followed by Pedersen, Preister, Mines, Fulton, and others. Senator Cornett, you're recognized. [LB405]

SENATOR CORNETT: Yes. I yield my time to Senator Chambers. [LB405]

SENATOR LANGEMEIER: Senator Chambers, five minutes. [LB405]

SENATOR CHAMBERS: Thank you, Senator Cornett. Thank you, Mr. President. What you all are watching and what I'm experiencing is the sham paternalism of white people pretending to be concerned about increased minority representation. I am the embodiment of what they're supposed to be so concerned about, and you're not going to listen to me? My foot is the one in the vise, and you're going to listen to somebody else who might be turning that vise, telling you what it is that I'm experiencing? Do you think I want to diminish the representation of the people I'm concerned about? The short time that some of you have been here who were just elected, and the much longer time the rest of you, including Senator Stuthman, have been here, know what my thrust has been, not just for black people, but all of those marginalized groups. And these others who now suddenly pop up here talking about diversity should be taken with a grain of salt, in terms of anything they say. Jim Suttle is not known, nor does he have a track record of showing concern about nonwhite groups. He helped engineer the splitting of north Omaha with that freeway--the destruction of a community. Elderly people put out

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of their homes, the land taken, and they were not given enough money to purchase another home. You didn't get enough money to buy replacement housing--you got the value of that house, which they allowed to diminish by threatening to run that road through for several years. And by having that threat held over the head of my community, no development occurred. The property there lost in value. Nobody knew what was going to happen. Then when it reached the nadir, here they come and start taking people's houses and split the community, and that was engineered by white people, and Jim Suttle had a heavy hand in it. And now he has changed, and he's interested in the representation of black people, a white man is going to say he knows what's best for people who are not like him in any way? You all cannot seem to understand how tiresome it is as a black person, to constantly hear the paternalism of white people saying, we know what's best for you, and that's why we're going to do this, whether you like it or not, because you don't know what you need, but we know what you need, and we're going to give it to you, whether you want it or not. So instead of you being outnumbered six to one, you're going to be outnumbered eight to one. And that's in your best interests. What are they talking about? They can talk as illogically and crazy as they want to, when the interests of nonwhite people are at stake. I've never heard Senator Stuthman say such a nonsensical thing since I've been in the Legislature with him, and I've worked with him on some issues. He knows better than what he said. There's no logic or sense to it. He's a politician. He probably even served on some governing board before he came down here. And to say that these few people that are coming into Omaha justify changing the whole governing structure of the city, creating two new council districts for a number of people who make an infinitesimally small percentage of any district. You wouldn't do that for black people. [LB405]

SENATOR LANGEMEIER: One minute. [LB405]

SENATOR CHAMBERS: I'll cut a deal with you. Are you willing to make 23 districts in Omaha? Then black people can get more than one representative. Are you willing to do that, if you're really interested in giving us something because you all like to give us things, you know what's best for us? Are you willing to go for 23 districts? You'd say, H no, that makes no sense, because it doesn't fit what you all have in your plans. But I'm going to fight you, because that's what I'm here for, and I'm 1 out of 49. Thank you, Mr. President. [LB405]

SENATOR LANGEMEIER: Thank you, Senator Chambers and Senator Cornett. Senator Pedersen, followed by Preister, Mines, Fulton, and others. Senator Pedersen, you're recognized. [LB405]

SENATOR PEDERSEN: Thank you, Mr. President, members of the Legislature. Senator Chambers mentioned, diminish those people he represents. He does not want to diminish their representation. Nor do I want to diminish the representation of the people I represent. Yes, Elkhorn is the spark that got this bill going. But I don't want you

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to forget those SIDs that were annexed to get to Elkhorn. There's another 4,000 people there that are also in my district, and it's my job to represent them. I have Arlington, Bennington, Waterloo--they're also in my district. And those people that I have talked to also support this bill, and they're not even in Omaha yet. I can understand Senator Chambers and his district, but I want you to understand me and my district, also. You all know me. I didn't have this bill drafted so I could hurt somebody else in their representation. I don't work that way. I don't want people hurt. I want people taken care of. And these few people by themselves maybe do not deserve more representation, but there has been many more people added to the city of Omaha since the number was put at seven, than the 10,000 we're now talking about. Elkhorn is just the spark, again, to ask us for more...ask the city to give us more representation, and not ask, but demand them to represent us, as our government says. I would like to run across just a couple statistics of other towns and cities. Wichita, Kansas...let's see, Denver has 13 representatives, and they represent 42,000 apiece. Omaha is now representing many, many more than that--over 50,000, 59,000 to be exact. Milwaukee has 14 city councilmen, and they're representing 41,000. I'm asking for two extra members on the legislative council of the city, Omaha city council, which would bring them to 47,000, which is still more than some of these other large cities. Kansas City has 12, and they represent 36,000. I think the least we can do is have one representative for every 47,000. Thank you. [LB405]

SENATOR LANGEMEIER: Thank you, Senator Pedersen. Senator Preister, you're recognized. [LB405]

SENATOR PREISTER: Thank you, Honorable President, friends all. I rise in opposition to the E clause. I don't think that there is an emergency to do the additional two seats on the Omaha city council. I also rise in opposition to LB405, for many of the same reasons that Senator Chambers has already recited. I represent an inner city area that really felt without representation for years. We have the old industrial part of the city, and people were living next to industry. We have the sewage treatment plant for the city of Omaha down in South Omaha. How would you like to live next to a sewage treatment plant that collects all the sewage from the entire city of Omaha--nearly the entire city? And it's uncovered, and the air is filled with that smell. And wait till it gets real humid and hot in the summer and breathe that and feel you have no representation. Annexation is pale in comparison. And Senator Pedersen, no disrespect to the people in Elkhorn; I think that they want representation, and I respect that. But live next to a sewage treatment plant. How about a rendering plant? I have a rendering plant right next to a grocery store in my district. Now I give you that they've made some changes, but those changes, and changes to the sewage treatment plant have only come after Senator Chambers got legislation passed to get representation by districts. That rendering plant doesn't make for a very appetizing evening meal or a trip to the grocery store, and before we had representation by district, there were very few controls, and there was no city council representative to help put pressure on them to implement those controls. We didn't have

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covers over the sewage treatment plant until four years ago--just four years ago. We lived with that smell, too. We have other industry. We have one of the largest chemical distribution systems in the state of Nebraska. Heavy industry is in my district. That heavy industry has heavy industrial zoning. That zoning allows new business to come into those areas. People there feel that they're being overshadowed by a lot of industry that's not in their best interests, for their children's health, for air quality. And it isn't just nuisance. These issues are issues of personal health. Nebraska has the second-highest leading cause of death from asthma of any state in the union. And in my district, we're impacted by some of these industries. And people want representation. If you add two council members and allow the city council to make the determination on how that's done, the current configuration of east to west is very likely to shift. Right now, we have four inner city council representatives, theoretically. And Senator Howard's council representative is one of those, so I don't really understand her position at all, because her position, Senator Kruse's, Senator Chambers', mine, Senator Synowiecki's, would all be directly impacted, and that configuration, if it went north and south, would further restrict who represents us. I don't want that to happen. It's taken long enough to get this representation. Senator Chambers is absolutely right. I want the people in Elkhorn to be represented, but for 7,000 people, we should not change what those of us in the eastern part of the city have fought so long and hard to get. By helping somebody we should not hurt a lot of other people, and that's what this has the potential to do. I think... [LB405]

SENATOR LANGEMEIER: One minute. [LB405]

SENATOR PREISTER: ...in the next redistricting we allow the normal process to go forward, we reconfigure, we most likely will move everybody a little bit farther west, because that's where the growth is, and we do it in a systematic and orderly fashion, based on the census at that time, and not do it in-between the census in this kind of fashion. I don't think it serves the public well to do it this way, and we encourage it, because we keep saying, let's grow this, let's grow that. Let's grow our business, let's grow our state, let's grow our city. Well, we've grown our city--let's allow it to grow in an orderly fashion with council representation. Seven is enough. The current configuration works. Let's not mess it up. Let's no mess it up with an E clause and do it even faster. Thank you. [LB405]

SENATOR ERDMAN PRESIDING

SENATOR ERDMAN: Thank you, Senator Preister. Senator Mines, you're recognized to speak. [LB405]

SENATOR MINES: Thank you, new Mr. President, colleagues. Let me just one more time stand up in opposition, well, particularly to the E clause. I don't know why in the world there's a sense of urgency to pass legislation that would quickly enable the changing of districts, when the normal process is...would be several months later. I don't

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understand that particular sense of urgency. What I'm not saying, and I hope you're not saying, as well, is...there's really not a legitimate reason been stated on the floor to expand the number of council seats from seven to nine in Omaha, Nebraska. We hear Senator Friend wants to talk about it, and discussion is fine, but I believe that should have been done in the Urban Affairs Committee, and then this body should be provided with legitimate information on how additional seats on a city council would benefit the citizens within that city. Simply by adding two council seats isn't going to ensure that just because there are fewer representatives per council representative, that they're going to get better representation. I don't believe that that's true. I believe that the Elkhorn inclusion, as well as the SIDs surrounding--the addition of 12,000 people to the Omaha base--is not insignificant, but it's not tremendously significant. To add several thousand in population to a couple districts, and then all of a sudden we need an E clause so we can rage on, add some more, I just don't think that's good public policy. I think we need more legitimate reasons. I'd like to see one legitimate reason, but I think we need...if we're going to make this big a step, we need to do this over an interim, have a study. We need to have more information. We don't. This is all emotion right now. Gee, I think we need nine. I may put an amendment in to say that we need 11--why not? And all the cities that have been named, let's put in 11 seats, or frankly, Wichita has got seven--well, there are a number in this array of cities like Omaha that have seven members. Seven is a number; so is nine. Frankly, Omaha is doing fine. With that, Mr. Chair, I would yield my time to Senator Chambers, if he'd like it. [LB405]

SENATOR ERDMAN: Senator Chambers, you have 2 minutes and 30 seconds. [LB405]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Mines. Members of the Legislature, Senator Mines again brought us back to what we should be looking at. There has been no compelling reason given for altering the governing structure of Omaha--none whatsoever. You notice that those who are trying to carry the banner for Elkhorn have consistently and steadily tried to downplay that factor. But were that not the case, this bill, first of all, would not have been introduced; secondly, it would not be on the floor of the Legislature. To change the governing structure of a city, the largest city in the state, should not be done on a whim. It should not be done in a heat and a rush. There was a song with those words in it, and the activity being described, although more pleasurable than what we're doing, certainly didn't approach the importance of what we're doing. Some things should not be done in a heat and a rush. Nobody in Omaha has asked for this. When I was pushing for district elections, there were literally thousands of people asking for it. [LB405]

SENATOR ERDMAN: One minute. [LB405]

SENATOR CHAMBERS: This is just a knee-jerk reaction. And the people in Elkhorn are entitled to pressure Senator Pedersen to bring something like this to us. But we don't have to react emotionally and in a knee-jerk fashion simply because he and they have

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done so. I have not said anything about the dispute and the squabbling between Omaha and Elkhorn. That's for them to deal with if it's going to be resolved in the courts, and it was. Now we have had this made into a legislative matter. And I think in behaving in a way that is deliberative and responsible, this Legislature ought not vote to change radically the governing structure of the largest city. And I keep referring to the size because there is so much involved in the demographics of that city which is not known. [LB405]

SENATOR ERDMAN: Time, Senator Chambers. [LB405]

SENATOR CHAMBERS: Thank you, Mr. President. [LB405]

SENATOR ERDMAN: Thank you, Senator Mines and Senator Chambers. The next speaker is Senator Fulton, followed by Senator Chambers, Friend, and Preister. Senator Fulton, you're recognized to speak on FA52. [LB405]

SENATOR FULTON: Thank you, Mr. President, members of the Legislature. Ostensibly when this bill was brought forward, it seemed to make sense just because of the annexation. I still tend to think that way. But I need to get some questions answered, and I've been waiting patiently and I have a few questions to answer. Firstly, would Senator Pedersen yield to a question? [LB405]

SENATOR ERDMAN: Senator Pedersen, would you yield to a question from Senator Fulton? [LB405]

SENATOR PEDERSEN: Yes, Mr. President. [LB405]

SENATOR FULTON: Senator Pedersen, one of the first questions I had with LB405 was, why nine in lieu of eight? Could you take a moment to answer that question? [LB405]

SENATOR PEDERSEN: Yes, Senator Fulton. The original thought was to be eight, and the immediate response from the city council, or at least some of their members, was they would not support eight because they didn't want to have a tie number, they didn't want any ties. So I was the one, and I alone was the one who said, well, you know, to keep the peace and to get some support for this, we'd go to nine. Because there's a, you know, when you look at the overall numbers from other cities near, nine would be a decent representation, too. Even the way some cities are, you know, 11, 12 also. But the main reason we went to nine instead of eight was because of, thought there would be some support from the Omaha City Council. [LB405]

SENATOR FULTON: Okay, thank you, Senator Pedersen. Would Senator Friend yield to a question? [LB405]

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SENATOR ERDMAN: Senator Friend, would you yield to a question from Senator Fulton? [LB405]

SENATOR FRIEND: Yes, I will. [LB405]

SENATOR FULTON: As the question has been divided, the amendment has been divided, the urgency factor which we'll be voting on here shortly, could you articulate the urgency, the need for the emergency clause? [LB405]

SENATOR FRIEND: Yeah, I think, the committee looked at it and...look, there was an idea in that committee that more or less said, why not, what does it hurt? And it was people sitting around, more or less, certain people. Like I said, I know why some of the others came in to discuss a bill like this, and Elkhorn was part of that package. If you don't have to, why have anybody sitting around without representation for any more than, you know, any longer than they have to? That was the thought process. I've seen E clauses on the craziest stuff, Senator Fulton, so to me it wasn't that big a deal. [LB405]

SENATOR FULTON: Okay, thank you. I haven't seen many E clauses because I haven't seen many bills. (Laugh) I just got here. And then would Senator Chambers yield to a question, please? [LB405]

SENATOR ERDMAN: Senator Chambers, would you yield to a question, please? [LB405]

SENATOR CHAMBERS: Yes, I will. [LB405]

SENATOR FULTON: Senator Chambers, are you aware how...could you explain, if you know, how Lincoln arrived at its structure? Did you have anything to do with that? [LB405]

SENATOR CHAMBERS: No, they might have tailgated on some of the work I was doing for district elections. But I think Lincoln elects some by district and some at large, but I'm not sure. [LB405]

SENATOR FULTON: Okay. That's correct. Senator Schimek indicated that it might have had been an initiative in the seventies perhaps. But it helps to have some information of the past if we're going to be making decisions about the future. So toward that end, what was the structure of Omaha before you introduced districts? Am I to assume that they were citywide at large? [LB405]

SENATOR CHAMBERS: Yes. [LB405]

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SENATOR FULTON: Okay. With the annexation of Elkhorn, it seems that this is...that we have...since there is an added population, there could be a reasonable argument as to why there would need to be more representation. [LB405]

SENATOR ERDMAN: One minute. [LB405]

SENATOR FULTON: And since you, I see that you are against this, I'll ask if you could explain, at what point in the population do you believe it's reasonable to move forward with an increase in representation? [LB405]

SENATOR CHAMBERS: Senator Fulton, I wouldn't just look at the numbers of people, I would look at the impact of additional population to see if it altered the power relationships within the city itself. And that's when I would begin to look at whether additional members ought to be added to the city council. [LB405]

SENATOR FULTON: So with further annexation, you wouldn't necessarily advocate adding added representation? It's not so much a population number as it is a political extension within the city. [LB405]

SENATOR CHAMBERS: Yes. Those issues would all have to be considered, not just population alone. [LB405]

SENATOR FULTON: Okay. Thank you, Mr. President. [LB405]

SENATOR ERDMAN: Thank you, Senator Fulton. Senator Chambers, you're recognized to speak. [LB405]

SENATOR CHAMBERS: Thank you, Mr. President. Knowing that I was next, I can elaborate just a bit. Many times population can have a great impact on the dynamics of a city's governance if the population consists of people who are going to be very active politically. If there would become a great imbalance in the power relationship, and by that I meant the fact that certain groups would have their representation diluted, then changes ought to be considered. But even should that become what appears to be the case, it should not be done willy-nilly. There should be careful evaluation, careful study, then impelling arguments given as to why. Not, as Senator Friend told us when Senator Fulton asked him why the emergency clause, Senator Friend said, well, why not, I've seen emergency clauses on the craziest things. That's not really an answer that is of much assistance in our arriving at a responsible conclusion to this issue. I will repeat again what I had said earlier on a different bill. I ought to have used my tape recorder and recorded my comments because it was going to be necessary to repeat them again and again and I'd just switch on the tape recorder. But I did not do it, so I will do the repeating myself. If I saw this as an issue of representation, fair representation, I would

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be leading the charge. That is not what is involved here. Senator Pedersen cannot say that the people in Elkhorn are not going to receive political representation. He cannot say that the people in Elkhorn are going to be denied city services, police protection, fire service, or any of the other things that people who are parts of the city should be entitled to look at. But I right now can show that the area of the city in which I live is, in fact, deprived of these things which others take for granted in the parts of Omaha where they live. Senator Pedersen is not able to say, in Elkhorn they're not going to have decent schools. I can show you what's happening in the schools in my area. I'm talking about a reality and they're talking theory. They're speaking academically and theoretically and emotionally because some people are angry and sore that their area was annexed by Omaha. That's what this is about. And you're going to change the governing structure of this city. Even if you do, you're not going to give them what Senator Pedersen and Senator Friend keep talking about. What do they mean by representation? That they can put somebody on the city council with their vote alone? They have never said that. Even Senator Stuthman said that maybe they can't get even somebody from their area elected to the city council and maybe they can. But those people in Elkhorn will have far more in common with the white people in the rest of the part of Omaha than my people would have with those white people. You can't draw a line between Elkhorn and Omaha and say on one side of this line is Elkhorn and on the other side is Omaha and the people on that side in Elkhorn don't go to the movies in Omaha, they don't go to the restaurants in Omaha, they don't work in Omaha, they don't drive down the streets of Omaha,... [LB405]

SENATOR ERDMAN: One minute. [LB405]

SENATOR CHAMBERS: ...in fact, they don't blend in with Omaha. That's not what happens. They in fact do all of these things. They are, in practical effect, a part of Omaha right now, a functioning part of Omaha. They simply don't live there. But they have better access to things in Omaha than people of my complexion have right now. So there is a reality and there is an appearance. I want us to look at the reality. And with all of the faults, the warts, and the bumps, and the blisters that the city of Omaha displays, its governing structure should not be altered in the way that this bill is suggesting. Thank you, Mr. President. [LB405]

SENATOR ERDMAN: Thank you, Senator Chambers. Senator Friend, you're recognized to speak on FA52. [LB405]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. You know, it's funny. I know when things get a tad drawn out or dry or boring, we all have a tendency to disengage a little bit. But my good friend Senator Mines has fully disengaged. I'll have to address that. He said this is out here because we should just talk about it. Look, if I wanted bills out here because I just wanted to talk about them, I'd have that bicameral thing staring down your throat like a 12-gauge shotgun would be,

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okay? But it's not. He hasn't heard any reasons that this should be done. Well, evidently he hasn't been listening. I gave you one really good one. Omaha has doubled in growth. Omaha has doubled in population at least since 1950. Seven council members, 57 years, (laugh) that's not a good reason. No, blow it off. It's not a good reason to address the issue. Here's another good reason to address it, not just to talk about it, to actually make something happen. You know, larger legislative bodies don't necessarily mean that you're going to come up with more bureaucracy. Larger legislative bodies mean a couple of things; gridlock. And I'm of the impression and I would submit to you, gridlock sometimes is good. You prevent ordinances from being created. You prevent laws from being made. Gridlock is good. Was it Gordon Gekko in the movie Wall Street, greed is good, right? Well, so is gridlock. In legislative function, it is good. It's not bureaucracy, it is debate that keeps people in check. I know the city council members in Omaha, I think I know them all. I know some better than I know others. I know, for the most part, they want to do what's right. But 57,000 people that they're representing, that's too large. That's too big for a city council. We've got statistic after statistic, according to the 2000 census, that indicate to me what people all around the country are doing, and Senator Mines tends to neglect or think that it's just simple talk, that it's actually action. He's just muddying the water, that's all. Look, I had a cousin tell me once, when Senator Chambers leaves--he used to testify in front of the Judiciary Committee--he said, when Senator Chambers leaves, I'm not coming down there anymore. I go, what, why? Because it won't be anymore fun. You know what, this is fun to me, but it's more than that. It's more than that. And anybody thinks that this bill and this idea is trivial, trite, or it's unfortunate that this is on the floor right now and Senator Friend just wants to talk about it and waste time, yeah, get up, throw your bomb, and then walk away. I just gave you three good reasons to go ahead and approach this type of idea. And somebody walking up and giving political reasons, or city council members saying, you know what, we're doing our job, nobody is complaining. You know what? Nobody complains to me either but that doesn't mean I'm going to get reelected again. [LB405]

SENATOR ERDMAN: One minute. [LB405]

SENATOR FRIEND: Actually, I can't, but that's irrelevant. I probably wouldn't. Fifty-seven thousand is too large. For a city council representation, that's too big. Forty-four would be more manageable, that's a good reason. Thank you, Mr. President. [LB405]

SENATOR ERDMAN: Thank you, Senator Friend. Senator Preister, you're recognized to speak, followed by Carlson, Chambers, Gay, and again, Senator Friend. Senator Preister. [LB405]

SENATOR PREISTER: Thank you, Honorable President, friends all. I rise again to oppose the emergency clause. If there were an emergency, it's long since passed and I don't think we need to react to that. I also continue to oppose the bill itself. And I think,

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as we try to do good to help some people, in the process we should not do harm to others. We should raise all the boats or we should leave the boats where they are and adjust accordingly in some other fashion. With that said, I would yield the remainder of my time to Senator Chambers, if he would want it. [LB405]

SENATOR ERDMAN: Senator Chambers, you have over 4 minutes. [LB405]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Preister. And I'd like to ask Senator Friend a question or two. [LB405]

SENATOR ERDMAN: Senator Friend, would you yield to a question from Senator Chambers? [LB405]

SENATOR FRIEND: Yes. [LB405]

SENATOR CHAMBERS: Senator Friend, how long, if you know, has the Legislature consisted of 49 members? [LB405]

SENATOR FRIEND: I don't know, Senator Chambers. [LB405]

SENATOR CHAMBERS: How many members are authorized for the Legislature to have under the constitution right now? [LB405]

SENATOR FRIEND: No more than 49...or no more than 50. I don't know. (Laughter) [LB405]

SENATOR CHAMBERS: All I did was looked at him and changed him three times. (Laughter) But we can have... [LB405]

SENATOR FRIEND: So what's the answer? [LB405]

SENATOR CHAMBERS: We can have as many as 50. I want to ask you a question. Are there more people in Nebraska now than there were ten years ago? [LB405]

SENATOR FRIEND: Barely, I believe. [LB405]

SENATOR CHAMBERS: Say it again? [LB405]

SENATOR FRIEND: Not very many more. I mean, we're not growing at as rapid a pace as Omaha in itself is. [LB405]

SENATOR CHAMBERS: Do you have any idea roughly how many more now than ten years ago? Well, let me ask it differently. Do you think there are more people in

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Nebraska now than there were 37 years ago when I came into the Legislature? [LB405]

SENATOR FRIEND: I don't know. But I wouldn't say that that would necessarily be the case. I'm not sure. [LB405]

SENATOR CHAMBERS: Your honor, that's all I have of this witness. Thank you. (Laugh) Thank you, Senator Friend. Now he's the one who's lecturing us, explaining everything to us, and now you can see why he talks about other cities, huh, and other places. Because you don't know whether he's accurate or not. Well, right here at home it often happens that we don't take the time to see how things are going here and maybe speculate as to whether or not we ought not increase the number of members in the Legislature to 50. Then there might be less large areas, fewer large areas for some of these senators to represent. But nobody is recommending that that be done. That committee which sent this bill out here made a mistake, in my opinion. A committee can send anything out here it chooses. But I'm going to be like poor Johnny One Note and I'm going to say it over and over and over. There has been no compelling reason given why this Legislature, without knowing the demographics of the city of Omaha, the dynamics of how that city functions, anything about its operation, would change the governing structure. There are tie votes, even when the total number of a governing body ends in an odd number rather than even. There still are tied votes. Sometimes a person is absent, sometimes one or others will abstain. Having tie votes can occur under any and all circumstances and sometimes they're engineered so people on both sides can say no action could be taken. [LB405]

SENATOR ERDMAN: One minute. [LB405]

SENATOR CHAMBERS: I would like to ask a question of...oh, Senator Stuthman is gone. I'd like to ask Senator Stuthman a question. Senator Stuthman... [LB405]

SENATOR ERDMAN: Senator Stuthman, would you yield to a question? [LB405]

SENATOR STUTHMAN: Yes. [LB405]

SENATOR CHAMBERS: Senator Stuthman, in the case of a tie on the city council in Omaha right now, does the mayor vote to break the tie if he chooses? [LB405]

SENATOR STUTHMAN: Yes. [LB405]

SENATOR CHAMBERS: I'd like to ask Senator Friend a question. Senator Friend, does the mayor... [LB405]

SENATOR ERDMAN: Senator Friend, would you yield to a question? [LB405]

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SENATOR FRIEND: Yes, I will. [LB405]

SENATOR CHAMBERS: Does the mayor ever have a right to vote in the city council in Omaha? [LB405]

SENATOR FRIEND: No, it's a seven-person city council so there's no need. [LB405]

SENATOR CHAMBERS: So if there's a tie, is the mayor allowed to break the tie? [LB405]

SENATOR FRIEND: I think so. [LB405]

SENATOR CHAMBERS: But you're not sure? [LB405]

SENATOR FRIEND: I'm not sure. [LB405]

SENATOR CHAMBERS: Thank you, "Mr. Expert." Thank you, Mr. President. And I will not give the answer. Check it out. [LB405]

SENATOR ERDMAN: Thank you, Senator Chambers. Senator Carlson, you're recognized to speak on the amendment. [LB405]

SENATOR CARLSON: Mr. President and members of the Legislature, I may need to apologize before I start because of other meetings and obligations I've had to be in and out of this session. And so this question may have been asked or addressed earlier. And if so, I do apologize. This appears to be a significant, important change to the structure of the Omaha city government and council. I'd like to address a question to Senator Pedersen. [LB405]

SENATOR ERDMAN: Senator Pedersen, would you yield to a question from Senator Carlson? [LB405]

SENATOR PEDERSEN: Yes, Mr. President. [LB405]

SENATOR CARLSON: Senator Pedersen, at the committee hearing, there was yourself and one other proponent. And for something as important as this, would you comment on your opinion as to why there weren't more proponents at the hearing? [LB405]

SENATOR PEDERSEN: Well, my own...as I look back at it, at the time when I first went into the hearing room and saw that nobody from the city of Omaha was there, I thought, I guess they really don't care and they're going to support it. That's the way I felt the first time. I was innocent, obviously, in that, because the first message I got back from them was, if we'd have known it was going to sail through like that, we'd have had somebody

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down there. And that's where I was at with it. [LB405]

SENATOR CARLSON: Okay, thank you. I do have another question, because there seems to be opposition now and I'm puzzled as to why more opponents weren't at the hearing. Would you comment on that? [LB405]

SENATOR PEDERSEN: It's got to have something to do with politics. We all know what politics is. As far as, if I were an Omaha city councilman and I was looking at that, you know, one day, if I were there, what would it do to hurt me? It doesn't cut my pay. It would cut a few out of my district. I would have a more small district to take care of. On an individual basis, I don't think it hurts them at all. On a group basis, there may be some political stuff there as far as when the mayor comes up for election in 2009 or some other positions in that area. Representationwise, no, I don't think it hurts them in any way, shape, or form. In fact, it would help them. [LB405]

SENATOR CARLSON: Okay. Thank you, Senator Pedersen. I will listen to the remainder of the debate. The question is, that we must answer, I believe, is LB405 good public policy? Thank you. [LB405]

SENATOR ERDMAN: Thank you, Senator Carlson. Senator Chambers, you are recognized to speak. [LB405]

SENATOR CHAMBERS: My fellow Nebraskans, Mr. President, members of the Legislature, people don't even know how the governing structure in the city of Omaha works right now, don't even know that. If I were going to bring a bill asking this body to expand the size of the city council, I'd be able to answer questions such as the basic one. Can the mayor vote to break a tie in the city council? I'd know the answer and I'd give it to you. And I would have what I would deem to be compelling arguments; not, well, why not. And it would behoove me to present those arguments. And in getting district elections, I did it several years running, and the bill was vetoed several times. But I didn't quit. The Legislature was persuaded, and they finally did it again in 1979, and a "Repelican" Governor signed the bill into law. The "Demagogue" Governor vetoed it. The Democrats, who are supposed to be in favor of democracy, representation, and Jim Exon was considered the man who was as close to a populist as you would have, and he vetoed that bill; vetoed, vetoed. And he knew what the circumstances were in Omaha. Then here comes a "Repelican" and he signs it. This is an important, consequential change in the governance of the largest city in the state. I feel uncomfortable because I'm having to defend the status quo in Omaha. But what I am not going to do is adopt a negative attitude toward Omaha and the way they do things, which is so deep-seated that I will ignore what is ultimately in the best interest of everybody. To have an unstable government is not good, to have a government which can be changed by the Legislature because a few thousand people are annexed and don't want that to happen. What kind of Legislature are we when we have not been

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given a sound reason to change the governance of the largest city in the state? And you've got all these new senators who are supposed to be thoughtful, who are supposed to be deliberative. This wouldn't have happened with the old guard because they had been here long enough to recognize how serious a matter it is to alter the governance of the city. If the city council is to be increased by two members, what is going to change that will justify it? Will the city operate more efficiently? Will there be a more equitable distribution of the tax revenues? Will there be a cut in property tax? Any of the substantive and substantial questions that face people in the city, will any of them be addressed differently? Will problems be solved that are not being solved now? Those questions will not even be addressed because this flows from pique, p-i-q-u-e. I have never said that I don't think the people in Elkhorn are upset. I said that the first time I spoke. [LB405]

SENATOR ERDMAN: One minute. [LB405]

SENATOR CHAMBERS: But that ought to be out of our consideration. And if you take that off the table, what remains? Nothing. Nothing remains. Senator Pedersen is doing what he thinks he ought to do to represent those people in Elkhorn. But Senator Pedersen is also a state senator and he represents more than the people in the city of Elkhorn. And he has the responsibility to be a deliberative, responsible senator. And to me, it is not responsible for this Legislature collectively, even as a favor to one of our members, to alter the governance of the city in this way on a whim when people on the floor don't even know how that city's government operates. Thank you, Mr. President. [LB405]

SENATOR ERDMAN: Thank you, Senator Chambers. Senator Friend, you're recognized to speak on FA52, and this will be your third time. [LB405]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. Here's something else. I don't know who said this, go figure. We've established that Mike Friend doesn't know plenty of things. Here's something else that I don't know, the author of this: full of sound and fury, signifying nothing. Thank you. Shakespeare. I didn't know, but guess what? That's what I just heard. That's what I just heard. Shell game, let's figure out if we can play the appropriate shell game to milk the clock until 4:00 or 4:30 or whatever. That's fine. Let's do it. But I think it's intellectually lazy for us as a body to simply step back and say, oh, the Urban Affairs Committee kicked this out, it's too big a public policy issue to deal with, let's get rid of the emergency clause. Oh, come...it's a shell game, folks. It's absolutely what it is. I gave you three good reasons to move forward with public policy like this or at least the idea. Nobody has tossed up any amendments to try to change it. It's political pandering in the city of Omaha. Oh, the mayor doesn't like it, the city council doesn't like it. You know what? I like the mayor and I like the city council. But so what? We make the decisions. Constitution of the United States didn't give the city of Omaha and the mayor, or any city for that matter, the power

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to deal with these things. We have it. I don't care if the mayor can vote under these circumstances to try to break ties. It's a shell game, folks. I can go look that up. I can go ask legal counsel. If I'd have known that that was going to be that important in regard to this discussion, I'd have been prepared. So what? Full of sound and fury, signifying nothing. Should I have known Shakespeare said that? Yes. But you know what? (Laugh) Twenty years ago, whatever, when I was in college, I was young, dumber probably than I am now (laugh)--shouldn't have said that--and didn't give a whole lot of thought to issues like this. Look, I think it's real clear that this Legislature is dealing with a problem in Omaha that breaks out in two different ways. One is practical and, Senator Chambers is right, theoretical. Is 57,000 people, representation for a city council member, is 57,000 constituents too large? To me, that's a pretty simply question. I threw out some of those other cities and they agreed that it is. But the numbers don't add up for Omaha, folks. That's the point. Second thing is, it's a political argument, turf war, city council members not wanting to give up ground. Do I understand that, too? Yes, I do. But we're forced into a situation to talk about good public policy. When I as a 19-year-old kid, man, whatever, can stand on 156th and Maple and look out at cornfields for virtually as far as I could see, except for the county stop out there, and now I can go out there with no cornfield to be found and subdivisions surrounding me, is that an emotional argument? No, it is not, I would submit to you. That is an argument that dictates to us that we probably ought... [LB405]

SENATOR ERDMAN: One minute. [LB405]

SENATOR FRIEND: ...to deal with this issue more than once every 57 years. You know, I through out the year 1950. I don't know how long that our city council has been stuck at seven members. I just know it's been as long as 1950. Does that preclude me from talking about the subject matter? I think not. Does it preclude me from talking about any subject matter? I think not. The shell game continues. I don't know how much more time we have. But to me, it'll just get more functionally flawed if we don't realize where the shell game is coming from. It's coming from politically oriented direction, turf protection, and it's coming from the idea that, boy, why do we need two more council members? Nobody has brought this up before. We're bringing it up now so let's talk about it. [LB405]

SENATOR ERDMAN: Time. [LB405]

SENATOR FRIEND: And let's make it happen. Thank you, Mr. President. [LB405]

SENATOR ERDMAN: Thank you, Senator Friend. Senator Preister, you're recognized to speak. [LB405]

SENATOR PREISTER: Thank you, Honorable President. I understand when annexations happen that they can be difficult. The area that I live in, south Omaha, was

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annexed by the city of Omaha. It was growing, it was growing so rapidly because of the packing house development in that area, they called it the magic city. It was growing way faster than any other part of the city. That happened, and I can't tell you exactly when, but close to 100 years ago. And there are still people in south Omaha who are upset by that and still bring that up. Annexations do that. There are other annexations that the city of Omaha has done. This is just one of what is a process of growth that takes place. And there are going to be people who don't like it. I empathize with those people. I am not trying to harm them. But after all these years, when we finally have representation in south Omaha, I don't want that affected, I don't want it watered down, I don't want it diluted or weakened in any way. And that's why I think this is a bad proposal. As an example of moving in a different direction, let me tell you what Bellevue is doing. The city of Bellevue, which was a much, much smaller community when they determined that they would have five wards and in each of those wards they would have two city council representatives, two. Now in the last election, the voters in the city of Bellevue voted to reduce that representation from two per ward to one. So right next-door to Omaha, we have a community that, when it was small, had ten representatives. Now that it's much larger and is the third-largest city in the state, they're going back to one per ward, five people and one at large. They're moving the other direction. They're going to a smaller city council. So I don't know that we can compare apples to apples, but we've thrown in cities from other states. And where they are being brought into question, I think at least this example of where one city is going with a smaller council, and obviously by a vote of the people, the people thought it was a good idea and the people are wanting that to be implemented. And it was by a sizable majority of the voters. The voters in Omaha have not made this determination. And with over 400,000 of them compared to approximately 7,000 of the Elkhorn voters and perhaps another 4,000 in an annexed area, if it were a vote of the people there, I think we would see a similar result as we saw in Bellevue. I really have heard no compelling reasons to make this change in between the censuses, and that's the normal process for realigning. That's when the Legislature redistricts. That's when we make a determination and adjust accordingly. And I think, as the city has done that, they will do it in an equitable fashion. They will do it as we have continued to do it, based on population, based on equal, proportionate representation. And I think that's a good way to do it. I think it's the best and most appropriate. And the census is only three years off so we're not looking at that long a time. And by that time, there will be other changes and it can all be incorporated at the same time. For those reasons, I continue to oppose the emergency clause and I continue to oppose LB405. Thank you. [LB405]

SENATOR ERDMAN: Thank you, Senator Preister. Senator Stuthman, you're recognized to speak, followed by Senator Nelson, Schimek, and Karpisek. Senator Stuthman. [LB405]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. I debated for quite a length of time as to whether I should push my light again. But I decided that

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in order to get the information right on the record, because I did make a mistake in answering one of the questions prior to this. The question was asked of me by Senator Chambers if in the city council jurisdiction, in the board there, whether the mayor could break the tie or be the vote that would break the tie, even if there's a seven-member council there. And he illustrated that, what if there was one person, you know, not there; six and the vote was a tie. I did some research on this, and according to my information, it stays a tie. The mayor does not break the vote, does not break the tie. And I wanted to clear that up as far as the information because I had stated that, in my opinion, the mayor would break the tie. But in this situation, the mayor does not break the tie. So I just wanted to clear the record and make sure that we've got the information right. Senator Chambers did not reveal that information but I'm revealing that to the body at this time. Thank you. [LB405]

SENATOR ERDMAN: Thank you, Senator Stuthman. Senator Nelson, you're recognized to speak. [LB405]

SENATOR NELSON: Mr. President, thank you, and members of the body. Senator Stuthman just spoke to what I was going to speak to. I've been a resident of the city of Omaha for 40 years, and though I don't know city government completely, he's correct. The mayor of the city of Omaha cannot break a tie. The mayor can veto something, of course, that the council has passed but has nothing to do with breaking ties. As I said, I've been in Omaha a long time and our present system, the seven councilmen that we have are doing a fine job with the numbers that they represent. And here we are at this time spending a lot of time talking about making a change in our present boundaries just because we have added 8,000, 10,000 people by way of annexation. I think Senator Chambers makes some very good points. Is it our place here to be legislating matters that are more properly the province of our city council there in Omaha as to whether the districts should be enlarged? Yes, Omaha is growing and we like to see that growth. But let's keep in mind that with the addition, we're still...each council member is representing 57,000 people. Our county board is representing around 68,000 people and that seems to be working very well. Senator Preister referred to the fact that the census is coming up. And that's only three years away, that's 2011. Redistricting will take place at that time, and at that time the city council will evaluate where we are as far as our boundaries and make the necessary changes at that time. That's only three years away, and yet this bill says that we're going to do that perhaps immediately with an emergency clause so that they can vote in 2009. I think this is premature. I think we have other things that we should move on to. I do not support this bill. The amendments may be all right, but the basic bill I am not supportive of. I think it's an important matter of public policy and I don't think we should interfere at this time with the boundary lines of the city of Omaha as far as the city council is concerned. Thank you. [LB405]

SENATOR ERDMAN: Thank you, Senator Nelson. Senator Schimek, you're recognized to speak, followed by Senator Karpisek. [LB405]

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SENATOR SCHIMEK: Yes, thank you, Mr. President. I'd like to give my time to Senator Chambers, if I might. [LB405]

SENATOR ERDMAN: Senator Chambers, you have five minutes. [LB405]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Schimek. Members of the Legislature,...and I see Senator Friend running out of here. You know what he said the last time he stood up? He made a few comments and then he said, what I just heard was, I don't know who said this, full of sound of fury, signifying nothing. Well, what he had just heard was he had just said. So he never spoke more truth in the time that he's been here on the floor of this Legislature. But that wasn't the only time. That's the only time he actually listened to what he was saying. (Laugh) He said, good God almighty, this is full of sound and fury, signifying nothing. He was right at that time. But everything else he said was off the mark. That committee should not have sent this bill out here. There are some issues which I think are of sufficient gravity to justify having the Legislature discuss that issue. But I will make that clear when I've done something like that. It's not where I'm not convinced that something has merit, then I get out here because I voted for it, and then I have to try and justify a bad vote. I simply say, I made a bad vote, I did not take everything into consideration, and although I voted to bring it out here, I'm against it, and my better judgment tells me that I was wrong, and I'm going to vote in accord with my better judgment rather than with a foolish stubbornness. People can listen to what we say. They can tell if we know what we're talking about, they can tell if we don't. Why should Senator Stuthman be expected to know how the government of Omaha operates in terms of whether the mayor can vote to break a tie or not? He doesn't live in Omaha. He doesn't appear before the city council. He doesn't watch their proceedings. So he might be inclined to figure that the way it happens in his city is the way it happens other places. And in his city, the mayor can vote to break a tie when there is one in the city council. I say we should be state senators and I do inform myself to the extent I can of what's going on in other parts of the state. But I don't know everything so if there's an issue that I need enlightenment on, I will go to the senator in that area and see whether or not he or she can improve my education. I wish I knew everything, but I'm glad I've got enough sense to know that I don't know everything, that I must seek information elsewhere. But one thing I do know for sure. That is, first of all, this emergency clause, because that's what's before us, ought not be adopted. Haste makes waste. This bill is not even understood. I will not do it to Senator Pedersen, I will not do it to my friend, Senator Friend, but I could ask them to take the underlined language in this bill and the sections that are cross-referenced and explain to me what they say, what they mean, and what those statutes that are cross-referenced have to say and their relevance to what we're doing here, and they couldn't tell me. They couldn't tell me. Now if I said that about Senator Stuthman, he'd go get the information and then he would tell me. But they won't because they don't have to, because nobody cares. There will be a friendship vote, and that should not be

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given on the floor of this Legislature on a measure such as this. Now if, in honor of some particular kind of fish in a stream somewhere, one of our colleagues said, I would like a resolution from the Legislature acknowledging that the paddlefish is a good... [LB405]

SENATOR ERDMAN: One minute. [LB405]

SENATOR CHAMBERS: ...creature and things of that kind, a resolution is nothing. It's where we show collegiality, and nobody is going to read it except maybe some newspaper reporter or columnist who will want to make a joke about what the Legislature did. But this is not a resolution. This is a statute to be, and we should not do what we're being asked to do here. I hope we'll start taking control of this matter by voting no on the first division of this question, which is adoption of the emergency clause. It's ill-advised and I hope we will vote it down. Thank you, Mr. President. [LB405]

SENATOR ERDMAN: Thank you, Senator Chambers and Senator Schimek. Senator Karpisek, you're recognized to speak. [LB405]

SENATOR KARPISEK: Thank you, Mr. President, members of the Legislature. I agree with Senator Nelson that this is an Omaha issue. I just really want to quickly interject. It's what I've been trying to talk about before, about letting communities decide their own fate. Seems odd to me now to hear this, the other side of the coin. Senator Chambers is concerned about his people in this debate, and I don't blame him. Senator Preister is concerned about his people in his part of Omaha, and I don't blame him either. Senator Pedersen is concerned about his part in Elkhorn, and I don't blame him either. That is the whole reason why we are here. We're worried about equal representation. We are state senators but here I hear this sort of argument over parts of a city. Seems to me like some of the other things we've talked about, when we try to stand up for our constituents and our people. I don't know about the emergency clause either. I don't think that it is of great importance right now. But I do think that Elkhorn deserves a voice and they deserve to stand up and yell for their voice and scream for their voice. And I applaud Senator Pedersen for coming forward and being their voice, because that's what he's here for. We're all here for our constituents. And I think when we realize that we are fighting for our constituents and look at each other that way, we can understand why we do some of the things we do. I don't know that this should be the Legislature telling Omaha what to do. But it does seem that they have outgrown their mode that they've been using. If Wilber grew to be 20,000 people, I think we wouldn't need more than four council members, then we might have more than just a barking dog; maybe not. Anyway, I just want to commend Senator Pedersen. Hang in there, I think he's doing what he feels is right for his people. Thank you, Mr. President. [LB405]

SENATOR ERDMAN: Thank you, Senator Karpisek. Senator Friend, you're recognized to close on FA52. [LB405]

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SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. The only thing I can do to close on this, I think, is to tell you that, you know, obviously in the last few weeks and the events that have occurred in Elkhorn and Omaha, the emergency clause practically probably doesn't have the same effect as it would have when we had the hearing and when we talked about it in our executive session and kicked the bill to the floor. With that in mind, I'm going to vote for the emergency clause because I don't see that it hurts anything. But you're going to do what you need to do. I think Senator Pedersen is more interested in LB405 as opposed to FA52 in the big picture. So with that, I would just ask for...first of all, I would say I appreciate your patience. And I would ask for you, I guess, positive approach to FA52. Thank you, Mr. President. [LB405]

SENATOR ERDMAN: Thank you, Senator Friend. Members, you've heard the closing on FA52. All those in favor vote aye; all those opposed vote nay. Have all senators voted who choose to? Record please, Mr. Clerk. [LB405]

CLERK: 9 ayes, 17 nays, Mr. President, on that component of the committee amendment. [LB405]

SENATOR ERDMAN: The amendment is not adopted. We will now proceed to the second division of AM497. Senator Friend, again you'll have five minutes to open on this division. (FA53, Legislative Journal page 948.) [LB405]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. Scrambling for my notes. Let me just revisit quickly what this does again. And I know...look, here's the thing. It's difficult, I understand, for a lot of us going through these things because this is affecting only the metropolitan-class cities. I understand that. And I guess I want to let you know that I regret that, that we're in the position that we're in here. But just to reiterate, this is the type of stuff Urban Affairs does. This is what we deal with. And it is important, and I think you would all, I would hope you would all concur. This, just to refresh your memory, Section 2 of the bill, the new subdivision echoes the language of the new subdivision 1 of the current statute in regard to the election commissioner being the person who makes the decisions as far as the boundaries and as far as the...or as far as how the boundaries for the redistricting is going to be created. Committee amendment went in, dealt with that, because of LB71 which was created in 2001, to allow the city council to deal with that subject matter and to redistrict appropriately. That's all it does. We try to adhere to historical law, I guess, if you will, the way we changed things in 2001, with the second part of the amendment and FA53. With that, I would ask for the advancement of this portion of the division and ultimately the advancement of LB405. Thank you, Mr. President. [LB405]

SENATOR ERDMAN: Thank you, Senator Friend. Members, you've heard the opening

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on FA53. Those wishing to speak, Senator Chambers. [LB405]

SENATOR CHAMBERS: Thank you, Mr. President. And I liked his phraseology. He said, "and those wishing to speak, Senator Chambers," plural. I'm going to support this amendment. It is the only appropriate thing to do because it's removing language that ought not to have been drafted into the statute in view of the fact that there has been a change of circumstances. That language was in the original statutory scheme that is being amended here because it told the methodology that would be followed when the city of Omaha was divided into seven districts in the first instance. That language no longer applies because subsequent to that, legislation was enacted that gave the authority to redraw district boundaries to the city council. If that old language had been offered as new language, it would have been in conflict with the requirement that the city council draw those boundaries. There is new language in this statute that acknowledges that the city council will do the redrawing. So Senator Friend's amendment is going to eliminate what ought not to have been there in the first instance. And although I'm going to support it, I'm going to use it as an opportunity to address a few issues. Senator Karpisek said that I'm interested in my people, Senator Preister is interested in his, and he applauds Senator Pedersen for being interested in his. But if Senator Karpisek had been listening, I would have pointed out, I did point out and he would have heard, that I don't want to see the structure that governs Omaha altered. Despite the serious, contentious differences I have with the city of Omaha, I don't want that governing structure altered on a whim. Then because they were talking so much, Senator Karpisek, about representation where it doesn't apply at all in the case of Elkhorn, I said I will tell you something about representation. And that's when I brought up my district. Senator Karpisek hasn't been here long and he's expressing what he believes. But there's a history between how and why district elections took place in Omaha, not because white people in Omaha wanted it. When it was put to a vote to try to derail me, they voted against it three times and wanted to use that when I came to the Legislature to say the people don't want it. And what the senator said, well, the white people don't want it, that's why he's bringing his bill. These votes prove the truth of what he said and they voted for district elections. We had no voice on the city council in the history of the city of Omaha until I got district elections. You cannot compare the circumstances of any white group in the city, in this state, with what has happened to us; totally impossible. When I talk about the schools and our not having representation--meaning black people, Latinos, poor white people, Native Americans--we can point out the defects of the system that exists now because they are manifested in the lack of opportunity given to our children. The poorest teachers, those with the lesser experience, inadequate supplies, textbooks not available during the first couple months of school, that doesn't happen in white schools. The school has no copying machine, so one of the banks has to provide it. That doesn't happen in white schools. Failing on the examinations, the tests that are given,... [LB405]

SENATOR ERDMAN: One minute. [LB405]

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SENATOR CHAMBERS: ...increasing segregation. I give specifics. Elkhorn can't give you anything except white people saying they want representation because they're white. They can't show that they've been deprived of any city service or anything else. So when you draw a comparison, make sure you know what you're talking about, which you don't now. But you have a right to stand up and express opinions on something about which you're profoundly ignorant. That's what being the Legislature means and that's what you just did. But I'm going to keep bringing us back to the fact that when you talk about what I'm discussing, you need to find out what it is. And you can find out by listening, which you don't do. This is a bad bill because it would change the governing structure of the state's largest city without there being a compelling reason to do so. Thank you, Mr. President. [LB405]

SENATOR ERDMAN: Thank you, Senator Chambers. Senator Friend, you're recognized to speak. [LB405]

SENATOR FRIEND: Members of the Legislature...thank you, Mr. President and members of the Legislature. You know, sometimes it takes...I'm going to admit something. A bill like LB405, it might not be time for something like that yet. I gave you good, legitimate reasons that something like this would actually make sense. I'm voting for it, no questions asked. I've gotten pressure from the outside just like everybody else not to vote for it. But I'm going to vote for it. But I'm going to admit something. And maybe, you know, LB405, maybe it's not the right time. I think it's fair that the Legislature comes to that determination, if they do, if we do. But I would point to this. A lot of you are going to be around her for a long...well, longer than others. And this subject matter is coming back because Omaha will continue to grow. And I've said before, I'm not Nostradamus, but this issue will come back and it will pick up steam. And you won't hear arguments about, boy, it's going to cost Omaha X amount of money to do this. You won't hear arguments that, you know what, all the city council members are doing their job okay, why should we really bother with this. You won't hear those. What you're going to hear is that Omaha is just getting too big and the representation should reflect that accordingly. I would say to you right now, sometimes issues and items and actions occur that spark discussion like this. That's the third time I've said that, and I mean it. I don't care if there's been no clamor for this in the last 57 years; there's clamor now because it's appropriate. And I think we've given good reasons to deal with the subject matter, to move bills like this forward. I know it affects barely half of this body. But Senator Chambers is right about one thing; it affects this body because we're all Nebraska senators and it's our largest, only metropolitan-class city. And if we don't deal with it now, we're going to be dealing with it next year or the year after or the year after that. You mark my words. And the Karpiseks and the Dubases and Tim Gay, Norm Wallman, it's your issue then. So this isn't a waste of time. We're not spinning our wheels. I know it's 4:00. I think Senator Chambers is probably pretty hungry by now because he doesn't eat lunch. But no, this is important because you're going to be

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dealing with this again. I would say this. The committee amendment does have to pass. Make your own determination. If it's not time for LB405--and I'm not trying to step on Senator Pedersen's toes yet, or I'm not trying to step on his toes now--if it's not time for LB405, the bill will go away and it will die a death here that it appropriately deserves. I don't think it deserves it. But I'll tell you this. If you want to mess with LB405 and you want to do it wrong and all you want to do is see this thing die a flaming death, vote down the committee amendment. [LB405]

SENATOR ERDMAN: One minute. [LB405]

SENATOR FRIEND: Because if the committee amendment doesn't succeed, I can't even vote for the bill. Now to me, that's a little bit unfair. I've done it before (laugh) to other legislation, not proud of it, just feel like it's something you have to do once in a while. You do what you got to do. But what I would tell you is that FA53 does need to be adopted for us to move on and for us to vote appropriately on this legislation. Thank you, Mr. President. [LB405]

SENATOR ERDMAN: Thank you, Senator Friend. Senator Chambers, you're recognized to speak, followed by Senator Pedersen. [LB405]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I don't know what is the matter with Senator Friend. I've already said I'm going to vote for his amendment. That guarantees its passage. He's standing up here acting like the world is going to come to an end. Well, I want to reconstruct his world for him. Senator Friend, I'm going to vote for your amendment, and I explained in more detail than you did why the amendment has to be adopted and what kind of conflict exists if it's not. But here's what I want to ask you. What do you have against Senator Harms, Senator Friend? [LB405]

SENATOR ERDMAN: Senator Friend, would you yield to a question? [LB405]

SENATOR FRIEND: Yes, I will. I don't have anything against Senator Harms. I just forgot to mention him. I don't know if he was sitting there when I scoped around the room. [LB405]

SENATOR CHAMBERS: You forgot to mention... [LB405]

SENATOR FRIEND: I was looking at people around the room and just picking names. [LB405]

SENATOR CHAMBERS: Well, he was sitting there. I watched him. [LB405]

SENATOR FRIEND: Well, I missed him. [LB405]

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SENATOR CHAMBERS: I think I saw a pained look come over his face. [LB405]

SENATOR FRIEND: I will apologize to Senator Harms to his face because he'll be here, too. [LB405]

SENATOR CHAMBERS: And I think you gave Senator Gay's first name. Why was that? You didn't give the first names of other people. If you're going to give a first name, you should have talked about our sister Annette Dubas. But you just gave her last name. If you're going to give last names, let it be the men. If you're going to give a first name, give the sister's first name. Why was that, Senator Friend? You are upset now, aren't you? [LB405]

SENATOR FRIEND: No, I'm not. Actually, I'll answer that, but if you could allow me a little bit of leeway. [LB405]

SENATOR CHAMBERS: Yes. [LB405]

SENATOR FRIEND: I was in a meeting and I didn't hear you explain my amendment, I apologize. So thank you for doing that. [LB405]

SENATOR CHAMBERS: But you haven't explained what you have against Senator Harms yet. You want to evade that issue, don't you? [LB405]

SENATOR FRIEND: Is he here right now? Yeah, I'll explain. It's between me and Senator Harms, Senator Chambers. [LB405]

SENATOR CHAMBERS: So that's what I want to find out, what's the problem, and maybe I can pour oil over those troubled waters and straighten it out. [LB405]

SENATOR FRIEND: Yeah, I'm sure you can. [LB405]

SENATOR CHAMBERS: So what is the problem? [LB405]

SENATOR FRIEND: I don't know. [LB405]

SENATOR CHAMBERS: You'd rather not mention, okay. [LB405]

SENATOR FRIEND: No, no, no. I don't know. (Laugh) I really don't know. [LB405]

SENATOR CHAMBERS: Okay. Senator Friend? [LB405]

SENATOR FRIEND: Yeah. [LB405]

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SENATOR CHAMBERS: You had begun to indicate that the time may not be appropriate for this bill,... [LB405]

SENATOR FRIEND: Maybe not. [LB405]

SENATOR CHAMBERS: ...the timing may not be appropriate. In line with that concession, what is magical about the number 57,000, which you keep mentioning? Is there something that says if a representative has 57,000 constituents, that representative cannot properly represent those people, or you just said that yourself? [LB405]

SENATOR FRIEND: No, I just think that 57,000 is an awful...I think for a city council, in regard to city council representation, 57,000 is an awful lot of people to represent. I think it's too many. [LB405]

SENATOR CHAMBERS: Why? [LB405]

SENATOR FRIEND: I've thought that for quite a while. [LB405]

SENATOR CHAMBERS: Why? On what basis? [LB405]

SENATOR FRIEND: Because I think city councils are different than legislatures, and the representation, the charter, the ideas that come out of those bodies are different. And I think that that's important. I think that it's...I think you should be more grass-roots... [LB405]

SENATOR CHAMBERS: What does the number of people represented have to do at all with what you just got through saying? [LB405]

SENATOR FRIEND: Well, I think that a more manageable number is a little easier to represent from a grass-roots standpoint. [LB405]

SENATOR CHAMBERS: Who has to manage them, the representative or somebody else? [LB405]

SENATOR FRIEND: Well, the representative. [LB405]

SENATOR CHAMBERS: Well, the representatives are not complaining about this, so why should you? [LB405]

SENATOR FRIEND: Well... [LB405]

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SENATOR CHAMBERS: Let me ask you this... [LB405]

SENATOR FRIEND: I just think it's poor theory. I think that just because they're not complaining doesn't mean that it's not...that it's an efficient way to do business. [LB405]

SENATOR CHAMBERS: Did you hear me at any time suggest that the current council members are doing a great job? [LB405]

SENATOR FRIEND: No, I did not. [LB405]

SENATOR CHAMBERS: Did you hear me at any time mention what this might cost, in terms of dollars? [LB405]

SENATOR FRIEND: No, and I don't think that I made that... [LB405]

SENATOR CHAMBERS: Well, you just made a general statement that, you know, discussing those things. [LB405]

SENATOR FRIEND: Yeah. [LB405]

SENATOR CHAMBERS: But here is the thing that I said earlier. [LB405]

SENATOR ERDMAN: One minute. [LB405]

SENATOR CHAMBERS: A point could be reached when, if there is increased population as a result of annexation and it resulted in a dilution of the voting strength of various identifiable groups in the city, there would be time enough then to consider, after serious study, whether or not it's necessary to alter the governing structure by increasing the number of people on the council. I'm not going to say that will never happen. I did not say it would never happen. I said that is not the case now. And had Elkhorn not been in the mix, this bill would not be before us and 57,000 would not all of a sudden be a number that's unwieldy in terms of how many people are represented by each member of Omaha's city council. That issue has never been raised by anybody, and even your saying it doesn't mean that it's an issue. It's an issue in the sense of something being discussed by us... [LB405]

SENATOR ERDMAN: Time. [LB405]

SENATOR CHAMBERS: ...but not in the sense of an issue having merit. Thank you, Mr. President. [LB405]

SENATOR ERDMAN: Thank you, Senator Chambers. Senator Pedersen, you're recognized to speak, followed by Senator Friend and Senator Chambers. [LB405]

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SENATOR PEDERSEN: Thank you, Mr. President, members of the Legislature. Not once do I want any one of you to ever vote for a bill because it's me that offered it. I want you to vote for something that you believe in. And I'm going to tell you what I believe in. I've heard Senator Mines and Senator Chambers said, what is the issue, they haven't brought up an issue. Well, what is representation? It is the cornerstone, or one of the cornerstones of our democracy. We've talked about watering down districts. Adding the population to Omaha has already watered down the current districts. It may not have changed some of them ethnically, but it has watered down the number that you have representing you with more people in the population. What is good public policy? I'm not real sure that public policy is something we're trying to identify here because public policy already is representation. It's how our government runs, representation. And I have no other issue but representation. Can the people in Elkhorn say that they aren't going to get the services, like Senator Chambers says his district does not get? No, we can't. Senator Chambers, you're aware that your district does not get some of these services. I want to make sure that Elkhorn continues, if they do get the services. We're new yet in the city of Omaha so we can't give you any track record. But we have a feeling that if we had more representation, then we'd be more assured that we would continue to keep these services and to get the services. I'm sorry and truly sorry that your district does not get what it needs, and I am aware of some of that, and my votes on this floor of the Legislature when them issues came up have shown that. My issue is representation. It is the one and only issue that I have with this bill. Thank you. [LB405]

SENATOR ERDMAN: Thank you, Senator Pedersen. Senator Friend, you're recognized to speak on FA53. [LB405]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. Remember what I told you about the shell game? It continues on. I didn't mention Senator Harms. I didn't mention Senator Rogert either. What do you have against Senator Rogert, Senator Chambers? Senator White, I noticed that he's studying intently. I don't know what he's studying. Senator Pirsch is...he's calmly going about his business. Senator Stuthman is looking very dapper. Should I mention everybody? The shell game continues. Look, I'm adding to it only because I enjoy it. You're an hour away from dinner, what else do you have to do right now? The fact is, it's important. I think what Senator Pedersen pointed out is very true. Look, I don't know if we're sitting on the Titanic rearranging desk chairs, I really have no idea. I mean, I can hear the band. (Laugh) I can hear the band, but I don't know how...I don't know, I really don't. I think a bill like this--and here's the point to that--I think a bill like this deserves a vote, I really do. And I think the only reason a bill like this wouldn't get a good legitimate up and down vote is for political reasons. I brought that up earlier. And I'll admit to you, not on the part of Senator Chambers. He doesn't care what the city council or the mayor is saying about this. And I think we've already gone down the road and established that

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because of the growth of Omaha, the economic development, that this is legitimate subject matter and it should either end up at the bottom of the North Atlantic or it should move forward all the way into the dock. Make our decision. I think the interesting part about this whole debate this afternoon, the most interesting part is the fact that proponents, possibly like Senator Pedersen, maybe like myself, others that have stood up, it's turned into a debate of maybe, like I said, the shell game, marginalizing, saying, well, there's no apparent reason to even go through any of this. No, there is. And I'll fully admit that I can see things clearly. I can't read those numbers very well but I can see the political landscape pretty clearly. I know what's happening here. But tomorrow and two months from now and nine months from now and two years from now, if this subject matter hasn't been functionally dealt with again, at least we can say we dealt with it here today. [LB405]

SENATOR ERDMAN: One minute. [LB405]

SENATOR FRIEND: And I think a vote would send a strong message. Look, put the people back...you know, in Elkhorn back in this discussion if you'd like. I think it sends a message to them a little bit, I don't know. It's not why I'm here, like I said. But I think it sends a little bit of a message. The Legislature took this halfway seriously, decided to put this forward, you know, with what we consider a value judgment. That's the end result here. Mr. President, that's all I'd have. Thank you. [LB405]

SENATOR ERDMAN: Thank you, Senator Friend. Senator Chambers, you're recognized to speak on FA53. [LB405]

SENATOR CHAMBERS: Thank you. Members of the Legislature, I support this amendment. I'm not so opposed to this bill that I will vote against any and everything offered. As Senator Friend stated, if this amendment is not adopted, the bill may as well die. That is not the strategy that I am embarking on. I said when I first stood up that I will vote for this amendment, that it is necessary. But the bill is not. And Senator Friend and Senator Pedersen will get a vote on their bill today if they're willing to stay here until 11:59 p.m. (Laughter) He was listening to that, and that was said in jest by me because we'll adjourn before then. Later in the session I may say it jestingly but some people may get heartburn as they see those digits say 5:00, then 6:00, then 7, 8, and then they'll begin to say, good lord, when are we getting out of here? And I'll just be getting into my zone then. I might even sing a song or two to try and pep up the team and to get us back into what it is we're doing. I don't think the discussion has been wasted. Senator Friend is correct when he says this is a subject serious enough to be discussed. I think it should not have been brought out here if the committee were doing its job, but I'm not a member of that committee. There are bills in the Judiciary Committee, of which I am a member, we'll send bills out that I disagree with and I'll fight them on the floor. This, just because it constitutes an issue worthy of discussion, does not mean we ought to vote to do it. Senator Karpisek, every bill that we consider is

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going to affect some city somewhere, so I do believe there are times when the state should act, even if one city happens to be involved. And the Supreme Court has mentioned that when a matter is of statewide concern, that's when the Legislature can act even if its action impacts one individual city. The issue has to be of statewide concern. And we can sense when those things have arrived when they're before us. And if that is not possible to be done, I will inform the body when I think that is the situation. But in this case, I do not think that the governing structure of this city should be altered. I would be the last one to say these people have done a good job. They refused to name a little neighborhood park after me because they don't like my politics, even though the people in that community jumped through all of the hoops that the city itself laid down. The planning department agreed, the parks department agreed, the mayor agreed, but several of those council members said, we don't like him and we're not going to let the neighborhood do it. And I think that was racism pure and simple because they were continuing to name parks and streets after white people. That's the city that I live in. I could have gotten the Legislature to do things to fix them because there were actions some of the senators wanted to take against Omaha and they just wanted me to lead the way. But I said that is not why or how I will get them. If I wanted to fix them, wouldn't this be the time to support something that all of the councilmen are against? Wouldn't it? But the responsibility goes beyond how I feel about any individual or group on that city council. [LB405]

SENATOR ERDMAN: One minute. [LB405]

SENATOR CHAMBERS: And I think the right thing for the Legislature to do is to leave what is currently well enough alone. Senator Friend keeps mentioning the number 57,000. Nothing magical about that number, nobody has said that these council persons are not doing their job effectively because of the number of people they represent. When they attack one or some of them, it's on the basis of a vote they gave or didn't give or a position they took or didn't take, but not because of the number of people they represent. I'm going to support this amendment, but I still will not support the bill. Thank you, Mr. President. [LB405]

SENATOR ERDMAN: Thank you, Senator Chambers. Senator Mines, you're recognized to speak. Senator Mines waives. Senator Pahls, you're recognized to speak. [LB405]

SENATOR PAHLS: (Laugh) Mr. President, members of the body, I just have a couple comments. Yesterday afternoon, I happened to be in Elkhorn. And I do need to commend the mayor, Fahey, and the city council because they were out there also. I think they were trying to help with the process of involving all of Elkhorn into the city of Omaha. I was anxious to see how people reacted. Of course, there was some concern. And one of the concerns I did hear from somebody was that not all the police officers were hired, and that was an issue with them because they had a loyalty to the police

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officers who worked in the home town. I don't know all the circumstances but I do know that was an issue, and I would hope that they would take a look at that. Just a couple things I want to, when we talk about representation. I think that's a concern about a lot of us on the floor. I happen to be in the Millard area, the primary area is the old Millard. And many years ago, it was annexed and there are still people who are feeling that pain, although many more people have moved into the community so it's not the same. But I just wanted to let you know how people are affected. When Millard was annexed, they had the big Millard water tower. After a year or so, the name was erased, painted over. Within the last two years, the Millard Business Association, with a little help from me, we got that back on the Millard water tower. And it's a significant thing to the people. So they're trying to say, hey, this is our area. Now here's another interesting thing, and I am a little bit concerned with Senator Chambers, and I'm going to tell you why his area may need a little representation. So if we could find some way to give more representation to various parts of the town, I'm all for that because I lived that this summer. My son who happens to be 17 years old is driving down 42nd and right off Sorenson. And of course, as a 17-year-old, he has a car that does need some help. So he's going up the hill and it dies on him. So then what does he...he waits around for a while. And he has friends who go to Omaha North High, so they were around. They were trying to get this car running, they couldn't get it going. So I said, well, call AAA because I'm a member of AAA, I have that membership and I just didn't want to go work on this car. Well, he called and they had my number and all this. And he called back about an hour later and said, Dad, nobody is coming. So I'm a little bit, whatever, so I drive to 42nd and Sorenson and I call AAA and I said, where are you guys at? We waited there for a long period of time and I got to thinking. I called back and I said, wonder why I'm waiting here a long time, I said I do live in west Omaha, 168th Street, and I know that if I needed car service I would have it. A little bit later on, the guy came down and I said, well, why did I have to wait here so long for AAA? And he said, well, you know, we only have certain vehicles in certain parts of town. That sent a big message to me. So I can see why people want representation. In many ways, I have some very good representation because of the area where I live, not me personally, but people are more aware of the needs of people and they react to it. So I also think on city council, that can also happen. Some city council men or women are more willing to listen to people than others. In fact, here is an example. One time, not too long ago, somebody said, we need more representation out in the Millard area. And I said, well, it was my understanding, the last time the person ran for that office, he did not have any competition. So don't talk to me that way. If you're that dissatisfied, and I don't know if they had any reason to be dissatisfied, I said then you ought to run. So I think what people are looking here, they're looking for, they want to make sure their area is represented. And another reason why I have some allegiance to Elkhorn is that's...my wife happens to go to a church out there and they're very concerned about it. They're not concerned about...so much... [LB405]

SENATOR ERDMAN: One minute. [LB405]

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SENATOR PAHLS: ...about Omaha as Omaha, but they're afraid they're going to lose some of their small-town things. We call you up and it's answered. To me, a blatant example of that is where Omaha went through, a couple weeks after they annexed it, they started taking a look at the sidewalks in the city of Elkhorn. And I can assure you, I think that was not a smart thing to do because we have sidewalks in the older part of the city, even in my neighborhood, that probably needs to be taken a look at and say, well, one of those parts of your sidewalk is a little higher than another. So there are a lot of things that people who are representing those areas need to be aware of. I'm hoping that the city council and the mayor are really listening to what we're saying today, that whatever happens, everybody needs to be very concerned about, not only the whole city of Omaha, but even that particular area that you represent. Thank you. [LB405]

SENATOR ERDMAN: Thank you, Senator Pahls. Senator Friend, you're recognized to close on FA53. [LB405]

SENATOR FRIEND: Thank you, Mr. President, members of the Legislature. Only to say thank you for your time and patience in regard to this subject matter. Technically this amendment is needed, as we've said. I would ask for the adoption of FA53. Thank you, Mr. President. [LB405]

SENATOR ERDMAN: Thank you, Senator Friend. Members, you've heard the closing on FA53. All those in favor vote aye; all those opposed vote nay. Have all members voted who choose? Record please, Mr. Clerk. [LB405]

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of the second component of the committee amendments. [LB405]

SENATOR ERDMAN: The amendment is adopted. Mr. Clerk, items for the record? [LB405]

CLERK: I have some, Mr. President, thank you. Your Committee on Business and Labor reports LB495 to General File with amendments. Retirement Systems reports LB499 to General File with amendments. And Education reports LB91 indefinitely postponed. New resolution, Senator Howard, LR63, it will be laid over. Senator Ashford with an amendment to LB377, to be printed. And a hearing notice from Judiciary. (Legislative Journal pages 949-950.) [LB495 LB499 LB91 LR63 LB377]

Mr. President, back to LB405, Senator Mines would move to amend, AM799. (Legislative Journal page 919.) [LB405]

SENATOR ERDMAN: Senator Mines, you're recognized to open on AM799. [LB405]

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SENATOR MINES: Thank you, Mr. President, colleagues. Let me tell you in advance that I intend to withdraw this amendment. But I thought it was important that throughout the discussion we talk about something else that affects the citizens of Omaha and their representation. And that would be representation on the Douglas County Board. Just like Omaha, the Douglas County Board has seven elected representatives. And they represent, I'm fumbling for my note but I think they represent about 495,000...here it is. Douglas County represents 492,000 citizens within Douglas County with seven elected representatives. City of Omaha has 425,000 residents and they have seven representatives. So we're pretty close in the total number of constituents. And I think it's important that we talk about, if we're in fact going to change the representation for the city of Omaha, is it not fair that we also change the representation at the county level? Now I know the county won't support this. But I think what's good for goose, good for the gander. So I just brought this up for discussion. And you know, frankly, if this is in fact about representation, should this not be...shouldn't we consider ourselves in the representation portion? Frankly, you know, I think when these 49 districts were established, we all had approximately 34,000 constituents plus or minus 5 percent. And since that time, my 34,000 has probably grown into 41,000 or 42,000. I think Senator Pedersen has probably grown even more. And I'm sure that some of the districts have gone up and down. What I'm saying is we redistrict and we reapportion every ten years. Why are we picking this particular time to do this to the city of Omaha, and with my amendment, AM799 would do that to the county of Douglas? So I bring this up. I fully intend to withdraw the amendment at the appropriate time. But I think as long as we're having debate, some of us want to have discussion. I offer this for your discussion. Thank you, Mr. President. [LB405]

SENATOR ERDMAN: Thank you, Senator Mines. Members, you've heard the opening on AM799. Senator Schimek, you're recognized to speak. [LB405]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I better give up my time, because I got up to speak on the bill itself. So I would give my time to Senator Chambers. [LB405]

SENATOR ERDMAN: Senator Chambers, you have four and a half minutes. [LB405]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Schimek. Since Senator Mines is going to pull his amendment and there are some issues he wants to raise, I'm going to go back to what we were talking about on the city council of Omaha. But before doing that, the Douglas County Board was elected at large also. We never had a black person on the Douglas County Board. So I struggled and fought and fought and then fought some more, and persuaded the Legislature to require the election of Douglas County Board members by district. Yeah, I'm the father of district elections in Omaha. I got district elections for the school board, for the city council, for the county board, and if you want to go on your web site, you'll see that no politician has done that

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anywhere in the country ever, ever, ever, I repeat, not ever. You all have a political treasure in your midst and you don't recognize it. You could learn a lot from me if you would take the time. There was a professor of politics who said that if they were wise at any of these universities, they would have me to teach, because from my track record, which he studied...he couldn't believe it after he read it. He hadn't seen, in all of his review and surveys of the country of America, anybody who had done the multiple things that I had done. I should say the multiplicity. The knowledge of how to be outnumbered and still get things accomplished that others were afraid to even introduce. My record speaks for itself. And I don't boast; I state facts. And when people challenge me, I say, I'm glad you're putting me to the test. Go look at the record and you will say of me what was said by a well-known person of history about Solomon: The half was not told to me. I just don't spend a lot of time telling you all these things. But my work not only is hard, but I get things done and they become models, not only for other states but for the U.S. government in enacting legislation. That's my record. I know something about representative government and I know something about representation. And I know that white people are not situated as black people are. The people, even in Millard or wherever that place was that Senator Pahls mentioned, were not situated as my people are situated right now and always have been. There was a man of my complexion, although he was from Ethiopia more recently than my people came over here from the mother country, and in a racist part of Omaha they burned his store. The Governor didn't say anything about it. Mayor didn't say anything about it. But if there had been a white store in a black community and black people burned it and tied the proprietor up with duct tape and set the store afire with that white man in it, there would have been an outcry all over this state. I know because I've been here all these years. We as black people don't count but because of what has happened to us. And I know there are certain elements in the white community who don't have representation. I will speak for those white groups and entities. [LB405]

SENATOR ERDMAN: One minute. [LB405]

SENATOR CHAMBERS: When a white farmer was shot dead by the State Patrol, I'm the one who spoke up for him and put so much pressure they had to conduct an investigation. And they changed the way they deal with people with whom they're having a standoff. Not because of white people, not because of white representatives. They went along with the program and said, well, he obviously did something wrong or the State Patrol wouldn't have killed him. Fortunately for a lot of white people, I am not like white people. And you better pray that I don't become like white people and do to them only what they've done to us. And when I say that, the first thing white people say, oh no, Ernie, you shouldn't do that. Only when I say I want to see done to white people what white people have done to us. That's how they, in a backhand way, acknowledge how wrong they've been in their treatment of us. Thank you, Mr. President. [LB405]

SENATOR ERDMAN: Thank you, Senator Chambers, and your light is next. You may

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continue. [LB405]

SENATOR CHAMBERS: Thank you, Mr. President. Talking about representation. Here is the way you lay it out. I think it was probably one of the Adamses way back. John Adams, I'll attribute it to him, said that the governing body should be a portraiture in miniature of the constituency being represented. In other words, those who are being governed should have representation on the board or the body or the entity governing them. Black people have always been conspicuous by our absence. And even when we manage to get on a board, like the school board, the city council, or the county board, we're still in such a small minority we can't get all of the things done that ought to be done. The black representative on the city council spoke in favor of the park being named after me. And what he said meant nothing. When white people decide they're going to do something, they just do it. Then other times, they get all self-righteous and holy. But see, we don't forget. If you're the one who was slapped, you don't forget the slapper and what the slapper really is about, even when he's trying to pretend to be something else and showing a different face to everybody else. White people are not lacking in representation just because they live in Elkhorn and Elkhorn was absorbed by the city of Omaha. They are not lacking in representation. Senator Pedersen could not point to one thing they were entitled to that they don't have. Senator Pahls could not point to one thing that the group he was talking about was entitled to but which they didn't have. The name was painted over on the water tower. So then Senator Pahls volunteered to put on some coveralls and a hat and get a paintbrush and go up there and paint the name back on. And they say, well, go do it, I want to see you do it. And he got up there and did it. Now they've got the name on the water tower and they're happy. It would take more than my name on a park to make me or anybody else happy. And I don't seek to have my name put on anything. And I told these black people, only because you all are my neighbors, only because you all respect me and I respect you all, will I let you put myself in the hands of these white people, put myself in the hands of these white people to be insulted and to have the people that mean so much to me insulted by these racists. I know what they're going to do to you. And I would not allow myself to be used in that fashion by anybody other than those in my community, because they believe these white people. I said, okay, you don't believe what I tell you that they are. Well, go down there and get your head thumped. Let them show you what they are. And they went down and the white people showed them what they are. That's how I prevail. Let the white people's conduct show you what they are. Forget what I say. And when they go down there, because they say nobody could be that petty, they found out, good God, they are that petty and worse. If you insult a child's father, do you think the child is going to respect you? When you insult a person whom those in a community love, are they going to love you? Elkhorn is not facing a lack of representation. But you know what? White people know everything. You all are mad at me. Vote for Senator Pedersen's bill. You don't hurt me. I'm speaking for your governmental structure and the responsibility that the Legislature ought to manifest. [LB405]

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SENATOR ERDMAN: One minute. [LB405]

SENATOR CHAMBERS: And you think if you vote for what I'm against, you're going to hurt me? I'm trying to save the integrity of your system, your system. You all teach these principles that I'm giving back to you. I'm just trying to hold a mirror up so you can see yourself. Did I create the city council? No. The county board? No. The school board? No. Although it was during reconstruction that black people got in offices in the south and created the first public education systems that ever existed. You all didn't know that, did you? Because they don't teach you that in school because black people don't count. You think we've never done anything, have never been anything, and cannot do anything. So I show you a thing or two, don't I? Well, vote for what they're doing and show how little you think of your system because you want to fix me and show me something. Well, show me. I'm going to say it like your president, bring it on. And I'm going to speak one more time. [LB405]

SENATOR ERDMAN: Thank you, Senator Chambers. Senator Friend, you're recognized to speak on the Mines amendment. [LB405]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. The Mines amendment...with the Mines amendment, obviously the shell game continues, which I think is humorous. I'm looking at this (laugh) map, the council districts map and the Elkhorn annexation area. We all got this. You notice how much white is out there? You notice that map, how much white is out there, how much area is not represented by anyone? Well, someday it's going to be, obviously, because Omaha will go out and get it. And according to state law, they can go ahead and do that. The interesting part about that is, there are subdivisions scattered all over around there; north on Rainwood Road, State Street, Ida, up near Bennington. I mean, Bennington is next, folks, or at least areas around it. There's a long way to go. Seven council members. Let's just say for argument's sake and for fun and for giggles that the amount now that these members represent is a manageable amount and it's the right one and we shouldn't change this, we shouldn't do anything about this. When is the right time? Can somebody give me a good number? Senator Chambers lambasted me over and over again for throwing out the 57,000. Okay, pick a number. What isn't a manageable number, 80,000? So we have city council districts 90,000 large? Because it's coming. It's a lot of white space out here in Douglas County. It's coming. Please tell me what the right number is, I don't know. The point to the whole thing has been this. There's seven council members representing extremely large constituencies. That's the last thing I'm going to say about this. And I'm sure you're all going, oh, thank you, God. Senator Pahls is one of them. But you know what? It's like I mentioned earlier. This isn't going away. All this white space starts to dissipate, more and more we're going to have to deal with this. Just because we omit it now or toss it off to the side now doesn't mean it's not coming back. I may not be the one, Senator Chambers may not be the one, others in here may not be able to deal with it because they won't be here. But somebody here is going to, I

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guarantee it. Please tell me what the right number is. The naysayers are saying, well, we keep throwing up the...because that's the number that these folks are going to be representing. Is that unmanageable? Maybe not. But you know what? It's still too big. Philosophically and theoretically, it's too big for a city council district to be. City councils in general are more grass-roots and less overall big picture public policy oriented than a state legislature is. For goodness sake, maybe the state Legislature, maybe our districts should be bigger than a lot of the city council districts. These are huge districts, folks, and they weren't that big in 1950, like I mentioned earlier, earlier in the day here. Fifty-seven years we've been plodding on with the rapid, steady, absolute, almost blitzkrieg type of growth that Omaha has accomplished out west. [LB405]

SENATOR ERDMAN: One minute. [LB405]

SENATOR FRIEND: I think we've come to the determination that nobody is saying that this is necessarily improper. AM799, while we all know it's going to be pulled, totally irrelevant subject matter. Could have thrown a germaneness motion up on this, except for Senator Mines came out and said, I'm going to pull it. County boards don't have ordinance authority, totally different than the charter and the express statutory authority that a city council has, statewide in every class. The amendment is going to go away. Looks like we might be able to get a chance to look down the barrel of LB405. Once again, I appreciate the time, Mr. President. Thank you. [LB405]

SENATOR ERDMAN: Thank you, Senator Friend. Senator Chambers, you're recognized to speak. [LB405]

SENATOR CHAMBERS: Thank you. Mr. President, this is the last time I'll speak on Senator Mines' amendment--don't get too happy--on his amendment. When Senator Friend said look at that map and see all that white out there, I thought he was talking about, really, the population and I was getting ready to say, you got that right, brother, you sure got that right. But let me tell you what white folks out there in western Omaha used to do. They had in their deeds what they called restrictive covenants. This is in Omaha. No person of the African race can buy property out here, can live out here, can rent out here unless they're as somebody's servant. And those restrictive racist covenants were enforceable in a court of law. And if a white person had the temerity to sell or lease property to a black person, that white person could be taken to court, sued, and punished. What white people ever went through that, where your mere presence justified somebody in winning a lawsuit because you were there? And you wonder...you ought to wonder why I don't hate everything white that I see walking. You all can't show that that happened to you. When were your people ever the basis for a lawsuit just because they lived in a house? That was in Omaha, Nebraska, during my lifetime. You all don't know it, you don't know anything. You talk about ignorance. White people collectively are the most ignorant group on the face of the Earth, in your city, in your state. And you wonder why I get upset. You all talk about this little piddling stuff, your

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name is not on a water tower. People in Elkhorn want to stay a neighborhood. And we were the basis of a crime just by being present because white people hate us that much. You couldn't take it. I say about you what Jack Nicholson said in that movie. You can't deal with the truth, you can't handle the truth. So you act like it didn't occur. But I'm one of those black men who was not beat down by you. I was not discouraged, I was not intimidated, and I will not quit. And I will fight you every step of the way on any issue that I think I ought to, to show you what a black man is made of. A black man is not all the stereotypes you want to make us. Little Black Sambo as a child, Nigger Jim in middle life, Old Black Joe as an old man; all these things you consider great literature. I am not the walking stereotypes. And if you think I am, put me to the test, and I will not be the last one...I will not be the first one to leave, I'll be the last one standing. And if you want to have a stare-down, I will not blink first. I don't care how many of you there are. I don't care how much strength you have. I don't care how you bluster and blow and threaten and name call. You know why I don't have e-mail? Because people of your complexion loaded it up so much with racial slurs and threats, that it couldn't be used for ordinary communication. So I gave it up. They won, in a sense, but they made it more difficult for them to get that trash to me. They've got to send it through the mail now or try to sneak up when they think I'm not in my office and slide it under the door. That's what I contend with in this Legislature. And all you all got to do is sit up here with some little old bill and say, I may not get my bill. If I had a life that easy, you wouldn't hear a complaint pass my lips. You all couldn't confront what I confront and function like I function because you don't confront it and you don't function like I function. [LB405]

SENATOR ERDMAN: One minute. [LB405]

SENATOR CHAMBERS: But I'm going to be here and you're going to have to contend with me, one way or the other. So don't talk to me about representation and then talk this nonsense that you're talking. It has nothing to do with representation. You don't even know what representation means. Thank you, Mr. President. [LB405]

SENATOR ERDMAN: Thank you, Senator Chambers. Senator Mines, you're recognized to close on AM799. [LB405]

SENATOR MINES: Thank you, Mr. President, colleagues. Again, I had indicated that I will withdraw AM799. However, just to point out the fallibility with the discussion we've had. We're talking about the city of Omaha and increasing from seven to nine members. And the county board represents virtually the same population. Senator Flood (sic) had indicated that there's a lot of white space between Elkhorn and Omaha. I might suggest that that white space falls within the zoning authority of the city of Omaha. So technically those people do fall within the purview of the city of Omaha. Their zoning is controlled. So with that, I don't intend to carry this further, Mr. President. I withdraw AM799. Thank you. [LB405]

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SENATOR ERDMAN: The motion is withdrawn. Thank you, Senator Mines. Any senators wishing to speak on the advancement of LB405? Seeing none, Senator Pedersen, you're recognized to close on the advancement of LB405. [LB405]

SENATOR PEDERSEN: Thank you, Mr. President, members of the Legislature. Again I ask you not to vote for LB405 just because I am the one who represented it or brought it to the floor. Vote for it because you believe in it, you believe in representation as being one of the cornerstones of our democracy. I did not bring LB405 to poke my finger in Omaha's eye. Omaha has been my home also, since 1964 when I came to Omaha to work at Boys Town. Elkhorn has been my town and will always be my town and my community, the same as Millard is theirs. But the representation of 59,000 people compared to with two more council members bringing it to 47,000, I think is a big deal. And I ask for your vote. I thank you for your indulgence and your patience. Thank you. [LB405]

SENATOR ERDMAN: Thank you, Senator Pedersen. Members, you've heard the closing on the advancement of LB405 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all members voted who choose to? Senator Pedersen, for what purpose do you rise? [LB405]

SENATOR PEDERSEN: I hate to do this at this late hour, but I'm going to ask for a call of the house and a roll call vote, regular order. Thank you. [LB405]

SENATOR ERDMAN: You've heard the request, members. The motion is, shall we have a call of the house? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB405]

CLERK: 40 ayes, 0 nays, Mr. President, to place the house under call. [LB405]

SENATOR ERDMAN: The house is under call. All 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 Loudon, Senator Dubas, the house is under call. Senator Loudon, the house is under call. Members, all senators are present and accounted for. Senator Pedersen, you've request a roll call in regular order. Mr. Clerk, please proceed with the vote. [LB405]

CLERK: (Roll call vote taken, Legislative Journal page 951.) 25 ayes, 16 nays, Mr. President, on the advancement of LB405. [LB405]

SENATOR ERDMAN: LB405 does advance. Mr. Clerk, items for the record? I do raise the call. [LB405]

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CLERK: Mr. President, some items. Your Committee on Education, chaired by Senator Raikes, to whom was referred LB603, reports the bill to General File with committee amendments attached. Senator Pirsch would like to add his name to LB338, Senator Flood to LB629. That's all that I had, Mr. President. (Legislative Journal pages 951-952.) [LB603 LB338 LB629]

SPEAKER FLOOD PRESIDING []

SPEAKER FLOOD: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR52, LR53, LR54, LR55, LR56, LR57, LR58. Mr. Clerk, items for the record? [LR52 LR53 LR54 LR55 LR56 LR57 LR58]

CLERK: Mr. President, I have a priority motion. Senator Christensen would move to adjourn until Wednesday morning, March 28, at 9:00 a.m. []

SPEAKER FLOOD: The question before the body is, should the Legislature adjourn until March 28 at 9:00 a.m.? All those in favor say aye. All those opposed say nay. We stand adjourned. []