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Floor Debate  
April 19, 2007

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[LB232 LB316 LB316A LB405 LB415A LB415 LB457 LB458 LB502 LB551 LB562  
LB596 LB603 LB701 LB701A LR6CA LR69 LR70 LR71 LR72]

SENATOR LANGEMEIER PRESIDING []

SENATOR LANGEMEIER: Good morning, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber for this, the sixty-seventh day of the One Hundredth Legislature, First Session. Our chaplain for today is Senator Wallman. Please rise. []

SENATOR WALLMAN: (Prayer offered.) []

SENATOR LANGEMEIER: Thank you, Senator Wallman. I call to order the sixty-seventh day of the One Hundredth Legislature, First Session. Senators, please record your presence. []

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

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

CLERK: Mr. President, I have no corrections for the Journal. []

SPEAKER FLOOD PRESIDING []

SPEAKER FLOOD: Thank you, Mr. Clerk. Are there any messages, reports, or announcements? []

CLERK: Just two items, Mr. President: The report of registered lobbyists to be inserted in the Journal, per law; and received two reports that will be on file in the Clerk's Office, available for member review. That's all that I have, Mr. President. (Legislative Journal pages 1217-1218.) []

SPEAKER FLOOD: Thank you, Mr. Clerk. Members, we will now proceed to Final Reading. Would ask that you take your seats in preparation for Final Reading. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR69, LR70, LR71, and LR72. Mr. Clerk, we now move to Final Reading. The first bill is LB232. [LR69 LR70 LR71 LR72 LB232]

CLERK: (Read LB232 on Final Reading.) [LB232]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB232 pass? All those in favor vote aye; all those opposed

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

Floor Debate  
April 19, 2007

---

vote nay. Mr. Clerk, please record. [LB232]

CLERK: (Record vote read, Legislative Journal pages 1218-1219.) 41 ayes, 0 nays, 8 excused and not voting, Mr. President. [LB232]

SPEAKER FLOOD: LB232 passes. (Doctor of the day introduced.) Mr. Clerk, we now proceed to LB415. [LB232 LB415]

CLERK: (Read LB415 on Final Reading.) [LB415]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB415 pass? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk. [LB415]

CLERK: (Record vote read, Legislative Journal page 1219.) 32 ayes, 5 nays, 5 present and not voting, 7 excused and not voting, Mr. President. [LB415]

SPEAKER FLOOD: LB415 passes. Mr. Clerk, we now proceed to LB415A. [LB415 LB415A]

CLERK: (Read LB415A on Final Reading.) [LB415A]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB415A pass? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk. [LB415A]

CLERK: (Record vote read, Legislative Journal page 1220.) 35 ayes, 4 nays, 4 present and not voting, 6 excused and not voting, Mr. President. [LB415A]

SPEAKER FLOOD: LB415A passes. We now proceed, Mr. Clerk, to LB457. [LB415A LB457]

CLERK: (Read LB457 on Final Reading.) [LB457]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB457 pass? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB457]

CLERK: (Record vote read, Legislative Journal pages 1220-1221.) 39 ayes, 0 nays, 4 present and not voting, 6 excused and not voting, Mr. President. [LB457]

SPEAKER FLOOD: LB457 passes. We now proceed, Mr. Clerk, to LB502. [LB457 LB502]

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

Floor Debate  
April 19, 2007

---

CLERK: (Read LB502 on Final Reading.) [LB502]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB502 pass? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB502]

CLERK: (Record vote read, Legislative Journal pages 1221-1222.) 42 ayes, 1 nay, 6 excused and not voting, Mr. President. [LB502]

SPEAKER FLOOD: LB502 passes. Mr. Clerk, we now move to LB562. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB502 LB562]

CLERK: 33 ayes, 4 nays to dispense with the at-large reading, Mr. President. [LB562]

SPEAKER FLOOD: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB562]

CLERK: (Read title of LB562.) [LB562]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB562 pass? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB562]

CLERK: (Record vote read, Legislative Journal page 1222.) 43 ayes, 0 nays, 6 excused and not voting, Mr. President. [LB562]

SPEAKER FLOOD: LB562 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB232, LB415, LB415A, LB457, LB502, and LB562. (Visitors introduced.) [LB562 LB232 LB415 LB415A LB457 LB502]

SENATOR FRIEND PRESIDING []

SENATOR FRIEND: Members, we are, as Senator Flood mentioned, we are on Select File. Mr. Clerk, first bill, LB701. [LB701]

CLERK: Mr. President, LB701. Senator McGill, I have Enrollment and Review amendments first of all. (ER8070, Legislative Journal page 1181.) [LB701]

SENATOR FRIEND: Senator McGill, for a motion. [LB701]

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

Floor Debate  
April 19, 2007

---

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB701]

SENATOR FRIEND: All those in favor please say aye. All those opposed, nay. They are advanced. [LB701]

CLERK: Mr. President, the first amendment I have to the bill, Senator Flood, AM999. [LB701]

SENATOR FRIEND: Thank you, Mr. Clerk. Senator Flood, you...thank you, Senator Flood. Senator Flood is recognized to open on AM999. [LB701]

SPEAKER FLOOD: Mr. President, I'd like to substitute, I believe it's AM1073, which was just filed, and I would ask unanimous consent, if that's possible. (Legislative Journal pages 1223-1226.) [LB701]

SENATOR FRIEND: Without objection, so ordered. [LB701]

SPEAKER FLOOD: Members, AM1073 was just filed a moment ago and it represents what I believe is a comprehensive approach to the number of different and very pluralized concerns that were voiced on General File. I know that Senator Chambers has been studying the issue and will have several amendments, some of which I think, if not all of them, are very complementary to what we're trying to do here. But last week on General File I agreed to work with those members who had concerns about parts of the Natural Resources Committee amendment to LB701 and I want to say, because of the hard work of over 17 senators in this Legislature and the hard work of the Natural Resources Committee staff, folks outside the glass that understand water issues throughout Nebraska, we bring today an amendment that I believe addresses those concerns raised on General File. Everyone who let me know they wanted to be involved as a member of the Legislature has been involved, and I want to thank all the senators who worked to find common ground, especially want to thank committee counsel. AM1073 is an amendment to the E&R amendments, ER8070, and I'll briefly go through the amendment and how it addresses the concerns raised previously. As you follow along on your viewer with the hard copies provided to you, I'll start at the beginning of the amendment with the vegetation management section of the bill. On page 1, line 18, we strike the word "fund" as Senator Avery correctly noted that the representative comes from the Nebraska Environmental Trust. Senators Carlson and Preister addressed Senator Preister's concerns about the direction given the task force by adding language found on page 1, line 23, to "analyze the cost-effectiveness of available vegetation treatment," and on page 2, line 1, to add language that "any plan shall utilize the principles of integrated vegetation management and sound science." These additions provide guidance to the task force and make the plans adopted consistent with those used currently by weed control authorities. Senator Erdman noted the need for clarification on who can implement these plans, so on page 5, line 16, we

Floor Debate  
April 19, 2007

---

strike the word "including" and after "authorities" insert an underscored comma. Now moving on to the local funding mechanism, Senator Christensen thought that the legislative oversight component was lacking and it was needed for the landmark authority granted to the qualified NRDs under this legislation, so we have added on page 7, line 19, a new section that provides for reporting by the NRDs to our Natural Resources Committee upon request. That reporting includes an explanation of (a) what has been done, what is going to be done, and (c) what benefits are expected. Senator Mines' concerns regarding who may participate in interlocal agreements under these provisions is clarified on page 7, limiting this authority to only qualified NRDs. In response to concerns from Senators White, Lathrop, Wightman, Raikes, Rogert, and others about the use of ground water by surface water users who have agreed to forgo their water use, we have proposed that starting in April of 2008 NRDs will restrict the use of ground water to no greater than the total ground water allocation previously permitted by the district rule or regulation, less any surface water purchased, leased, or otherwise acquired. We reached this agreement...that agreement last year...this year, given that planting season decisions and planning has already started in the field by those surface water users expecting to have a full supply this year. We have been assured by the DNR and the Attorney General's Office that this will not increase our consumptive use beyond that already planned in the basin integrated management plans. On page 7, line 22, we have modified the language in the sunset clause we adopted last week to address concerns of bond counsel, but that does not change the substance or effective date of the sunset provision. Senator Wightman strongly believes that NRDs must have the ability to purchase land outright in the public market in order to ensure that any qualified project is entered into at fair market value. We have addressed that concern on page 8, line 17, by referencing the authority to purchase and sell property already granted to the NRDs under Chapter 2, Article 32, specifically, Section 2-3233. On page 9, line 5, we clarify how the process of collecting the occupation tax is carried out. And on page 11, line 9, we add language identifying the tax proceeds at the suggestion of the Revisor. A major concern expressed by Senators White and Chambers was the potential precedent set for the rest of the state by the aspects of this bill. Working directly with Senator White, this amendment on page 15, line 23, adds new language to the Ground Water Management Protection Act that makes it clear that the Legislature is not setting any requirement for future Legislatures by adopting the funding aspects of this bill, and reaffirms the well-established principle of public ownership of water held by the state for the benefit of its citizens. That is a very important component. There are additional items that we have addressed. On page 32, line 25, we exempt public water suppliers from the temporary suspensions consistent with the actions we took last year in LB1226. On page 47, line 19, we apply the increase in the checkoff, proposed by Senator Chambers, to grain sorghum, consistent with the increase we adopted on corn, by striking one-half and inserting three-fifths. Finally, we address questions about the Water Resources Cash Fund by revising that section to accomplish several key objectives. With the help of Senator Heidemann and Jeanne Glenn from the Fiscal Analyst's Office, we add new language on page 41, line 16, that:

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

Floor Debate  
April 19, 2007

---

number one, requires the DNR to promulgate rules and regs that govern how the fund is used and include how activities funded will ensure compliance with Section 46-715, and the schedule for implementation; number two, it requires the DNR not permit use of funds by NRDs that fail to enforce the controls required under Section 46-715; and, number three, requires a report by the DNR that details what activities have been carried out by the DNR and the NRDs and the costs associated with those activities. We bring to the floor today, colleagues, an amendment that improves the bill, that gives the DNR and the NRDs the remaining funding tools needed to fully address our obligations under the compact in LB962. When I first took to the floor last week I described three ways to manage water: regulate uses; retire uses; and number three, reinforce supply. With the adoption of this amendment we complete the process this body started in 2004 with the adoption of LB962. With all the management tools now available we can not only sustain our vital water resources but also maintain a vibrant basin economy. This bill is a tough one. This issue is a tough one. I especially want to thank the senators from the basin that have painstakingly done their best to represent the citizens that they represent, while at the same time balancing those interests and attempting to find a solution short of a complete water shutoff by a federal district court, and at the same time preventing the state from incurring significant damages awarded to another state that may bring an action against us. They should be commended for their hard work and I want to express my appreciation to them, especially, for sitting at the table and working in a very collaborative fashion. Thank you, Mr. President. [LB701]

SENATOR FRIEND: Thank you, Senator Flood. Members of the Legislature, you have heard the opening on AM1073. Mr. Clerk, you have an amendment? [LB701]

CLERK: I do, Mr. President. Senator Chambers would move to amend Senator Flood's amendment. Senator Chambers would move to amend with FA83. (Legislative Journal page 1226.) [LB701]

SENATOR FRIEND: Senator Chambers, you are recognized to open on your amendment. [LB701]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, if you will look on your gadget, it tells you to turn to page 1, or begin by looking on page 1 of the amendment. My proposed change will address existing language. As I state over and over, when a bill comes before us and as I read through what is being proposed, if I find language which I think can be clarified, either by deleting something, adding something, or explaining something, I will do that. So this is going into existing language. On line 22, strike the word "for," f-o-r, and insert "to meet the reasonable needs of." This language is related to the findings of the Legislature and this part that I'm talking about refers to when certain actions have to be taken because there is insufficient water to go around. The current language says, "when the ground water supply is insufficient for all users." I would add language to say, "when the ground water

Floor Debate  
April 19, 2007

---

supply is insufficient to meet the reasonable needs of all users." It could be argued that it's clear or should be clear to any reasonable person that you're not referring in this existing language to any use that a person wants to make of this water. Well, since it jumped out at me that we can tighten down what it is we're talking about, the language that I'm offering will do that. The bill itself, LB701, is making what I consider a radical departure from the way things currently are being done. We're trying to tie up loose ends. We are putting new concepts into the law which were not there formerly. Money is going to have to be coughed up by people who were not coughing up money before and did not want to have to cough up any. So while these big things are being done, Senator Carlson, the small things ought not be overlooked either. I will tell you another beneficial purpose of what it is that I'm doing. The committee amendments...I mean the E&R amendments deal with a number of substantive issues. If there are members interested in what we are doing, those members will have three opportunities to speak on the entire list of E&R amendments, and maybe time would run out. By my offering these types of amendments not only is the language improved, in my opinion, but it gives opportunities to go into the more substantive aspects of the E&R amendments. My amendments don't require a lot of time to explain, nor do I think they will require a lot of discussion to be understood. But if there are other aspects of the E&R amendments which do need discussion, not necessarily because people are opposed but for clarification and to build a record, that can be done while the amendments that I'm offering are being discussed. Nobody will have to make a motion to bracket, to indefinitely postpone, to strike things from the amendments which they really don't want to strike but are only trying to create an opportunity to speak. So, Senator Carlson, in addition to sometimes being that iron bar that is forced between the teeth of the gears of the machinery that will bring everything to a halt, more often, but it's not noticed, I can provide the oil that will lubricate the machinery and facilitate its smooth and efficient operation. If you have, though, any questions about the amendment that I'm offering, I am prepared to answer them. And since I just got the E&R amendments, I'm going to have to kind of go through them and see what is here, and I may have some questions about those issues. But as for now, the amendment that I've offered I think is clear. So that's all I have to say at this point, Mr. President. Thank you. [LB701]

SENATOR FRIEND: Thank you, Senator Chambers. Senator Flood, you are next and you are recognized, if you choose to do so. [LB701]

SPEAKER FLOOD: Thank you, Mr. President. I believe that Senator Chambers' amendment is reasonable, it's a good idea, and that it should be adopted. I appreciate the fact that he brought it forward and also the fact that he's combed through the amendment to the extent that he has and offers this change. I believe that we're on the right path and would support AM...or FA83 to AM1073. Thank you, Mr. President. [LB701]

SENATOR FRIEND: Thank you, Senator Flood. Senator Chambers, there are no

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

Floor Debate  
April 19, 2007

---

senators wishing to speak. You are recognized to close on your amendment. [LB701]

SENATOR CHAMBERS: (Laugh) Mr. President, I am nonplussed. I don't often offer amendments which have no significant comment one way or the other, but I suppose it could either be a tribute to how meritorious the amendment is, or people may just be tired this morning. If somebody had offered the amendment that I'm offering, I would not have much to say about it either because really it is right on the money and it should be adopted. So I will let that conclude my remarks on this particular amendment, Mr. President, and attempt to pull myself together. Thank you. [LB701]

SENATOR FRIEND: Thank you, Senator Chambers. Members of the Legislature, you have heard the closing on FA83 to AM1073. Question is, shall FA83 be adopted? All those in favor please vote aye; all those opposed vote nay. Have you all voted who wish to? Record please, Mr. Clerk. [LB701]

CLERK: 35 ayes, 0 nays, Mr. President, on the adoption of Senator Chambers' amendment. [LB701]

SENATOR FRIEND: FA83 is adopted. Mr. Clerk, next item. [LB701]

CLERK: Mr. President, Senator Chambers would move to amend Senator Flood's amendment. (FA84, Legislative Journal page 1226.) [LB701]

SENATOR FRIEND: Thank you, Mr. Clerk. Senator Chambers, you are recognized to open on your second amendment. [LB701]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, when we are looking at the thrust of this bill, including the existing language, you will see on page 1, in line 17 and line 18, this terminology: "a reasonable and beneficial use." That is good phraseology--reasonable as well as beneficial. So if you turn to page 2, in lines 2 and 5, lines 2 and 6, we have the word "beneficial." So what I want to do in line 2 on page 2 is insert the words "reasonable and" preceding the word "beneficial," and in line 5, after the word "the" insert "reasonable and beneficial." Then we have the terminology consistent with the "reasonable and beneficial use" terminology on the preceding page. So all this amendment would do is in the two places on page 2 that I detected we will not just have the term "beneficial use" standing alone; I will insert "reasonable and" so that that language will read "reasonable and beneficial use," and it will parallel or mirror that language found on the preceding page. That's what the amendment does. And I think that I may be the only one really interested in maybe additional discussion, so I didn't have all my minor amendments drafted, but that is what this one would do. And in order to try to trigger some interest and concern on the part of my colleagues, you need to be wary when a person of my ilk will approach you and say these are very reasonable amendments. That is the perfect strategy to persuade people to lower their

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

Floor Debate  
April 19, 2007

---

guard and accept what's being said. I believe this is a good amendment, but there are other things that I felt and believed, deeply, were good amendments which were not adopted. I had my teeth kicked in yesterday as a result of my very meritorious attempt to lower the sales tax from 5.5 percent to 5 percent. Now that was a very good amendment of considerable consequence. And even though I presented a lengthy discussion and argument to persuade you of that point, I did not persuade enough of you. Now here I come with something that is dealing with a very important piece of legislation and you're just going to let me stand on this floor and say...I'm asking you to do this, and you just look at me and say, okay? Well, I guess maybe so. (Laugh) I've had time to craft another amendment in the meantime, Mr. President, so that's all I will say by way of opening on this one. Thank you. [LB701]

SENATOR FRIEND: Thank you, Senator Chambers. Members of the Legislature, you have heard the opening on FA84. (Visitors introduced.) On with the discussion of FA84. There are members wishing to speak. Senator Langemeier, you are recognized. [LB701]

SENATOR LANGEMEIER: Mr. President, members of the body, I thank Senator Chambers. As we start to look at legislation, we focus on what's highlighted and what's crossed out. Sometimes you don't go back and look at what's previously in statute that's been there for years and years and years. So I thank Senator Chambers for doing that on this bill and clarifying. I do support the amendment that is before us, FA84. I think it does clear up some of the wording in those two spots and I would ask for your adoption of this amendment. I look forward to reviewing as he continues to provide us with a few floor amendments, as he's drafting now. We'll review those as they come up and consider them in that format. Thank you. [LB701]

SENATOR FRIEND: Thank you, Senator Langemeier. Senator Flood, you are next and you're recognized. [LB701]

SPEAKER FLOOD: Thank you, Mr. President. Members, I believe that Senator Chambers' amendment is another good idea. He has added language in there that benefits the bill and I would encourage you to support it. In addition, I want to make a comment, and thank Senator Schimek for raising this point, that when I gave the opening on AM1073 I could have done a better job of making it clear that I was referencing the E&R amendments with my page numbers and talking about what we did actually in the amendment that's under consideration. So if you'd like a copy of my opening comments, I'd be happy to provide you a copy of the same so that you could go through and see exactly what the changes were. Thank you, Mr. President. [LB701]

SENATOR FRIEND: Thank you, Mr. Speaker. Senator Carlson, you are next and you're recognized. [LB701]

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

Floor Debate  
April 19, 2007

---

SENATOR CARLSON: Mr. President and members of the Legislature, I'd like to direct a couple of questions to Senator Chambers. [LB701]

SENATOR FRIEND: Senator Chambers, will you yield to a couple of questions? [LB701]

SENATOR CHAMBERS: Yes. [LB701]

SENATOR CARLSON: Senator Chambers, to simplify things here, would you define "reasonable." [LB701]

SENATOR CHAMBERS: Yes, Senator Carlson, that is a state of mind that would be the state of mind of a person, who, in possession of all the facts necessary to reach a decision that accords with those facts, would then make a decision based on those facts that would take into consideration those facts, recognize them, and act in accord with them. [LB701]

SENATOR CARLSON: Okay. Thank you. Would you define "beneficial." [LB701]

SENATOR CHAMBERS: Beneficial is that which is helpful. I think that's good. (Laughter) [LB701]

SENATOR CARLSON: Is it very important that things be both reasonable and beneficial in all cases? [LB701]

SENATOR CHAMBERS: I think with what we're talking about it is necessary because it would be beneficial for a person to perhaps use what is considered an excessive amount of water for irrigation purposes, but when you look at what we're doing in terms of allocating water in an equitable, which means fair, and just manner, it would not be reasonable to let this one person gain this tremendous benefit or profitableness from doing that which is unfair to everybody else. So when we're talking about the usage of water, it should not only be beneficial but it also should be reasonable. [LB701]

SENATOR CARLSON: If you were to prioritize "reasonable" and "beneficial," which is most important? [LB701]

SENATOR CHAMBERS: Well, if I can determine which came first, the chicken or the egg, I might be able to do that. Some things we discuss, because of the limitations of language, sequentially. One is mentioned before the other, or is apparently given a priority over the other. So I think you would look at the specific facts of the particular situation and then make that determination. [LB701]

SENATOR CARLSON: Thank you, Senator Chambers. Once again I have proven

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

Floor Debate  
April 19, 2007

---

you're as good on your feet as I thought you were. [LB701]

SENATOR FRIEND: Thank you, Senator Carlson, and thank you, Senator Chambers. Senator Schimek, you are next and you're recognized. [LB701]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I have a question, Senator Flood, if I might ask you a question. I don't necessarily have a problem with it, but I just wondered why. [LB701]

SENATOR FRIEND: Senator Flood, will you yield to a question from Senator Schimek? [LB701]

SPEAKER FLOOD: Yes, I will. [LB701]

SENATOR SCHIMEK: Thank you, Senator Flood. I'm on the amendment AM1073, finally getting it compared with the E&R amendment. And on page 3, lines 8 through 12, it talks about the fact that this task force will be housed within the Department of Agriculture for administration and budgetary purposes, and yet if you look at the task force and the representatives who are on the task force, so many of them come from Natural Resources, Environmental Quality and so forth. Is there a...I mean, why was this task force put in the Department of Agriculture? They have one representative on this task force. It's probably fine, but I'm just...I think it's curious. [LB701]

SPEAKER FLOOD: Senator Chambers (sic), we had a number of senators working with this amendment. May I ask that you direct your question toward Senator Erdman, as that was...or, Senator Schimek, would you direct your question toward Senator Erdman? [LB701]

SENATOR SCHIMEK: I'd be happy to. Thank you, Senator Flood. [LB701]

SPEAKER FLOOD: Thank you. Sorry. [LB701]

SENATOR FRIEND: Senator Schimek, would you like to... [LB701]

SENATOR SCHIMEK: I would. [LB701]

SENATOR FRIEND: ...address that question... [LB701]

SENATOR SCHIMEK: I would like to ask Senator Erdman to yield to a question. [LB701]

SENATOR FRIEND: Senator Erdman, will you yield to a question? [LB701]

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

Floor Debate  
April 19, 2007

---

SENATOR ERDMAN: I will. [LB701]

SENATOR SCHIMEK: And did you hear my question, Senator Erdman? [LB701]

SENATOR ERDMAN: I did, Senator. Just so that I'm clear, we're talking about page 3 of AM1073,... [LB701]

SENATOR SCHIMEK: Exactly. [LB701]

SENATOR ERDMAN: ...lines 9 through 11? [LB701]

SENATOR SCHIMEK: Correct. [LB701]

SENATOR ERDMAN: Okay. Here's why that was done that way. The act that's going to be used to facilitate or to carry out the provisions in Senator Carlson's original bill, LB458, which is now in LB701, is actually amending the noxious weed program. The noxious weed program is actually a Department of Agriculture program and, in addition to the responsibilities outlined into that program, we have amended that to include the recommendations of this task force for the purposes of invasive riparian vegetation management. So it makes more sense if the Department of Ag is going to administer the noxious weed program which will actually carry out the act, that the task force that's going to be making those same recommendations would report and be under the oversight of the Department of Ag for administrative and budgetary purposes than some other entity that doesn't administer the underlying act. [LB701 LB458]

SENATOR SCHIMEK: Thank you. That helps and I'm satisfied with that. Thank you, Senator Erdman. [LB701]

SENATOR ERDMAN: Very good. [LB701]

SENATOR FRIEND: Thank you, Senator Schimek and Senator Erdman. Senator Erdman, you are next. Senator Erdman waives his opportunity to speak. Senator Carlson, you are recognized. [LB701]

SENATOR CARLSON: Mr. President, members of the Legislature, Senator Schimek, I'd like to add something to what Senator Erdman indicated, and that is that the...a staff member from the Department of Agriculture will be helping to facilitate and oversee the work that the task force does and it adds a degree of accountability, and this bill has a two-year sundown provision. Things need to get done. They need to be measured. They need to be reported back and I believe that arrangement helps facilitate all of that. Thank you, Mr. President. [LB701]

SENATOR FRIEND: Sorry, Senator Carlson. Thank you. Senator Chambers, there are

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

Floor Debate  
April 19, 2007

---

no other senators wishing to speak. You are recognized to close on FA84. [LB701]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, my seatmate, who has absented herself temporarily, looked over to me today and said, after my other comments about getting my teeth kicked in yesterday, Senator, with you it's all or nothing. Yesterday you got nothing; today we will see if you get all. I couldn't resist sharing that, and that also is a pitch for you to adopt these amendments because they are inconsequential as far as making any substantive change in this bill or what its purposes are. I do think they will offer some improvement and as I go through the next three, I think that might be all I have, it won't be necessary for me to extend the time in order that I'll have the opportunity to construct the other amendments that I had. But while on my feet, I'll explain why it took me a little time. The copy of the amendment, the E&R amendments, which was given to me yesterday is somewhat different from the one that we have today. So to be sure that the amendments I wanted to craft would plug into the page and line numbers in the E&R amendment that we adopted today, I had to compare that which I had yesterday with what I was given today so that, despite the fact that the wording of my amendments will be the same, they may not have fit with today's version of the amendment as they did with yesterday's. That's all I have, Mr. President, and I will accept you-all's vote and we will hold the applause until the final amendment has been offered and adopted without a dissenting vote. Thank you, Mr. President. [LB701]

SENATOR FRIEND: Thank you, Senator Chambers. Members of the Legislature, you have heard the closing on FA84, an amendment to AM1073. Question is, shall FA84 be adopted? All those in favor please vote aye; all those opposed vote nay. Have you all voted who wish to? Have you all voted who wish to? Record please, Mr. Clerk. [LB701]

CLERK: 38 ayes, 0 nays, Mr. President, on adoption of FA84. [LB701]

SENATOR FRIEND: The amendment is adopted. [LB701]

CLERK: Mr. President, Senator Chambers would move to amend with FA85. (Legislative Journal page 1227.) [LB701]

SENATOR FRIEND: Thank you, Mr. Clerk. Senator Chambers, you are recognized to open on FA85. [LB701]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, this that I'm doing goes into existing language once again and there may be another place in existing language where this is found and, if so, the Speaker is going to check and see. But if you will turn to page 2, in line 13 we're talking about certain things being done in order "to achieve locally determined ground water management objectives." Well, I've been discussing this bill with Mr. Cookson, or is it Crookson? I've had plays on his name

Floor Debate  
April 19, 2007

---

in my mind, and that's not what I want to do today so I want to get it right. It's Mr. Cookson. But I was going to make some kind of comment based on what people told me about why the...why people of that party are called Republicans or the river is called Republican after them, because it's so crooked. Well, I was going to say because he is dealing with the river issue, his name is appropriate, which is Crookson, but it's not Crookson; it's Cookson. So I wanted to be sure that I got his name correct so I looked at the card that he gave me, and I want Mr. Cookson to know, because wherever he is, he's listening, this amendment is not for the purpose of giving or making a play on his name but to point out that he and I have been discussing this bill. Any answers that I needed to any questions he assured me he would be forthcoming with such answers. His work that he has performed on this bill and in other areas than just working on this bill but dealing with water matters, his work has been very good, highly competent, and I want to make that clear. But we were discussing this amendment that I told him that I'm going to make. He reminded me that when we adopted LB962 we expanded this concept so that it didn't apply just to NRDs but to basins, regional areas. So instead of having just the word "locally," I will insert the word...the two words "and regionally." I want to be sure that I got it correct. While my time is running, I think the Clerk may want to speak to me, so let the time run on and I'm going to see what this is, Mr. President, in case I need to elaborate further. [LB701]

SENATOR FRIEND: Thank you, Senator Chambers. (Visitors introduced.) And, Senator Chambers, that was your time. I appreciate you allowing me to do that on your time. And you are recognized again. [LB701]

SENATOR CHAMBERS: Thank you, Mr. President. That's just the kind of guy that I am. And I appreciate you doing what you did because it gave me the opportunity to speak to the Clerk and get clarification on what Senator Flood was trying to bring to my attention. I have the exact same version of this amendment up there twice. In trying to be sure that I had something on the desk, I had drafted the amendment to yesterday's E&R version and when it came up I would have corrected it if the reference to page and line number had been incorrect. But fortunately this aspect of the two versions of the E&R amendments are the same, so that's what the Speaker was asking me when he asked were there two locations, or something to that effect. So we will deal with this amendment only one time. If you have been very circumspect and have manipulated your gadget to see the nature of all the amendments that I've offered, you would have seen two versions of the same one. So this is the only version that I will offer, and if you need me to elaborate further on why I'm giving it, I will do so. But in case some missed it when I gave the explanation earlier, the language in the existing law talks about achieving locally determined ground water management, but now there is a regional component too. So I would add the words "and regionally," so the language would read, in line 13, "achieve locally and regionally determined ground water management objectives." Thank you, Mr. President. [LB701]

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

Floor Debate  
April 19, 2007

---

SENATOR FRIEND: Thank you, Senator Chambers. And, members of the Legislature, you have heard now the opening on FA85 to AM1073. Senator Langemeier, you are recognized. [LB701]

SENATOR LANGEMEIER: Thank you, Mr. President, members of the body, and I'm curious if Senator Chambers would yield to a question. [LB701]

SENATOR FRIEND: Senator Chambers, would you yield to Senator Langemeier's question? [LB701]

SENATOR CHAMBERS: Yes, I will. [LB701]

SENATOR LANGEMEIER: Senator Chambers, I do support FA85, but I think it's crucial for the record that if you would define in your thoughts what is "locally" and what would be "regional." [LB701]

SENATOR CHAMBERS: Well, the "locally" was there because it dealt with specific NRDs. LB962 expanded this concept to include entire basins, which would be not just locally in the sense of the NRD, but regionally, to include more than just the NRD but the basin area or region. [LB701]

SENATOR LANGEMEIER: Thank you, Senator Chambers. I think it was important to have that on the record for what we're looking at. "Locally" and "regionally" can get pretty broad statement and I think it defines NRDs to a basin and I think that's important. So with that, thank you, Mr. President. [LB701]

SENATOR FRIEND: Thank you, Senator Langemeier. Senator Flood, you are next and you are recognized. [LB701]

SPEAKER FLOOD: Well, thank you, Mr. President and members. Again, Senator Chambers' FA85 to AM1073 is agreeable from my vantage point. I think it's a reasonable change and this is bigger than just one NRD, and I think that's the point, as I understand Senator Chambers' intent behind FA85. We want a basinwide solution to the extent we can find one, and we expect cooperation. And the other thing I think it's important to say is that we expect these NRDs to use the tools they've been given to address the issues in the basin and, to the extent they can, on a basinwide solution. So I am supportive of FA85, plan to vote for it, and thank Senator Chambers for bringing it. Thank you, Mr. President. [LB701]

SENATOR FRIEND: Thank you, Senator Flood. Senator Louden, you're next and you're recognized. [LB701]

SENATOR LOUDEN: Thank you, Mr. President, members of the body. I can't say that

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

Floor Debate  
April 19, 2007

---

I'm exactly in support of FA85. I probably will not oppose it that much, but I would like to ask Senator Chambers a question, if he would yield, please. [LB701]

SENATOR FRIEND: Senator Chambers, will you yield to a question? [LB701]

SENATOR CHAMBERS: Yes, I will. [LB701]

SENATOR LOUDEN: Senator Chambers, when you talk about regionally, and I think you answered the question for Senator Langemeier, but the problem I have with some of this in here is in some of our NRDs we have our subbasins and I'm wondering when this language was written before, because this is language that's already in statute, is my understanding, that they were trying to address that. Because you do have subbasins where you have to have different restrictions in the subbasins. Now do you think by putting "regional" in there that we could hinder that language for other NRDs across the state? [LB701]

SENATOR CHAMBERS: No. Senator Louden, do you like lemon pie? [LB701]

SENATOR LOUDEN: Pardon? [LB701]

SENATOR CHAMBERS: Do you like lemon pie? [LB701]

SENATOR LOUDEN: If it's got meringue on it. [LB701]

SENATOR CHAMBERS: You read my mind. I was going to tell you this is the meringue on top of the lemon pie. What we're dealing with here in the existing language is legislative intent language and it's talking, in this part that I'm amending, "The Legislature recognizes the need to provide for orderly management systems in areas where management of ground water is necessary to achieve locally," and I added "regionally," "determined ground water management objectives." With what we're doing in this bill we're talking about basinwide problems. So when we are talking about management of ground water, we're making it clear that we're not restricting our focus to what might affect an NRD or, as you say, a subdistrict, but the entire basin, if that should be necessary to have an effective water management plan. [LB701]

SENATOR LOUDEN: Okay. Now my next question is, because I'm sure you're well versed in this--I chased cows all my life and you chased words--but should we have "and/or regionally determined"? Should we have an "or" in there, an "and/or"? [LB701]

SENATOR CHAMBERS: Senator Louden, do you like lemon pie or cherry pie? [LB701]

SENATOR LOUDEN: No, I'd rather have lemon. [LB701]

Floor Debate  
April 19, 2007

---

SENATOR CHAMBERS: Okay. In some situations we can say either/or when it doesn't matter which you take, or you might have one but not the other. In this case we should use the conjunction "and" because we're talking about both. You might have a management plan that applies only to what an NRD is doing, but it should be clear that what we're looking at even in that context is a basinwide management plan. In the same way that water, while it's liquid...well, water is always liquid, but it cannot be divided by drawing a line across it, these management plans should be seamless and nothing should be done in one area that is going to hinder or disrupt what would affect the well-being of the entire region. So this amendment is not going to hurt anything that is going on now. It simply says that what is envisioned by the existing language is expanded to include the basin area and not just what an NRD is doing. [LB701]

SENATOR LOUDEN: Okay. Well, thank you, Senator Chambers. I just have the problem with when we get into talking about regionally is where... [LB701]

SENATOR FRIEND: One minute. [LB701]

SENATOR LOUDEN: ...how much country it covers and if we're expanding this out to somewhat include everything in one shotgun approach. So thank you, Senator Chambers, and thank you, Mr. President. [LB701]

SENATOR FRIEND: Thank you, Senator Louden and/or Senator Chambers. Senator Flood, you are recognized. [LB701]

SPEAKER FLOOD: Mr. President, I like pie. I like all types of pie, and I am very comfortable with FA85. I think it's a reasonable change. I appreciate the record that we've made as far as regionally versus using the word "basinwide," and I think that Senator Chambers' amendment will, in effect...does, in effect, send the message that this isn't just one NRD we're expecting to act. We're expecting them to act, as much as possible, in cooperation in the basin, and the word we use for the basin in this situation is "regionally." So it's appropriate and I would urge its adoption. Thank you, Mr. President. [LB701]

SENATOR FRIEND: Thank you, Senator Flood. Senator Carlson, you are next. You're recognized. [LB701]

SENATOR CARLSON: Mr. President, members of the Legislature, now I've heard the word "basinwide" used twice by Senator Chambers and once by Senator Flood. I'd like to address a question to Senator Flood. [LB701]

SENATOR FRIEND: Senator Flood, will you yield to a question from Senator Carlson? [LB701]

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

Floor Debate  
April 19, 2007

---

SPEAKER FLOOD: Yes, I will. [LB701]

SENATOR CARLSON: And I'm not trying to extend this, but with what Senator Louden asked also, we're saying locally and regionally, but we're using the terms "basinwide," and should it be locally and/or basinwide, or... [LB701]

SPEAKER FLOOD: Well, Senator, I know what you're saying and use of the word "basinwide" would be maybe more appropriate on a very ground level, but I think that on the advice of the Attorney General's Office, and I would concur and I think Senator Chambers concurs, use of the word "regionally" is more appropriate because it still respects the political subdivision autonomy that the NRDs currently enjoy. You know, each one has a different elected board, each one has a different defined district. And I think "regionally" suggests that there would be three in cooperation working in the basin, but it accomplishes what we're trying to do grammatically without confusing the autonomy that they enjoy. I hope that's a reasonable explanation. [LB701]

SENATOR CARLSON: Okay. Thank you, Senator, Speaker Flood, and thank you, Mr. President. [LB701]

SENATOR FRIEND: Thank you, Senator Carlson and Senator Flood. Senator Preister, you're next and you're recognized. [LB701]

SENATOR PREISTER: Thank you, Honorable President. I won't be asking anyone any questions, and so if anyone needs some time to read the amendment or to work on other things, they know that they'll have a little bit of time to do that without at least my interruption of them. I give that as an introduction. And then I, too, want to echo that Dave Cookson has been very knowledgeable and very good to work with, and I've worked with him when I was on the Natural Resources Committee for some time, so he is a wealth of information. If anyone does want to talk to him, he is in the Rotunda and can answer any additional questions by any members who may not have been as directly involved. Going beyond that, I'd like to thank Senator Carlson. He was good to work with in coming up with the language to address my concerns. He helped to add another modification, taking out the word "all," which I agreed to, and we did come to some agreement on the language. I think that language is important. My concern was to essentially have a financial, as part of the basis, cost estimate and to be able to look at what the cost would be not only in terms of eradication of vegetation or modification, or however it may be termed, of that vegetation, but whether or not the vegetation even really needs to be removed. So if we transfer water in...and for that Senator Pirsch certainly did a good job of asking some questions about whether or not that's the most cost-effective way of getting water down to Kansas through the Republican River. The goal, the objective is to get Kansas their water so we're not in litigation or we don't have to pay for what they don't receive. So what is the most cost-effective way of doing that? Perhaps it's removing vegetation. Perhaps vegetation removal is a part of the process,

Floor Debate  
April 19, 2007

---

and I don't have a problem directly with that. But we need to look at the total cost and what the cost is to accomplish the ultimate goal, and how do we most cost-effectively do that. That cost also includes whether or not we eradicate some vegetation and, like nature does, you eliminate something and something is going to replace it. Something else is going to come back and grow in that area. Is it going to be more expensive removing what replaces it? I'm looking at...looking at the long term, the big picture, as we go down this road. I support the objective of getting some water to Kansas so our irrigators are not as directly impacted. I support the removal of some vegetation if that needs to be done. At the same time, a part of that cost-effectiveness is the fact that we have paid for buffer strips and encouraged the planting of vegetation near streambeds and this legislation includes 100 feet either direction from the center of the streambed. So if we remove vegetation that's a part of a vegetative buffer strip, then we've invested money into something that we may be destroying. Dave Cookson assures me that we would be looking at all of those various federal programs, state programs, and that all of the work that we would be doing would be done in conjunction to ensure that that did not happen. This language I think just helps to further clarify a direction for the task force that points to them as having some guidance from the Legislature. [LB701]

SENATOR FRIEND: One minute. [LB701]

SENATOR PREISTER: So I believe that that addition on cost-effectiveness is valuable. The other portion of it says that any plan shall utilize the principles of integrated vegetative management and sound science. The integrated vegetative management would incorporate all components. It wouldn't just look in isolation. And I felt giving the task force that additional direction was very valuable, valuable so they have that as a guide, and integrated vegetative management can be a variety of things but done in conjunction and collaboration with some of the best management practices for the long-term view. So I do appreciate all the cooperation. I particularly want to thank Speaker Flood who made sure that we got together, who listened, and who encouraged us to work together and to move beyond individual issues. I also want to thank Senator Langemeier, who did an exceptional job from the beginning,... [LB701]

SENATOR FRIEND: Time. [LB701]

SENATOR PREISTER: ...prior to legislation, through this entire process, and everyone else involved, including the President. Thank you. [LB701]

SENATOR FRIEND: Thank you, Senator Preister. Senator Chambers, there are no other senators wishing to speak. Senator Chambers waives closing on FA85. Members, the question is, shall FA85 be adopted to AM1073? All those in favor please vote aye; all those opposed vote nay. Have you all voted who wish to? Record please, Mr. Clerk. [LB701]

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

Floor Debate  
April 19, 2007

---

ASSISTANT CLERK: 32 ayes, 0 nays on the adoption of Senator Chambers' amendment, Mr. President. [LB701]

SENATOR FRIEND: The amendment is adopted. Next item, Mr. Clerk. [LB701]

ASSISTANT CLERK: Senator Chambers would offer FA87. (Legislative Journal page 1227.) [LB701]

SENATOR FRIEND: Senator Chambers, you are recognized to open on FA87. [LB701]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I will explain this amendment. It's on page 3, in line 5; I would strike the word "compensate" and substitute in its place the two words "provide compensation." What this word "compensate" is referring to is a financial payoff, in a manner of speaking. The language in the provision that my amendment goes to speaks of economic assistance, the purchase of water, and so forth. This is intent language and, as pointed out by the Speaker when he addressed it, the purpose is to make it clear that what we're doing in this instance is not to set a precedent of the kind which would justify somebody in relying on what we did in this bill as a basis for saying this is what you must do as a Legislature any time a similar problem may arise. So the meaning of the word "compensate," as you find it in the language in the E&R amendments, refers to money given in exchange for water rights or whatever it is that is perhaps going to be purchased, or to give compensation to ameliorate, to mitigate, to overcome any economic impact resulting from necessary regulation. There may come a day when regulation will be essential and it will produce a negative economic impact. This bill is not designed to suggest that whenever a regulation results in a negative economic impact that the Legislature is going to cough up some money. We know that under existing laws relative to eminent domain the state cannot take private property for a public purpose without giving fair compensation. That is not what is being dealt with in LB701. This language, without my amendment even, is designed to make it clear that we are not establishing a precedent or stating how these matters will be handled in the future when it comes to somebody alleging that he or she has suffered an economic loss. Since what we're talking about is money, it would be better to say "compensation," rather than to have the word "compensate." The word "compensate" could refer to more than just money. It could mean you're going to make something better. If something bad happens, you're going to do something to make up for that, that may have nothing to do with money. Let's say that you have a grove of olive trees in Nebraska and, because it's necessary to regulate water, and Senator Carlson got us a bill that's going to deal with removal of certain types of vegetation, somebody could say, well, if I'm going to have to get rid of these trees then you have to compensate for that, meaning replace the trees with other trees, and that is not going to be done. Because if the purpose is to remove the vegetation, period, then you cannot insist that that particular vegetation be replaced by other vegetation. That might be a poor example, but it's to let you know that the word

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

Floor Debate  
April 19, 2007

---

"compensate" could refer to something other than financial. This area that we're dealing with here relates to financial compensation to try to make a person whole or to overcome whatever negative economic impact could result from necessary regulation. And you'll notice in the existing language, in line 6, they're talking about regulation that is necessary. Had I constructed that language, I would have put the word "necessary" in front of "regulation." But since I don't want to let my obsessive, compulsive nature just run away with me, that I'm having a strong urge here...is this Senator Louden's...oh, let me ask Senator Langemeier a question. [LB701]

SENATOR FRIEND: Senator Langemeier, will you yield to a question? [LB701]

SENATOR LANGEMEIER: Yes. [LB701]

SENATOR CHAMBERS: Senator Langemeier, could you turn to page 3 of the committee amendments? [LB701]

SENATOR LANGEMEIER: Yep. [LB701]

SENATOR CHAMBERS: In line 6, would it bother you if I would move the word "necessary" so that it precedes "regulation," instead of having it follow "regulation"? So that it says, the current language says, "resulting from regulation necessary pursuant to," I would say "resulting from necessary regulation pursuant to." [LB701]

SENATOR LANGEMEIER: I guess I... [LB701]

SENATOR CHAMBERS: Or don't you see any difference? [LB701]

SENATOR LANGEMEIER: I guess I would have to be sold on your justification to... [LB701]

SENATOR CHAMBERS: I'll leave it alone. [LB701]

SENATOR LANGEMEIER: ...to the importance. [LB701]

SENATOR CHAMBERS: I'll leave it alone. It's not really important probably to anybody other than me. Because to show you the way I feel--and that's all I will ask you, Senator Langemeier, thank you--I think "ain't" is a word that ought to be given the dignity and status of acceptable usage. "Ain't" could be a word that can be used to express the singular or the plural: I ain't, he ain't, they ain't. Now I have to say, if speaking of myself, I am not; he is not; they are not. But "ain't" is like a utility word. It fits every situation. And English is a language that's supposed to be alive and growing. Just because something seemed appropriate ages ago doesn't mean it can never change. You all would understand high-tech changes. If you can make these gadgets on our desks work a lot

Floor Debate  
April 19, 2007

---

faster, you would do that because you want to get from point A to point B as quickly as possible. And for those who might know, (singing) I got a long way to go and a short time to get there; we gonna do what they say can't be done. You've heard that? That comes from Smokey and the Bandit, and they had to get a load of liquor from one point in one state to another point in another state, and smokey was the cop. Burt Reynolds was the bandit. He was going to drive this souped up sports car in front of this semi full of liquor, and he would be the decoy, and smokey would chase the decoy, and that would let the semi go where it's going. But that's another definition for jet propulsion--long way to go times short time to get there equals jet propulsion. If we would use the word "ain't" in language, we're doing the same thing. Remember: I ain't; you ain't; he, she, it ain't; they ain't. Fits everything, so why is it rejected? Why? So I ain't gonna tell you that I ain't gonna use "ain't" as we proceed during the session, but if I do you'll know why. And that's all I would have to say on this amendment. Are there any other lights on, Mr. President? [LB701]

SENATOR FRIEND: There are other lights on, Senator Chambers. [LB701]

SENATOR CHAMBERS: Okay. That's all I have to say at this point. Thank you. [LB701]

SENATOR FRIEND: Thank you, Senator Chambers. Senator Flood, you are recognized. [LB701]

SPEAKER FLOOD: Thank you, Mr. President. Senator Chambers, thank you for the references to my favorite movie, Smokey and the Bandit. I'm Sheriff Buford T. Justice and my seatmate here, Junior, is not with me right now, but we do support FA87 to AM1073. It's a reasonable change and would encourage its adoption. Thank you, Mr. President. [LB701]

SENATOR FRIEND: Thank you, Senator Flood. Senator Louden, you are recognized. [LB701]

SENATOR LOUDEN: Yes, thank you, Mr. President and members. As Senator Chambers has went through this, and I think any place that this intent language can be clarified it'd certainly help, because as the state of Nebraska we certainly want to keep all options open and make it perfectly clear what we intend to do and what we do not intend to do in the future. So I think with this language, why, it clarifies it somewhat and whether Senator Chambers ain't gonna do anything anymore, why, that's beside the point. But I would certainly support this amendment and thank Senator Chambers for bringing it forwards. [LB701]

SENATOR FRIEND: Thank you, Senator Louden. Senator Langemeier, you are next and you're recognized. [LB701]

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

Floor Debate  
April 19, 2007

---

SENATOR LANGEMEIER: Mr. President, members of the body, I had a couple questions, but Senator Chambers and I had the discussion in between when I was recognized and when I turned my light on. I do support FA87 and ask the body to do the same. Thank you. [LB701]

SENATOR FRIEND: Thank you, Senator Langemeier. Senator Fulton, you are recognized. [LB701]

SENATOR FULTON: Thank you, Mr. President, members of the Legislature. I just have a brief question of clarification that I'd like to ask Senator Chambers, if he would yield. [LB701]

SENATOR FRIEND: Senator Chambers, will you yield to a question? [LB701]

SENATOR CHAMBERS: Yes, I will. [LB701]

SENATOR FULTON: This is a legitimate question. We...the language is to establish that this isn't a precedent, correct? [LB701]

SENATOR CHAMBERS: Yes. [LB701]

SENATOR FULTON: Okay. If by changing the word "compensate" to "provide compensation," is there an inference that, how do I say this, if we are providing compensation then that limits that which we compensate to monetary...to money. By making that change, do we infer that that which is not money, that might have been gleaned from this originally, is now...is precedent, I guess? [LB701]

SENATOR CHAMBERS: Here's the way I would answer that, Senator Fulton. That, that is, is. That, that is not, is not. That, that is not, is not that that is, and that that is, is not that that is not. (Laughter) [LB701]

SENATOR FULTON: And that ain't Smokey and the Bandit. (Laughter) [LB701]

SENATOR CHAMBERS: Right. [LB701]

SENATOR FULTON: I guess if we change this, would the record indicate that we are inferring that means beyond monetary compensation which would compensate for something? [LB701]

SENATOR CHAMBERS: No, I think from the discussion it's clear that the purpose of this language is to show that the compensation that we're giving now under this bill, of a financial nature, is not the precedent, that we're not going to give financial compensation whenever it's necessary in order to regulate, to do something that may

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

Floor Debate  
April 19, 2007

---

result in a negative impact on somebody. And I think the question was very legitimate, and I think our exchange might make the record crystal-clear as to what is meant. [LB701]

SENATOR FULTON: Good enough. Thank you, Senator Chambers. Thank you, Mr. President. [LB701]

SENATOR FRIEND: Thank you, Senator Fulton and Senator Chambers. Senator Chambers there ain't any other senators wishing to speak. You are recognized to close on FA87. [LB701]

SENATOR CHAMBERS: Thank you. Mr. President, and in view of the fact that Senator Flood ain't over there, and his seatmate ain't over there, he's lucky his seatmate ain't over there, because if his seatmate knew...had seen Smokey and the Bandit and knew who Junior was, I don't think Senator Flood would be standing in full health right here today. And anybody who has not seen that movie, you ought to see it the next time it comes on. In closing, I would just like to do something which I would want to do, because I had seen it done when people get an Oscar. I cannot act well enough to be cast in a movie, and if I were cast in a movie, it would not have the quality that would result in an Oscar being given. But what I hate more than anything else, but would like to do to punish people for having the Oscar ceremony, thank everybody I could think of, and those I couldn't. So in view of the fact that many have worked on this bill, here's what I would like to do. I'd like to thank the following senators: Adams, Aguilar, Ashford, Avery, Burling, Carlson, Chambers, Christensen, Cornett, Dierks, Dubas, Engel, Erdman, Fischer, Flood, Friend, Fulton, Gay, Hansen, Harms, Heidemann, Howard, Hudkins, Janssen, Johnson, Karpisek, Kopplin, Kruse, Langemeier, Lathrop, Loudon, McDonald, McGill, Mines, Nantkes, Nelson, Pahls, Pankonin, Pedersen, Pirsch, Preister, Raikes, Rogert, Schimek, Stuthman, Synowiecki..."Snicky," Wallman, White, and Wightman. I'm thanking those who were directly involved, I'm thanking those who were indirectly involved, and I'm thanking those who simply stayed out of the way. And, Mr. President, thank you. [LB701]

SENATOR FRIEND: Thank you, Senator Chambers. Members of the Legislature, you've heard the closing on FA87 to AM1073. All those in favor please signify by voting aye; all those opposed vote nay. Have you all voted who wish to? Record please, Mr. Clerk. [LB701]

CLERK: 35 ayes, 0 nays, Mr. President, on the adoption of Senator Chambers' amendment. [LB701]

SENATOR FRIEND: The amendment is adopted. (Visitors introduced.) Mr. Clerk, next item on the desk. [LB701]

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

Floor Debate  
April 19, 2007

---

CLERK: Mr. President, just an announcement, if I may, right before I do that. Business and Labor Committee will hold an Executive Session today at 11:00 underneath the north balcony; Business and Labor at 11:00. Mr. President, at this time I have nothing further pending to Senator Flood's AM1073. [LB701]

SENATOR FRIEND: Senator Flood, there are no senators wishing to speak. You are recognized to close on AM1073. [LB701]

SPEAKER FLOOD: Thank you, Mr. President and members. We've had quite a week in the Legislature, and I know that some of our discussion has been light. However, the matter before us is very serious, and it is important that we recognize that the amendments made today make the bill better. We worked to the best of our ability with the other senators that had issues and concerns and believe that AM1073 is a reasonable amendment to try and bring folks to the table, as far as the concerns that have been raised on General File. The process in the Legislature worked appropriately, I think, inside this Chamber for the senators, in that we took the concerns raised on General File and we brought forward a work product that represents a lot of hard work. I want to recognize Jody Gittins from the Natural Resources Committee and Dave Cookson and the folks from the basin. Certainly, the NRDs have had a lot of hard work put in this, as well. We want to encourage your adoption of this. I think we've gone through its contents, and I do have copies available for anybody that would like to see my opening remarks. I would encourage your adoption of AM1073. Thank you. [LB701]

SENATOR FRIEND: Thank you, Senator Flood. Members of the Legislature, you have heard the closing on AM1073, the amendment to LB701. The question is, shall the amendment to LB701 be adopted? All those in favor please vote aye; all those opposed vote nay. Have you all voted who wish to? Record please, Mr. Clerk. [LB701]

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of Senator Flood's amendment. [LB701]

SENATOR FRIEND: The amendment is adopted. [LB701]

CLERK: Mr. President, Senator Flood, I now have AM998, but I have a note you'd like to withdraw that, Senator. [LB701]

SPEAKER FLOOD: Yes, I would, Mr. President. [LB701]

CLERK: Mr. President, at this time I have nothing further pending to LB701. [LB701]

SENATOR FRIEND: Senator Christensen...there are no senators wishing to speak. I'm sorry, Senator McGill, for a motion. Senator Flood? [LB701]

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

Floor Debate  
April 19, 2007

---

SPEAKER FLOOD: I move the advancement of LB701 to E&R for engrossing. [LB701]

SENATOR FRIEND: All those in favor of advancement please signify by saying aye. All those opposed say nay. LB701 does advance. Mr. Speaker, you are recognized to advance LB701A, if you will. [LB701 LB701A]

SPEAKER FLOOD: Mr. President, I would move that LB701A advance to E&R for engrossing. [LB701A]

SENATOR FRIEND: Members, you have heard the motion. All those in favor please signify by saying aye. All those opposed say nay. LB701A does advance. Mr. Clerk, items? [LB701A]

CLERK: Thank you, Mr. President. Senator Erdman would like to announce that the Agriculture Committee will meet under the north balcony upon adjournment; that's the Ag Committee, upon adjournment underneath the north balcony today. Hearing notice from the Government, Military and Veterans Affairs Committee, and amendments to be printed: Senator Schimek to LB405; Senator Kopplin to LB596; Senator Avery to LB551. And bills read on Final Reading this morning, Mr. President, were presented to the Governor as of 9:43 a.m. (re: LB232, LB415, LB415A, LB457, LB502, and LB562.) And that's all that I have. (Legislative Journal pages 1227-1232.) [LB232 LB405 LB415 LB415A LB457 LB502 LB551 LB562 LB596]

SENATOR LANGEMEIER PRESIDING

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Speaker Flood, you are recognized for an announcement.

SPEAKER FLOOD: Well, I have two announcements today, and I think both very timely. One of them you're going to like; one of them you may have mixed feelings about. The first is, given the fact that we're moving along this morning--I know earlier in the week I said we'd have an extended day today that could go as late as three--at this time, with plenty of notice to folks, I think we're going to hopefully adjourn around noon, and that is, in part, because we have accomplished a lot this week, and I think we've taken a lot of time on bills that need extensive debate. The second issue is late nights. We're to that point in the session where we will be working into the evening. You will be receiving a memo in front of you. You will be...a memo will be placed in your mailboxes, and one will be sent by Internet e-mail to each of your offices. I have designated a number of days that we could work late nights. My idea of a late night doesn't usually consist of adjourning any time before 8:30. However, as you'll note in the final paragraph, I do reserve the right to cancel late night or to adjourn earlier than that 8:30 time, given the circumstances. Obviously, we're preparing for a lot of late nights. It also is very much conditioned upon how we work through issues on the floor, and so your ability to confine

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

Floor Debate  
April 19, 2007

---

your remarks to the bill and work very diligently on the bills will obviously mean we won't be working as many late nights. Extensive debate will take us into the evening, but that's fine; we have prepared for that. And so this memo will be in front of you, and thank you for your attention.

SENATOR LANGEMEIER: Thank you, Speaker Flood. Mr. Clerk, next item on the agenda, LB316. [LB316]

CLERK: Mr. President, LB316, offered by Senator Friend. (Read title.) The bill was introduced on January 11 of this year, referred to the Education Committee. The bill was advanced to General File. I do have committee amendments pending by the Education Committee, Mr. President. (AM765, Legislative Journal page 945.) [LB316]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Friend, you are recognized to open on LB316. [LB316]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. Committee hearing for LB316 was held on February 13, 2007. Five proponents, two neutral testifiers appeared at the hearing; no opposition, more or less, submitted. LB316 was advanced from the Education Committee, 7-0 vote, with 1 member absent. Members, LB316 creates a Special Education Services Task Force for the purpose of doing a systematic and comprehensive review of the manner in which special education services are provided for and financed in Nebraska. They would recommend policies and potential legislation to the Clerk of the Legislature and the Education Committee on or before December 31, 2007. Now this task force would be the first major effort to assess the changes in special education, both in practice and in financial support, since the last study was undertaken by the Special Education Accountability Commission in 1994 and 1995. Members, I think the study is needed to determine where we now stand, and where we need to go to see that parents and students who rely on these programs are equitably served. It's as simple as that. The examination by the task force would include, but would not be limited to, federal and state statutes--federal and state laws--special education services in other states, application of the least-restrictive-environment doctrine, the availability of services across our state, the use of private providers by public school districts, the use of private providers by private citizens, and the provision of services for wards of the state or wards of the court. The task force would be authorized to hold one or more public hearings to obtain input, and the members of the task force would be appointed on or before June 15, 2007. I believe the committee amendment actually changes that or extends that date out to July 1. Members of the task force would be appointed by the Governor, except that the senators would be appointed by our legislative Executive Board. The Chairman of the Education Committee would serve as the Chairman of this task force. Members of this task force would be reimbursed for their actual and necessary expenses. The Education Committee of the Legislature, the Legislative Fiscal Analyst and the State Department

Floor Debate  
April 19, 2007

---

of Education would provide research and administrative support. For budgetary purposes only, the task force would be within the Legislative Council, and the task force would terminate on December 31, 2007. The measure here does contain an emergency clause because of the timing. Members of the Legislature, I've voted for some task forces since I've been here. I guess I've voted against a few since I've been here. I don't really have a love affair with task forces. It is something that I think flies in the face of the term "task force." You get a bunch of folks together in a committee, and it's decision making by committee. But on the other hand, it's sort of the way our government operates in a lot of different ways. I would like to see action on a couple of items that I think would be missing in the special education arena, but it doesn't always work out that way. Just because I think that something is wrong doesn't mean necessarily that it is. I think task forces, if properly implemented and you have the right amount of people on it, you have the right people on it, could actually provide some...and have--and there's documentation for that--could actually provide some benefit as an asset. Now look, I'd be happy to answer any questions in regard to this subject matter. Got a lot of help with this. I mean, I'm not going to go through all 49 senators yet, especially, but Senator Raikes and Tammy Barry, the legal counsel for the Education Committee, we've been working on this for a long time. We've had some meetings...a long time, I mean almost a year. We've had some meetings with a lot of folks in our community to deal with this subject matter. Senator Adams has helped me through the Education Committee in dealing with the makeup of the task force. I've worked with a lot of folks and have talked to a lot of folks outside of this body, to try to come up with what we think would be the right members on this task force. I think that that's a moving target. Look at the task force members, if you will. Provide your feedback to us. I'd be happy to listen to it and deal with it from that standpoint. With that, members of the Legislature, I would simply ask for the advancement, and respectfully ask for the advancement of LB316, along with the committee amendments attached. Mr. President, that's all I'd have. Thank you very much. [LB316]

SENATOR ERDMAN PRESIDING [LB316]

SENATOR ERDMAN: Thank you, Senator Friend. You've heard the opening on LB316. As the Clerk has stated, there are committee amendments. Senator Raikes, as Chairperson of the Education Committee, you're recognized to open on AM765. [LB316]

SENATOR RAIKES: Thank you, Mr. President, members of the Legislature. The committee amendment basically does two things: It revises the membership of the task force from 19 members down to 15, and it also changes the date of appointment of the members from June 15 to July 1. The membership on the...the changes in the membership on the committee I'll leave to you to read on the committee statement. We've basically just tried to...the committee has tried to get it down to what is considered to be a more workable number, but I do believe that everyone that's on there is appropriately on there, so that's for your consideration. As Senator Friend mentioned,

Floor Debate  
April 19, 2007

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this is a tight time line. We wouldn't really begin...have an opportunity to begin this until July 1, when the members are appointed. Then a report would be expected by December 31. But I guess I would point out to you that this is a similar time line to what we had when we were working on distance education, and I think that worked well. It...we did, in fact, come up with a recommendation that the Legislature could adopt, and one I think that really effectively addressed the issues. I would hope for the same thing here. I thank Senator Friend for bringing this issue. Special ed is a very important topic in education in Nebraska. It certainly impacts a number of children, and it's also a significant financial impact to the state. We're upwards of \$180 million a year now at the state level that we devote to support for special education students, and that is supplemented by funds from local school districts. There are some significant issues, policy issues, that are intertwined. The federal law requires for...requires a least restrictive environment for the education of special ed students; that is interpreted differently around the state. It is intertwined with school finance, because depending upon, for example, how you interpret the least restrictive environment, the implications are significant financially. Last, I'd mention there are a number of concerns by parents of special ed students as to the programs made available to them, whether they are offered in public schools or in private settings. The state makes use of both public school programs and programs in nonpublic settings to provide services to special ed students. So these are all issues, I think, that are critically important, and ones that could be addressed, I think, effectively in this sort of a task force. So I urge your support of the committee amendment and of the bill. Thank you. [LB316]

SENATOR ERDMAN: Thank you, Senator Raikes. You've heard the opening on the Education Committee amendments to LB316. (Visitors introduced.) Madam Clerk, next motion. [LB316]

ASSISTANT CLERK: Mr. President, Senator Raikes would move to amend the committee amendments with AM1074. (Legislative Journal page 1232.) [LB316]

SENATOR ERDMAN: Senator Raikes, you're recognized to open on AM1074. [LB316]

SENATOR RAIKES: Thank you, Mr. President, members. This amendment is in response to an issue raised by the State Department of Education. There is one member of the State Department of Education to serve on this task force. They would ask that the Commissioner of Education appoint this member of the task force, rather than the Governor, so this amendment would allow for that to happen. I might add that I think constitutionally the Governor does appointments, but the constitution also allows that, by statutory provision, you can allow for other ways to get the appointments. So that would be an exercise...or this would be an exercise of that point. The Commissioner of Education would appoint the representative to this task force from the Department of Education. I urge your support. Thank you. [LB316]

Floor Debate  
April 19, 2007

---

SENATOR ERDMAN: Thank you, Senator Raikes. Members, you've heard the opening on AM1074 as an amendment to the committee amendments. There are a number of lights. Those senators wishing to speak: Senator Pahls, Senator Harms, Senator Gay, Senator Stuthman, Senator Adams, Senator Chambers, and Senator Friend. Senator Pahls, you're recognized to speak. [LB316]

SENATOR PAHLS: Mr. President, members of the body, I'm hoping a task force such as this will find out why teachers who work in the area of special ed, after a few years they're looking for another way of working in the classrooms. Partly is because they are worn-out, paperwork. So I do hope that this task force, if we do have it, looks at things like that. Also, it's interesting--while the federal dollars are increasing in the state of Nebraska, the state dollars are going down, and that's probably because of some of the actions of this body. So I do see some merits if we do have a task force. But I'm going to talk about another issue, because I think maybe a task force or a study needs to be in this particular vein. A couple of years ago, when we had the Omaha area issue come up, the educational issue come up, I thought this was going to be a great time for us to talk about education, the needs of children, etcetera. We basically ended up being in a boundary dispute, and we talked about administrative type reorganizations, etcetera, etcetera. I thought we missed the point. And that's...but I thought this would have been the perfect time for us really to take a look across the state at what education is all about. I think we may have lost that. But we do need to think about the potential of taking a look at what is happening across the state. And the reason why I'm bringing this up again is because we've talked about property tax, and that which is a significant issue. And as I said, 80 percent of the property tax from (sic) a school goes to salaries. And I know most of us in this body would say teachers are not overpaid. So I think we need to be more transparent about all the issues, and I think people would look on education much differently, what it does. I do need to commend, whether you agree or disagree, I do need to commend the community leaders of the Omaha area, because several years ago they started a initiative called Education 2000, or Omaha 2000--I can't remember the exact name. I was not involved in that, but this was where the community leaders, the business men and women and educators started looking at the issues basically dealing with the Omaha schools. Now I think it is Century 21, if I'm not mistaken. But that's what we need. We need to make sure that we're involving all the players in this. We need to have the business community--in fact, I should just use the word the "community"--involved in our school system. So even though some people disagree with task force, whether it's a special ed, I think this is a...also the same kind of a concept that we should do by looking at education totally, and getting down to basically what it's all about--meeting the needs of those young children, young men and women who are in our school system, or will be in the future. Thank you. [LB316]

SENATOR ERDMAN: Thank you, Senator Pahls. Senator Harms, you're recognized to speak, followed by Senator Gay. [LB316]

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

Floor Debate  
April 19, 2007

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SENATOR HARMS: Thank you, Mr. President and colleagues. Senator Raikes, would you yield to a couple questions, please? [LB316]

SENATOR ERDMAN: Senator Raikes, would you yield to questions from Senator Harms? [LB316]

SENATOR RAIKES: Yes. [LB316]

SENATOR HARMS: Thank you very much. Senator Raikes, the list that I see that you have on the committee to review this, I do not see anyone at all from the university or from the area where they do a lot of research that's in the cutting edge of this type of education. And I'm wondering whether or not you would be willing to add that, because I think it's very important and very critical to us, to be able to get to some changes that need to be done in special ed. Would you give that any consideration? [LB316]

SENATOR RAIKES: I would, Senator. I would, I guess, ask you would you consider replacing one of the members that's on there with such a person, or are you thinking of just making an addition? [LB316]

SENATOR HARMS: I really...it's just really strictly up to you. I just have a fear here that we're going to put everybody together, and we're not going to have anyone that's in that cutting edge and understands that there's a lot of new things that are occurring in how we treat children with special ed, and the services that come out of the university and the people that are in that cutting edge, and some of the people that even publish in this area. So that's what I'm looking for. You can substitute whatever you would like, but I have that concern, because we may just continue to talk about the same things and not look at the cutting edge. [LB316]

SENATOR RAIKES: Well, you make a very good point, Senator. The one response...one other response I'd make is that when we did the distance education task force there was, of course...is a lot of expertise regarding technology. We did have some of the folks that were possessors of that expertise on the task force, but we used the task force meetings also to have presentations from experts in specific areas. So I would suggest to you that even if we didn't make a change to put someone on the task force, we would certainly be interested in knowing who it is we could call upon to present to the task force, to provide the information you're talking about. [LB316]

SENATOR HARMS: I would be perfectly satisfied with that. I just wanted to make sure that we are reaching out far enough. I have another question I would like to ask and direct at this area, if you'd be willing to answer for me. [LB316]

SENATOR RAIKES: Sure. [LB316]

Floor Debate  
April 19, 2007

---

SENATOR HARMS: The other area that I have is that one of the biggest issues we have in...I think, in our special ed program is the families...children who come from families that are from low income, whether they be Latino, Caucasian, Afro-American, Asian, have some difficulty in absolutely understanding and reaching out and know how to deal with the schools and their child in the special ed services. And are you going to be looking at and reviewing early intervention in this program, and making a concentration in reaching out to those families who do not understand this, that are confused about it, and have some fear about the school system because they're not familiar with how this process works? [LB316]

SENATOR RAIKES: Certainly. That's a very important issue. Nebraska does have, in fact, I think has been among the leaders in the nation as a state that has invested in...invested federal money aimed at...for special education at preschools kids. And the idea there is that these kids are identified according to need early in their educational career, so that they can be addressed. Perhaps what you're concerned about is access to these kinds of services by parents, and certainly I think it's a worthy topic for discussion or consideration. [LB316]

SENATOR HARMS: Well, I thank you very much, Senator Raikes. I think that if we could do that,... [LB316]

SENATOR ERDMAN: One minute. [LB316]

SENATOR HARMS: Thank you, Mr. President. I think if we can do that, it will make a big difference in how parents will interact and have a better understanding, and know what their children have to go through. The other side of it is, I hope that as we begin to prepare for this that we will...we need to understand that when you get into the lower income and you get in to people who are not familiar with this process, parents need a lot of help. Parents need to know how to work with those children and need to understand what their role is, and with families that don't understand this process, it just gets lost. I hope that...Senator Raikes, I have faith in you. I know that you'll probably address this issue. I would just encourage it to be done, and I do support what you're doing. I just wanted to bring these facts out. Thank you very much. [LB316]

SENATOR ERDMAN: Thank you, Senator Harms and Senator Raikes. Senator Gay, you're recognized to speak on the Raikes amendment, followed by Senator Stuthman. [LB316]

SENATOR GAY: Thank you, Mr. President. I was reading this bill. Senator Friend, would you yield to a few questions? [LB316]

SENATOR ERDMAN: Senator Friend, would you yield to questions from Senator Gay? [LB316]

Floor Debate  
April 19, 2007

---

SENATOR FRIEND: Yes. [LB316]

SENATOR GAY: Senator, you discussed...you said, well, I'm hesitant to bring a new study. I'm with you on these studies sometimes, and maybe we do too many. The question I would have is, for the past two days we've talked about taxes, taxes, taxes. I talked a little bit about, and several others talked about, it's services and spending. As you look at this...you know, it's hard to be against something like this, and I'm not necessarily against it, by any means. But Senator Harms brought up a good point. Are we going to look at anything new? And I didn't see anything in the language that they would look at, possibly, this doesn't work anymore; let's get rid of it. In your estimation...and again, I ask you this because you hesitantly said, well, I'm not really for these, but I'm bringing this one to the body. How do you feel...or I don't see anywhere in there that this could actually say, this program doesn't work anymore, it's very ineffective, let's replace it with another. And is this just a...in my mind, sometimes...is this a group to get together and say, well, we need more money to do this, this, and this? Will this...can we avoid that in any way and deliver better services to those in need? [LB316]

SENATOR FRIEND: Well, to specifically answer your question to the best of my ability, my answer to that would be, absolutely, we can do something. And I think that it takes some creativity. If you'll notice on the committee amendment, there are...it's the Chairperson of the Education Committee, another member of the Education Committee, and then another member of the Legislature. We know how painful task forces can be. We can exact the right type of push, and we also know, after we're done, what the action should be...that the task force...that we've created from the task force. If that requires legislation to do the right thing, based on what we recognize the right thing to be, we can drive it. My point is there's three members of the Legislature that are going to be on this thing. If this thing fails, it's our fault. And that's why, even though I have a hesitancy about task forces and decision making by committee and everything else, we have to raise our hands and say, we're the ones, we're culpable, because that's ample opportunity. There's more members of the Legislature on this than any other organization throughout the state, more or less. I think there's...well, there's more parents, in general, but more legislative people on this, in order to effect change. That's why I think, Senator Gay, that if it's a dropped ball, it's our bad. It's our fault if it's a dropped ball. [LB316]

SENATOR GAY: Okay. On that, the reason I say that, who in this body is going to be against something like this? I mean to...you know, it's a tough one to be against. I'm not against it. [LB316]

SENATOR FRIEND: Well, Senator Gay, can I respond to that? I mean, that's a good question. [LB316]

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

Floor Debate  
April 19, 2007

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SENATOR GAY: Well, this question I may give you, may give you that response. [LB316]

SENATOR FRIEND: Okay. All right. [LB316]

SENATOR GAY: The second question I would ask, then, is explain to me, as a new member of this body, how you...how these committees are going to work, then. Because I didn't see in the language...where do you give them the direction that, I want you to look at this, this, this, and this? Because as I read through the language--maybe I'm just not reading it correctly--there's no, here's what I want you to accomplish. It just sounds to me like we're going to come together and talk about issues and... [LB316]

SENATOR FRIEND: Well, no. I would mildly disagree with you. I mean, I don't think it's going to be a task force that comes together and just, you know, shoot...first of all, the time line is very restrictive. There are guidelines in the legislation that says, you know, it will not be limited to this subject matter. They have guidelines, if you will, to start them off. But even further...and it goes back to what I was talking about, Senator Gay, with my first answer,... [LB316]

SENATOR ERDMAN: One minute. [LB316]

SENATOR FRIEND: ...is that the Legislature lays out those guidelines. We have three people, with the Chair of the Education Committee, saying here is, you know, the direction that we feel that this task force could take. Now frankly, I think it needs to work awful fast, and there have to be action items when this organization is done. But there are some starting points or a charter, if you will. It's in the legislation, I think, where notwithstanding some of these things, or not at the...I don't have it. It's over off to the right there. I was going to jump off the mike, but... [LB316]

SENATOR GAY: I'll hit my light again and we'll continue the discussion in a minute. [LB316]

SENATOR FRIEND: Okay. Thank you. [LB316]

SENATOR GAY: Thank you. Thank you, Mr. President. [LB316]

SENATOR ERDMAN: Thank you, Senator Gay and Senator Friend. (Visitors introduced.) Senator Stuthman, you're recognized to speak on the Raikes amendment, followed by Senator Adams. [LB316]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. Possibly the only reason that I have decided to enter in the conversation this morning is because

Floor Debate  
April 19, 2007

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when I had read the senator priority bill of Senator Friend of creating a task force, and listening to his debate the past five years, of his impressions of task forces, and not one to create task forces, I just thought this was a little bit interesting to me. But the thing that I really appreciate with this task force, the creation of this one, I think it does give them some direction in what they're supposed to do. It states that they shall examine the provisions of the special education services in Nebraska. I think that's very, very important. But I think that one of the most important things that I like about this one is that this task force has a definite, short time frame. I think this gives them just a small amount of time where they need to focus on the issues, and I think that's very, very important, because they will be appointed by July 1, and then they're to give a report by December 31. That is a very short time frame. But I think when task forces are created, no matter how much time you give them, they're going to take that time. And if you make the time a lot shorter, like this one is, probably the shortest time frame that we've ever had for a task force, but I think that gets the people together, gets them focused, gets them to the point, gets them to the table to talk and discuss things, and come with the report. So that is the thing that I really appreciate about this, and I appreciate the fact that Senator Friend has taken this on, and I thank him for that. Thank you. [LB316]

SENATOR ERDMAN: Thank you, Senator Stuthman. Senator Adams, you're recognized to speak, followed by Senator Friend. [LB316]

SENATOR ADAMS: Thank you, Mr. President, members of the body. The only thing I think that I could add to this discussion that hasn't already been said is maybe a little more emphasis on the need. As you know, it wasn't that long ago I was on the battle line, and there is a real need out there to examine special education and the services that we provide. Parents need to understand the process and need to know how to get their kids involved, and let me tell you, there's a lot of special education teachers out there that are frustrated with the system--they're not getting to spend enough time with the kids, the thing that we want to see happen--the bureaucracy, the paperwork. There's just a lot of things that seem to me to need to be addressed. Will this task force address them? I hope so. The membership of the task force, you've got two Education Committee members on there. They're going to direct the focus of this group. You've got parents on there, you've got special education teachers on there. When I spoke with special education teachers about the possibility of this task force being created, to them it's like a conduit to express their concerns about the job they try to do every day. So obviously, I would support the bill, and I think it has an important mission. Thank you, Mr. President. [LB316]

SENATOR ERDMAN: Thank you, Senator Adams. Senator Friend, you're recognized to speak, followed by Senator Howard. [LB316]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. I wanted to say that I do support AM1074. I think it was certainly explained to me by legal

Floor Debate  
April 19, 2007

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counsel and Senator Raikes in a sufficient manner. I want to be real clear, you know, about...if there needs to be clarification, about a couple of things, real quick. Yeah, I'm not infatuated with task forces. I've voted for them. Senator Stuthman said, well, I find that rather, you know, odd or unique, or I don't know what the term he used. I've voted for task forces here. This is my fifth year here. You can't avoid either voting against or for a task force. That's what we do. We either vote for them or against them, and I've voted for them. So let's make this clear. I have reticence and trepidation about it, but I've done it. So Senator Stuthman can be all surprised and taken aback or whatever, but he's voted for them and against them, too. So I say we move on from that subject matter. Senator Gay brought up some interesting points. This task force does have some guidelines. It goes through applicable federal and state guidelines--applicable federal and state laws, the provision of special education services in other states. We're going to analyze what other states are doing; make sure that, you know, I guess, that we know that. I mean, we use those type of models all the time. Another thing is the application of the least-restrictive-environment doctrine. All kinds of confusion statewide, and by my constituents, about, you know, what a lot of this stuff means. The availability of special education services across this state--that's important. Haven't really analyzed that since 1995, at least from this standpoint. The use of private providers of special education services by public school districts--fact of the matter is, folks, that's going on. Whether we like that or not, it's actually happening. We have to analyze how that's being done, and whether it's being done efficiently or wrong. That's a guideline. That's what we can address. And then there are a couple of others. Look, there are guidelines here, but there's one other key...the third thing that I wanted to point out, there's one other key thing here. I have my own opinions about what's wrong or right with special needs education in this state. I've brought bills over the last couple of years, to make funding changes. Quite frankly, one of them last year was a voucher bill. Be flat-out honest with you, taking money from the public trough and dropping it over into the private--this isn't it. This is a task force. When I brought that, that bill was killed, or it just didn't move out of committee. This year I brought a different type of bill that addressed some constituent needs, that I thought to address some constituent needs, and I thought needed to be brought up. That bill is sitting in committee. Committee said, not really the idea we were thinking of. My idea, along with Senator Raikes and the legal counsel, when we had these meetings with my constituents over the last eight months was, you know what, more or less, Friend, we understand what your idea is, we understand what you think is wrong, but why don't we get some folks together in this industry, all over this industry, to talk about what they think is wrong, not just you, Friend; you think you know everything, right? Because I do. I don't. I'll admit it. I think I know everything, but I don't. [LB316]

SENATOR ERDMAN: One minute. [LB316]

SENATOR FRIEND: And the fact of the matter is, those...pardon me, Mr. President?  
[LB316]

Floor Debate  
April 19, 2007

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SENATOR ERDMAN: One minute. [LB316]

SENATOR FRIEND: Thank you. The fact of the matter is I brought those two bills because I had the answers. Education Committee said, no, you don't. You might, but we don't...maybe we don't think so. That's what this comes from. It took \$10,000 to \$15,000 to pay some per diem for a lot of important folks, as far as I'm concerned, to get together and to crash heads and to say, yeah, we understand what you think the problems are, Mr. Education Committee Chair, mister legislators, parents, school board members. Hey, there's a private school principal in here. You know what? They deal with the public education system every day, and they deal with it more so from a special needs standpoint. There are representatives of private providers, more public providers. Look, I think you get my point. Whether I'm reticent or not about task forces, I had an option here to say, let's analyze this and let's do it quickly. [LB316]

SENATOR ERDMAN: Time. [LB316]

SENATOR FRIEND: Thank you, Mr. President. [LB316]

SENATOR ERDMAN: Thank you, Senator Friend. Senator Howard, you're recognized to speak, followed by Senator Gay. [LB316]

SENATOR HOWARD: Thank you, Mr. President and members of the body. I think this is an area certainly deserving our study and our investment. I do have one concern, and that is that many times studies are done and there's little or no follow-up on the study itself. The area of special education certainly is important to all of us, and I have a special appreciation of this. My administrative assistant's wife is a special education teacher, and I marvel at the job that she does with the population that's certainly challenging, at best. But I do have a question for Senator Flood, if he would entertain a question. [LB316]

SENATOR ERDMAN: Senator Flood, would you yield to a question from Senator Howard? [LB316]

SPEAKER FLOOD: Yes, I will yield to a question. [LB316]

SENATOR HOWARD: Senator Flood, in looking at this issue in special education, and I know you're concerned about education, as well, do you feel that the component that really needs to be addressed here is the follow-through? [LB316]

SPEAKER FLOOD: Well, I haven't had a real opportunity to hear all of the discussion this morning, as I've been working on another matter. However, I think when it comes to special education, follow-through is important. I think Senator Friend...I was present at

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

Floor Debate  
April 19, 2007

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your hearing, Senator Howard, when Senator Friend introduced this bill, LB316, and he has a situation in Omaha that I think is very important to address. Special education in my district, certainly the schools have provided. We haven't seen the need for a task force as much as maybe you have in Omaha, but it's something we're willing to consider. [LB316]

SENATOR HOWARD: I appreciate that, and I appreciate the knowledge that it's not only in an urban setting, but it's also in smaller communities and areas such as Norfolk. And if I could be allowed to ask Senator Friend a question, as well. [LB316]

SENATOR ERDMAN: Senator Friend, would you yield to a question from Senator Howard? [LB316]

SENATOR FRIEND: Absolutely. [LB316]

SENATOR HOWARD: Thank you, Senator Friend. Again, the issue of follow-through, and I bring you this question, and I bring it to the body, because in the time that I worked for Health and Human Services, many studies were done and many task forces were formed, and yet, oftentimes, these studies and task forces were, if you will, put on a shelf. And so I'd like to know your plan, your commitment, to the issue of follow-through on this task force. [LB316]

SENATOR FRIEND: Thank you, Senator Howard. That's an excellent question, and that was what I was going to...I haven't pushed my light yet, but I was going to talk to that. I don't know whether I'm going to be on this task force. I think that's up to the, you know, Executive Board. But I would like to be a person who would take the recommendation from that task force and carry legislation, if it's needed, carry legislation to say, look, Friend had this wild idea the last two years to go this particular direction. I like those directions, but the task force can provide me maybe with more understanding and a better feel for what the action items should be. I'd like to personally carry legislation that this task force deems appropriate, if there is any that the task force deems appropriate. I'd like to do that. But short of that, I'd like to see anybody else carrying legislation, too, that the task force would deem appropriate. So it doesn't have to be me. I just feel like that's a logical response to the task force actions. [LB316]

SENATOR HOWARD: I really appreciate that answer, and I think this is such a critical part of this. We look at the issue and we have, especially in this particular area, such committed parents and such committed teachers, that we owe it to these individuals to make the commitment to follow up on the recommendations that are made, to the best of our ability. Thank you. [LB316]

SENATOR ERDMAN: Thank you, Senator Howard. Senator Gay, you're recognized to speak, followed by Senator Chambers. [LB316]

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

Floor Debate  
April 19, 2007

---

SENATOR GAY: Thank you, Mr. President. I would like to continue, if Senator Friend would yield to a few questions. [LB316]

SENATOR ERDMAN: Senator Friend, would you yield to questions from Senator Gay? [LB316]

SENATOR FRIEND: Yes. [LB316]

SENATOR GAY: Senator Friend, when you put this task force together...you made a better...did a better job, I think, explanation, where we're at, and off the mike we had discussed, you know, where are you going with this, and I appreciate it. But I did want to back-and-forth a little bit, because, you know, Senator Stuthman alluded to the same thing. Well, he must be serious about it, obviously. But I guess Senator Howard brought up the same thing. Where's the follow-through, where are they going to look at these specific things? We've got a short time frame here with a lot of members, and you did list, here's what we're going to look at. Those are very broad categories, I would think. I'm no expert in special ed, but very broad categories. How does this work? Does the chairman of the committee then specify, we're going to look at these subsets within these groups, or what? Because this could go on and on. It's a big subject. [LB316]

SENATOR FRIEND: No, actually, Senator Gay...well, again, thanks for the question. But actually it can't go on and on. This thing ends December 31, and this Legislature has my pledge, if it's worth anything to you folks, I'm not coming back to seek an extension on this. I think you take task forces and you get the job done, as soon as you possibly can. Now that being...back to your other question. I think it depends on the person running the task force. Now I think Senator Raikes, over the last eight or nine months, has been in discussions with me and the constituents that I've had problems with, and they...and we have a pretty good understanding that there are folks that believe that there are funding problems, that there are financing problems, that there are statewide and in specific localities--Omaha has different funding problems than in Grand Island, fiscal problems; Lincoln has different ones than Omaha; Scottsbluff has different problems than Grand Island. We've talked about that for about the last nine months, so the director of that task force would have some of that understanding, can break down some of that general...the fiscal talk, down into some specifics. For example, really specifically, there could be a school out in western Nebraska that may not have the type of resources that a private provider in Scottsbluff might have. I don't...this is a hypothetical. They may say, you know what, we're going to contract with that private provider, but here is going to be the financial exchange. It benefits the public school and the private provider to make that exchange. But the problem is, not everybody is working all of this the same way, or there's not a whole lot of continuity. Maybe there can't be, but we can talk about those issues. But further, there are, you know, curriculum pieces that we laid out here, guidelines for, so we can get as specific

Floor Debate  
April 19, 2007

---

as the chair of that committee would like to get, and based on the last eight months of work, I think we can get pretty specific. [LB316]

SENATOR GAY: Thank you, Senator. I guess the point I'm getting to here--I wasn't here for the last nine months, so I don't know what those conversations were or whatever. But I just wanted to...I suppose this is the time to bring it out. We had talked and talked about taxes. Now we're going to have a committee, and who can be against this? And I'm not against this, for the record. Fine, I think this is good. When we're looking at those, Senator Harms made a good point, we need to look at maybe more innovative ways. If you're not pleased with how these services are being provided, and parents aren't, fine. All I'm asking, I guess, on the record here, is that when we do a task force we have some specifics we're going to look at, instead of coming back and saying, more funding, because we all know more funding would be helpful, probably. But as we look at this thing, I just wanted some kind of a discussion about what specifically we were going to look at in these type of programs. [LB316]

SENATOR ERDMAN: One minute. [LB316]

SENATOR GAY: So that's really what I'm trying to get at, and I think you're making a good point in your commitment; just seems very committed to this program. So in no way, like I talked, am I trying to give you a dig or anything. But like I say, if we're going to do these programs and we're going to vote, let's be a little more specific exactly what they're going to do, here's what we're going to look at, and maybe we're going to save some money. Maybe we're going to spend some money. I don't know. But let's look and be innovative at these programs, and I would encourage the chairman to do the same, of the committee. If you're on it, I know you will, but whoever is on this committee, I hope they will look at the best bang for our buck in service delivery. Thank you, Mr. President. [LB316]

SENATOR ERDMAN: Thank you, Senator Gay and Senator Friend. Senator Chambers, you're recognized to speak, followed by Senator Friend, and Senator Raikes. [LB316]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I have a few questions I'd like to ask of Senator Raikes. [LB316]

SENATOR ERDMAN: Senator Raikes, would you yield to a question from Senator Chambers? [LB316]

SENATOR RAIKES: Yes. [LB316]

SENATOR CHAMBERS: Senator Raikes, you may not know the answers to these questions but, as Chairman of the Education Committee, some of these may have come your way. Does OPS have any type of waiver when it comes to special ed, so that they

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

Floor Debate  
April 19, 2007

---

don't have to meet the standards that other districts would have to meet? [LB316]

SENATOR RAIKES: Not that I'm aware of, Senator. I think there...as you know, a lot of this is federally regulated, and I think that they are under the same federal regulations as everybody else. [LB316]

SENATOR CHAMBERS: Are there any state regulations on top of the federal regulations? [LB316]

SENATOR RAIKES: I suspect there are, but I can't elaborate those for you, Senator. [LB316]

SENATOR CHAMBERS: Okay. When it comes to diagnosing and evaluating these children, are there any state standards that you're aware of which must be complied with, or that give direction? [LB316]

SENATOR RAIKES: I know there are regulations. Again, I'm not so sure but what most of them aren't based in federal statute, but you have such things as Level 1, Level 2, Level 3 students, and then certain requirements, which may be state requirements, about how many hours per week they are provided education out of the normal classroom, that sort of thing. [LB316]

SENATOR CHAMBERS: Now is there any student-to-teacher ratio contained in any regulations? [LB316]

SENATOR RAIKES: Well, there are, and I'll take this opportunity to divert just a little bit, if it's okay. [LB316]

SENATOR CHAMBERS: Sure. [LB316]

SENATOR RAIKES: One of the issues that comes up, and I think that needs to be looked at, is the so-called least restrictive environment. This is a part of federal law, I think, case law as well as maybe federal statute, I think, I believe. [LB316]

SENATOR CHAMBERS: But the local would determine what they deem to be the least restrictive. Isn't that true? [LB316]

SENATOR RAIKES: That is true, and that varies considerably, I think, between school districts. [LB316]

SENATOR CHAMBERS: Is there a disproportionate representation of minority children in these special education classes, as far as you know? [LB316]

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

Floor Debate  
April 19, 2007

---

SENATOR RAIKES: I don't know, but I would be certainly willing to try to come up with whatever information I can on that. [LB316]

SENATOR CHAMBERS: Okay. Does OPS make the same expenditure per student that, say, Lincoln Public Schools would make, if you know? [LB316]

SENATOR RAIKES: Well, as best I know, and what you're talking about, I believe, is what is called allocated excess cost; that's the cost over and above a regular education amount that is devoted to special education,... [LB316]

SENATOR CHAMBERS: Yes, that's it. [LB316]

SENATOR RAIKES: ...and my...you know, to roughly characterize what I think to be the case, per 1,000 students in the school system, allocated excess costs for most other school systems amount to about a million dollars. So if you had a 30,000 student school system such as Lincoln, there would be about \$30 million of allocated excess cost. Omaha Public Schools has a lower allocated excess cost. I think for them, instead of there being a million dollars per thousand students, it's more like \$600,000 per 1,000 students. [LB316]

SENATOR CHAMBERS: And OPS established that level? [LB316]

SENATOR RAIKES: Well, yes, they did. I mean, that's a decision or the culmination, I should say, of decisions made within the district. [LB316]

SENATOR ERDMAN: One minute. [LB316]

SENATOR RAIKES: You know, I... [LB316]

SENATOR CHAMBERS: Are there standards set which must be met by a person who is going to be allowed to teach special ed students, or can just any person whom the school district decides to designate a special ed teacher, can do that...fill that role? [LB316]

SENATOR RAIKES: There is a special ed endorsement, and I'm not sure. I think, at least after a certain amount of time, a person teaching special ed has to achieve that endorsement. There may be a temporary period at which they can teach it without having the endorsement. [LB316]

SENATOR CHAMBERS: So they could shuffle people around, none of whom would have this endorsement, and never, in effect, have a special ed teacher with an endorsement? [LB316]

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

Floor Debate  
April 19, 2007

---

SENATOR RAIKES: I don't know if they could...it's a point worthy of investigation. I don't know if that's possible or not, Senator. [LB316]

SENATOR CHAMBERS: But you would help me on some of these areas? [LB316]

SENATOR RAIKES: I would. I would. [LB316]

SENATOR CHAMBERS: Thank you. I just wanted to get them out there. [LB316]

SENATOR RAIKES: Okay. [LB316]

SENATOR CHAMBERS: Thank you very much. [LB316]

SENATOR ERDMAN: Thank you, Senator Chambers and Senator Raikes. Senator Friend, you're recognized to speak, followed by Senator Raikes. [LB316]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature again. Real quick, I have to clarify. I think one of the things, when I start talking fast or trying to get too much information out...maybe even when I talk slow, I think I said constituents I've had problems with came to me. I don't think that came out right. It's constituents that might have had concerns brought their concerns and problems to me. I don't know how that sounded, but anyway, somebody alerted me that that sounded kind of funny. I think a lot of constituents have problems with me. I don't really have any with them, at least that I know of. I digress. I wanted to finally say, and we'll get maybe a chance to address this in a closing or something, but had I known, you know, that two years ago or three years ago, that...what I feel like I know now, which is not that much, about the distribution of special needs in different pockets and different areas of the state, you know, I probably never would have thought about a task...I mean, I don't know if I phrased that right. Maybe I could have handled it, had I known what a task force like this comes up with. If I had known that, or what I know now, maybe I could have brought appropriate legislation, the right type of legislation to deal with funding issues, to deal with the mainstreaming of a 16-year-old who, you know, let's face it, I mean, a 16-year-old special needs student. And they're all unique, and there's different issues and concerns with all of them, but so much difference between one that might be 16 and one that's 10. And I brought up in the committee hearing that I don't have a lot of experience with this, and that's why I'm here, too, learning. I mean, everything for me, even though I probably needed various amounts of help that I never got, everything for me throughout my educational life was cookie cutter. They said, okay, here, you're at this stage, you're at this stage, you're at this stage; and for the most part, a lot of us, it was the same way. These folks, these children and these parents, it's not cookie cutter. Nothing is standard, nothing is laid out in a model, and task forces like this, while Senator Gay brings up the idea that they could be more, you know, he didn't say superfluous, but he's worried about how much it's going to cost, and whether we're

Floor Debate  
April 19, 2007

---

going to get anything out of it. I'm worried about costs, too, but what are we going to get out of this if we only analyze these type of things once every 15 years, or once every 20 years. I know of no other way to analyze this and get folks together, or at least kind of force them together to work through this subject matter, than to do it this way. So I mean, to ramble on this particular subject, I'd rather ramble on other ones because they're more appropriate for rambling, but that's how I feel about it. I don't know where to go, other than to do this at this point. Mr. President, that's all I'd have at this point. I'd be happy, again, to answer any more questions. Thank you. [LB316]

SENATOR ERDMAN: Thank you, Senator Friend. Senator Raikes, you're recognized to speak on your amendment. [LB316]

SENATOR RAIKES: Thank you, Mr. President, members. I don't know that I have a lot to say here, but I did want to respond to some of the points that Senator Gay raised about, number one, are you really going to get anything resolved, and are you simply going to spend more money or request to spend more money? I would again draw back to the recent experience we had on distance education. I would say a couple of things are important. If you want to keep the appropriation level down on a task force, you include members of the Legislature. The people that are not members of the Legislature and have expertise in a particular area are not...are inclined to be, as they should be, very involved in their area of expertise and have the feeling that that area is so important that it deserves more money. So one of the things you have to have to control spending is members of the Legislature. The second thing is--I almost hate to say this--a task force doesn't necessarily have to be a democratic process. We didn't vote in the task force we had on distance education, and part of my explanation for that was that there were only, in that case, four members who were in the Legislature and were going to vote. And there was going to be one person that introduced the bill that came from the task force, so that person couldn't really, in good conscience, introduce something that was different than what they thought was appropriate, in terms of spending and other things. So I think it's critically important that you include members of the Legislature; that you have a fairly tightly controlled agenda, that you don't have many sessions where it's kind of, well, what do you all think about special education, because those can go on; that you have specific proposals that meetings of the task force are directed at those specific proposals; and that you have clear guidelines, in terms of funding, that you're going to remain within. Referring again back to the distance education task force, there was a proposal that came the year before the task force, to spend an additional \$30 million a year on distance education. The Legislature basically said, no, we're not going to do that. So going into this task force the mission was, how do you address the issues in distance education, the improvements that need to be made, the expansion of the services without spending more money? And of course some people at the outset said, well, you can't do it; there's just no way. But I would submit to you that the task force did come up with a way. We did spend some money for incentives out of the lottery money, but we found...we took that from another place, so it

Floor Debate  
April 19, 2007

---

wasn't new money, and the Legislature did then pass a bill based on the recommendation of that task force, and that is now in place, operating, and I think, near as I can tell, pretty successfully. So this can work, but I think there are certain things you have to adhere to fairly closely in order to make it work, and I do think this topic and this time frame and the construction of the task force is appropriate for that. Thank you.  
[LB316]

SENATOR ERDMAN: Thank you, Senator Raikes. Senator Chambers, you're recognized to speak, followed by Senator Pahls. [LB316]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'm not going to go through the litany of complaints I've had from parents and others about what happens in special ed, so-called, in Omaha, but they create problems for those children. Some of them might be 4th through 6th grade, with coloring books. They stay in special ed their entire time in elementary school, make no progress. Then they might take a child who has not been given any assistance and put that child in what you might call a regular classroom. The child knows nothing, is aware that he or she knows nothing. The kids laugh and call that child a SPED child. When that child reacts, as any child would, that "acting out," as it's called, becomes proof that this child shouldn't be in a regular classroom, and will be assigned or dumped in one of these SPED classes where they have coloring books and crayons. Now that's why I say, all this hypocritical talk down here about what is to be done with school...and the Education Committee voted to keep OPS intact. If you don't change the makeup of OPS, that bill is dead, or you're going to get 33 votes. I'm sick and tired of white people setting the standard for our children. Benson High School, the little racists had white adults decide to put out a paper dealing with the N-word--white adults! White children are the ones on the paper, and decided to do this and had come up with the conclusion that if you put "A" on the end of the word instead of "E-R" it's a term of endearment. These white people are talking about this word that is the most degrading, insulting word that can be used for us. The World-Herald praised them, white people praised them. They say these white students have courage. If I used profanity, you'd hear me use it on the floor this morning, but I'm not like white people. I won't do that. But they're going to get some of these white kids hurt. You use that word with an "A" or an "E-R" and I would tell any black child, bust them in the mouth, knock his teeth out, teach them what these white people will not teach them. You're going to have these white people in a school predominantly black, with predominantly white teachers, teaching these white children that it's all right to use that word; that it can be cleaned up. You clean up manure by spraying perfume on it, and then I'll tell you, you can clean up these words. That's what white people do, then they want to tell me I shouldn't be offended. They're not the ones to determine what insulting things are all right for our children. Now if somebody in here had a child who is in special education and I ridiculed that child, that person would be offended and outraged. But when it comes to our children, it does not count--white people know. And this little white girl who is the editor of the paper is saying, well, we did just what we

Floor Debate  
April 19, 2007

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wanted to do; we wanted to have discussion. Well, in one of the elementary schools, a white boy called a black child that word with an "A" on the end of it and said, you have to let me call you that because it's all right. Well, that child didn't hit him back. He called him "white trailer trash peckerwood," and he was sent to the office and told, we don't allow name-calling here, but nothing was said to the white child. And then when this black child who was insulted hits that white child in the mouth, the black child is expelled. You all create impossible conditions for our children. Do it among the adults so that an adult can test it on me. Use that word with me, and let me give a whipping or take a whipping, but don't put my child in a classroom setting and these white people are going to decide that it's all right to play with that word. This is not play time when you deal with that word! This is a dangerous game you're putting those little racists in. [LB316]

SENATOR ERDMAN: One minute. [LB316]

SENATOR CHAMBERS: You're starting them out young and telling them, you be just like me, and we're not going to teach people that this language is inappropriate. We're going to teach you that it is all right, and tell these black children, you have to accept it because white people own you. And when the black parents were outraged, the World-Herald didn't talk about that. They talked about how outraged these white people got when the principal was put on paid leave. And because white people got upset, they brought her back. But what about our feelings, the feelings of our children who go to these schools controlled by white people? Then that Education Committee thinks they're going to get a bill through this Legislature that leaves everything as it is? Well, as long as I have breath in my body and I'm a member of this Legislature, I will fight that bill, and if you get 33 votes, I will fight every other bill, and you need to know where things are. And the only way you'll know is if I tell you. [LB316]

SENATOR ERDMAN: Time. [LB316]

SENATOR CHAMBERS: Why don't they do that to me? I can defend myself, and I will. [LB316]

SENATOR ERDMAN: Time, Senator Chambers. [LB316]

SENATOR CHAMBERS: But our children, I'll die and go to hell ten times for our children. [LB316]

SENATOR ERDMAN: Senator Pahls, you're recognized to speak, followed by Senator Gay. [LB316]

SENATOR PAHLS: Mr. President, members of the body, I am going to be talking about children who are in special ed programs. In my experiences, never was a child put in a

Floor Debate  
April 19, 2007

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room with coloring books. If that has happened, I would condemn that. The point that I'm going to try to get across here, if you have a child who is placed in a special ed classroom of some form, there are a number of steps that you must go through. Now if those schools or school systems are not following that, they are supposed to be audited by the state department and the federal. I'm telling you, when they come they look at those records, and if you're not correct there, I mean, you're going to pay a price. When they come in, I'm telling you, you feel like...it's like the IRS coming in. You just don't sit there. But I'm just going to show you how this is...in a very, very brief lesson here, how this is supposed to work. Let's say a teacher comes to me with a child who needs additional help. That child is not automatically going to a testing process. That teacher meets with other teachers for several weeks, and they give them strategies, whether it be a speech pathologist or whomever, the additional resource teacher goes in and gives her strategies to work with that child. That child needs to go through a number of sessions even before he or she is requested to have additional testing. It's not an easy process. Now if there are school systems that are violating that, then they need to be brought to...they need to be held accountable. That's one reason why earlier, when we started talking about a task force, I started into the general education. We ought to be talking about this, make these things transparent. And I said at one time we may have had that opportunity with the scenario that's happening in the Omaha area, is to take a look at what's actually happening in education. Instead of talking about organization, look what's actually...what are we expecting from parents, teachers and educators? There is a way to find an answer to this. And I would be very upset if some of these things were happening, and I think if they are, we ought to hold the administrator to task. We ought to hold that person accountable, and that's one reason why I go right into this, why I thought we need councils at the building level, so parents have direct involvement, and these issues can be brought right there, so nobody can hide them, if they are being...if it is happening. These things should not be happening. If they are happening, the state department needs to be taking a look at those schools, if there are complaints. This isn't...to me, it's very easy. Complaint? Somebody needs to check into it and hold somebody accountable. That way rumors are stopped, if they are rumors, and if actual practices are being practiced, again, they need to be eliminated. I think a task force, such as some of the questions that Senator Chambers brought forth, would really probably clean the air, and if they are happening, we need to stop that. Thank you. [LB316]

SENATOR ERDMAN: Thank you, Senator Pahls. Senator Gay, you're recognized to speak, followed by Senator Chambers. [LB316]

SENATOR GAY: Thank you, Mr. President. I appreciate the conversation we've had today on task force, in general, and I appreciate Senator Raikes, Senator Friend being more specific on here's how these things work. I just wanted to get it out there and have the discussion because, really, for understanding what we're doing. If we do that and we're a little more specific, and we're actually going to achieve some measure of

Floor Debate  
April 19, 2007

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innovation or efficiencies or something like that, I think that's great. But I just didn't want it to be one of these things where, well, here we go, and Senator Raikes alluded to this. If you have members on the Legislature on the committee, you know, they're going to be cognizant to the spending. But it's tough, though, because there's going to be a lot of excellent points made, I'm sure. But the point is at what cost? And I'm not against, you know, I'm not always against spending more money. I'm not saying that. If it can be done more efficiently and better service delivery, I'd probably be for it, too. So all I asked...when I read through the bill, there were some vague, here's what we're going to look at. Well, those seemed pretty broad to me and, like again I say, I'm no expert in special education, but if it can be more specific in what we're going to look at I trust that you will do that. I don't have any question on that. I'm going to support your bill. But the point, like I say, I just wanted the discussion out there, that is, we do these committees and the reason why, as I said, Senator Friend, you rose and said, well, I'm hesitant to do this, I'm hesitant to do this. Well, I think we're hesitant to look at more committees, or at least I am, and with this, after hearing further discussion on it and where we're going, and some of the specifics you may look at, I will support this bill. But like I say, I just wanted to have this discussion. In no way am I against special education. I mean, they do great things every day. But I do think the discussion needs to be made on this and any other thing that deals with emotional, you know, emotional service deliveries. In Health and Human Services you see a lot of these things, and you want to participate and you want to help, help, help. But we need to just make sure we're efficient and that we're actually spending dollars wisely, and I'm confident, after hearing discussion this morning, that that's what will happen with this committee. So I will support LB316. Thank you, Mr. President. [LB316]

SENATOR ERDMAN: Thank you, Senator Gay. Senator Chambers, you're recognized to speak, and this is your third time. [LB316]

SENATOR CHAMBERS: Right. Mr. President, and I want Senator Friend to know that I'm going to put a motion on his bill so that I can continue speaking, but it's not to hurt his bill, because I'm going to support it. But having started on this issue, I'm going to complete it. These white kids who put out this paper were applauded for doing what journalists do. Well, that's true. In America, white journalists degrade and demean black people all the time, and the adults want their children to follow in the footsteps. Here's some of what the opinion editor of that newspaper wrote, and since it's a child who did it, I'm not going to read the child's name: If I want to call one of my black friends the N-word, I have every right to, just as long as I mean in a friendly manner. The same terms apply if I want to call my Latino friend a "beaner." Or what if I want to call my Asian friend a chink--I wish Senator Fulton were here--or a yap, it's okay as long as it is not mean or hateful. That's what they're teaching these white kids at Benson. That's the editor's opinion. In fact, it goes on, it could be the best way to solve all of our hate crime problems. A lot of teens are using derogatory words in a friendly way to establish relationships. If adults and youngsters learn to add these words to their vocabulary,

Floor Debate  
April 19, 2007

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imagine the possibilities. Forget that these kinds of words have been used for ages to demean, belittle, disparage, and decry the various races, religions, sexes, statuses, ages, etcetera. Those times have passed when a word of said unforgiveable nature could render a class silent or send shivers down the spine, and it's time for change. He goes on to say how he refers to his white friends as honkies, whites, and crackers. They sure enjoy it and gladly reply with a humorous "shut up" and a smile, which means they approve of what he's saying. This isn't funny! They give these white kids dynamite. This is why you say don't let children play with matches. These white kids who put out this paper said they went to the Internet. They paid attention to what these ignorant rappers are saying. And it's like saying because language is used in the gutter or the locker room, it's all right to use it other places, as Don Imus did when he referred to these young black girls as nappy-headed hos, which means whores. He said they're hard-core whores, and I always get a shocked look when, without explanation, I say, you know, I watch--and I touched on it the other day--I watch these young white girls who play volleyball for UNL, and they are some stringy-haired whores. They are some hard-core whores. And white people think that's wrong. Then I say, what did Don Imus say? Then oh, well, that's different. It's always different when white people are doing it to us. And you know what I think? It's past the time for debate. I don't debate these issues with white people. I'm not going to change a white person's mind. I'm not going to waste my time. And I'm not going to tell any black child, you have to accept this stuff and go along with it; that because white people want to call you that N-word and then say, well, these rappers use it, they can use it. [LB316]

SENATOR ERDMAN: One minute. [LB316]

SENATOR CHAMBERS: When a fool says something, it is wrong, regardless of the color of the fool. But a lot of these so-called rappers are managed, by and large, by white women and Jews, and a lot of the companies that put that trash out there are run by white people and Jews. And that's why you see so much that demeans black women, degrades them, converts them into objects, sexual beings. No thought, no morals, and then these white kids say, well, we saw it on MTV and it's all right. Well, what about the F-word? White people use it everywhere. They're going to let them put a story in their newspaper about the F-word and clean it up, since everybody uses it? And if these adults would learn that a child means it in a friendly way, when he or she says F-you... [LB316]

SENATOR ERDMAN: Time. [LB316]

SENATOR CHAMBERS: I think it is for that, Mr. President. Thank you. [LB316]

SENATOR ERDMAN: Thank you, Senator Chambers. Mr. Clerk, motion on the desk. [LB316]

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

Floor Debate  
April 19, 2007

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CLERK: Mr. President, priority motion. Senator Chambers would move to bracket the bill until April 23, 2007. [LB316]

SENATOR ERDMAN: Senator Chambers, you're recognized to open on your motion to bracket LB316 until April 23. [LB316]

SENATOR CHAMBERS: Thank you. Mr. President, this language that I'm talking about is not suitable for a high school newspaper as the forum, when the principal is white and doesn't understand anything, the advisors are white and don't understand anything, the ones who run the newspaper are white and don't understand anything. Then they're going to presume to deal with us. They don't have any historical context for that word. If you asked them, are you aware that there are references to black people being owned as property in the U.S. Constitution? Well, no. Are you aware that the original version of the Declaration of Independence was going to condemn the slave trade, and then they were going to condemn England for stealing people on the seas, but they took it out because it would reflect negatively on what America was doing? They'd say, well, no, I didn't know that. Did you know that a white man like Thomas Jefferson could rape a 14-year-old girl, give her a baby, and nothing is wrong? Well, I didn't know that. Did you know that a large number of the Presidents were slaveholders? Gee, I didn't know that. Did you know the majority of those called the Founding Fathers at the Constitutional Convention were slave owners? Well, no. Did you know that all the colonies, other than Massachusetts, had been slave-holding colonies? Well, no. Well, what do you know? On what basis do you put this trash in the paper? That word is the worst word in the English language. If it is so appropriate, why, when they have a very large page with it, and the World-Herald reproduced the page, do they say, the N-word? Why don't they say the word? If it's legitimate, why did they say "the N-word" in their headlines? Why does the World-Herald say "the N-word," but praise these white kids? You can't teach them! You want us to be nonviolent. You'll get a smaller rise out of me if you slap me than if you use that N-word. Now you may not be able to tell the difference, but my reaction inside is different. That word reduces us to the level of things. We have no humanity. We are objects to be sexually exploited as black people were, and when you have these white people say that these white Presidents who owned slave women were not abusing them sexually, when you can see what President Clinton did, what John F. Kennedy did, having sex parties in the White House, and these white racist Presidents are going to own these black women and they're not going to assault them sexually? Why do you think my color is what it is, and it's not black? I didn't jump over a fence and rape some white woman, nor did my ancestors. That's what happens to us in this country. Then you have these young racists, and they're praised for doing it, talking about this worst word and saying they have made it all right now. And they're praised for having put it in their newspaper. I sum it up by saying, it's an ugly word, a despicable word, it's a fighting word and, in some instances, a killing word. Well, you keep teaching your white kids that this word is all right and it's a term of endearment, and you keep telling them that by using it you clean it up, and I'm going to tell any black youngsters

Floor Debate  
April 19, 2007

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who listen to me what I told my children when they were going to these schools: If a child calls you that, you hit him in his mouth. You don't have to take that. And if an adult says something, that's when I get into it, and you come home and you tell your father. I'm not going to be teaching my child to take this trash, when white people are at home teaching their children to call my child this and say that it's all right. And then the only reaction is by white people saying, this is wonderful; these kids have courage! That's what you want to teach them? You teach them that, and then when the consequences are to be borne, you remember that you sowed the wind. And when you reap the whirlwind and your children reap the whirlwind, then you understand that you started it. But again, since you're in charge, our children will be punished for fighting when they're exposed to a fighting word. That's what happens in the public schools of Omaha. And OPS is to be kept intact by this white Education Committee? And there's Senator Howard, talking about if you let OPS report what they're doing, that's good enough. And I can document where they made an agreement with the federal government that if a complaint against them were dismissed because of the discriminatory way in which they were allotting or allocating teachers with experience, OPS said they would be equitable in the distribution of those teachers. And when the federal government closed the case, OPS went right back to doing what they were doing, and that problem exists today. And Senator Howard has convinced this white committee that if you have OPS give a report of what they're doing, that's going to be all right. They will report: we tell you to go to hell; we're not going to do anything; we're going to do it just like we're doing it now and you can't do anything about it. And that will be true. Which they should say you're not going to do anything about it because white people are white people are white people, and white people are going to stick with white people. But you got a black man in your midst and when that bill comes out here you're not going to have easy sledding. You throw everything else out the window. So you ask Senator Raikes to wait until everything is off the table that you want, but if he waits that long that bill is going nowhere. And what happens if that bill goes nowhere? LB1024 is the law. I haven't bothered that committee. I haven't looked over their shoulder. I haven't told them what to do. But now that I read in the paper what they have done I can take the skid chains off my tongue. They have acted, and maybe they did it because I did give them a free hand. They said, we can do anything; Ernie is not going to say anything, he's not going to do anything; we got him suckered out too. Gwen Howard is the one who converted an OPS meeting into a political rally for Tom Osborne when she was saying that people ought to change their Democrat registration to "Repelican" so they can vote for Tom Osborne in the gubernatorial primary against Dave Heineman. And some ignorant black people did it, to show how ignorant some of us are. One of them was the deputy election commissioner in Douglas County, and the law requires that the commissioner belong to the party in power, and the deputy belong to another party. Well, this ignorant black man following this white woman, like some of these rappers do, changed his registration to "Repelican" and that meant the commissioner and the deputy were "Repelicans," so he lost his job. That's how stupid he was. And white people think all of us are that stupid and they want our children to be that stupid. This is why we need to

Floor Debate  
April 19, 2007

---

control these schools where our children go, so if they have these misconceptions about language we can teach them that this language is inappropriate, that it is not to be used, not by you, not by anybody else. And we want you to have self-respect so that you can respect other people. If you don't respect yourself, you don't know how to respect other people. Don't you call each other names; don't let anybody else call you a name; and those words are not going to be used in the classroom or in the halls of this building. You need to know that. And we're not playing with you. I don't care what these white people let you do. I don't care that you went to a school where they just kind of chuckled and giggled and it was all right. There's a new sheriff in town now, and when you get out of this classroom and you get out of this school you're going to know something. You're going to know how to read, you're going to know how to do math, you're going to know something about science, you're going to know something about geography,... [LB316]

SENATOR ERDMAN: One minute. [LB316]

SENATOR CHAMBERS: ...you're going to know something about social studies. You're not going to just be given a pair of pliers, a wrench and a hammer and told, go out here and get you a job hammering nails and turning bolts. You're going to have a book in your hand and you're going to know how to read what's in that book and you're going to understand what's in that book. And here's how we're going to test you. We're not going to let some teacher come along and, to make himself or herself look good, give you some answers. We're going to give you a newspaper and let you read it and then tell us what you've read. That's how we're going to test you because that's the kind of world you're going to be in, and we want you to know how to function in that world. I'm not quite through, but I'm going to speak my times on this motion that I've got, and then I'm going to leave Senator Friend's bill alone. Thank you, Mr. President. [LB316]

SENATOR ERDMAN: Thank you, Senator Chambers. Members, you've heard the opening on the motion to bracket LB316 until April 23, 2007. Senator Chambers, your light is next and you may continue. [LB316]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, much conversation is engaged in with reference to what they call early childhood education. They used to call it preschool. So in Omaha they'll talk about that. Then they'll talk about middle school and high school, and virtually ignore the elementary grades. If a child has his or her imagination fired in preschool, then goes into a regular classroom in OPS and that child is black, there's no teaching going on in that classroom, no mental stimulation, and that child becomes bored and fidgets, and then they want the parents to medicate that child. The problem is not with the child; it's with the system itself. When you have a system that is failing, as it's failing our children, when the children are white, you know what they say? Why can't Johnny read? They don't say, well, it's because Johnny's parents don't have books, that Johnny's parents are poor. They say something is wrong with the system. The system is broken, the system is failing and we have to do

Floor Debate  
April 19, 2007

---

something, not only about the curriculum. We have to do something about the training that teachers receive. We have to do something about the schools where they train teachers. Then we have to go another step and train the trainers of teachers because we're talking about white children being cheated and we want them to have a chance. When it comes to our situation where our children are attending segregated, inferior schools, where they're getting teachers with the lesser experience, they have inadequate textbooks at North High, which OPS boasts about as a magnet school. It's in a black community and predominantly black. They didn't have textbooks for a lot of the classes up until the second month of the school year. And when a parent complained, one of the teachers said, well, textbooks aren't really that essential because you can go on the Internet. That's what they do with our children. You all don't know that, you don't care, but I care and that's why I'm going to raise some havoc here when the white Education Committee sends out that white bill put together of, by, and for white people. You never should have let a black man come into this building in the role that I'm in, because there are some of us who care about our children. I know what education can do, and I try to be an example to black children. And I'm a better example of what education can do than white people on this floor are. Listen to each other, listen to yourselves, then listen to me. And I want my children, and that doesn't just mean those who are produced by me and my wife but all children of my complexion, to be able to listen to me and observe me and say, he's smarter than all those white people; I listen to them, they don't know anything; they speak worse than I do. And yet they're the ones who determine what kind of so-called education our children will get, and the Education Committee says we're going to leave everything just as it is. Well, you might get it that way because there are 46 of you. Senator Fulton has acknowledged that he is a minority group member. Senator Aguilar took up the mantle months ago. And you can look at me and you know where I am. But for white people who don't understand us but are going to lecture about us, when we talk about being black it's not a matter of hue. It's a matter of view, point of view. [LB316]

SENATOR ERDMAN: One minute. [LB316]

SENATOR CHAMBERS: Being my complexion is not enough, but white people don't know that. They look at the surface, they do things on the surface, they study us and they write books about us, and we're supposed to be what they write in their books. Next time I speak I'm going to talk about the problems when our children are cheated in the elementary grades. Thank you, Mr. President. [LB316]

SENATOR ERDMAN: Thank you, Senator Chambers. (Visitors introduced.) Senator Chambers, you're recognized to speak. [LB316]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, we as black people in education are viewed in terms of athletic competency and ability. Even if you look at all the coverage on the television of what happened in Virginia at Virginia

Floor Debate  
April 19, 2007

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Tech, you get the idea it's an all-white school. All the students they talked to are white. A black guy got killed. But look on the football field during football season and you'd think Virginia Tech is a black school. So they don't mind us coming to be the gladiators on the football field, the baseball diamond, or the basketball court. But in the classroom? No. And in my community the cops don't mind if we have a gun in our hand because we'll use them on each other, but the schools don't want to see us with a book in our hand so in the classroom they don't provide books. They say--I'm going to go to the Ivy League schools--that they want to give black youngsters a chance at the brass ring, meaning when you ride the merry-go-round and you get the brass ring, there's some kind of benefit in that. So the Ivy League school says, we want to give these kids a chance at the brass ring. But it's an amazing thing that most of those recruited were those who could play football, and the Ivy League schools suddenly began to get a little credibility in the realm of football. And why do they want to do that? A winning football brings in donations, it helps the image of the school, and it's a good PR ploy. So we see how we are used, and the parents know their children are being used, but they say there might be a chance for them to do something and get something. So when we come to our children who are in the elementary grades, they don't even get on the merry-go-round. If one sneaks on the merry-go-round, he or she doesn't get on the horse. If you happen to get on the horse and they see you there and you're approaching the brass ring, somebody grabs your arm and holds it down so you can't extend your arm and grab the brass ring. In the elementary grades, when our children are cheated, you don't need to talk about middle school, you don't need to talk about high school or college. It's over. There's no chance. If by the time you get to the third grade you can't read, it's over. They haven't treated you fairly in those formative years. You are incapable of performing beyond that, so they blame you and your parents. But when Johnny can't read they blame the system. Well, the system is systematically cheating our children and destroying them, and I have to do what I can to try to change that. Now those kids who left here, there were some black kids and they should have been allowed to stay here and listen. But, see, white people are the ones who determine what our children will hear. Now if I was down here telling jokes and hee-hawing, then they'd a been up there. North brought some children down here two or three weeks ago, and some of the senators asked me isn't North High in your district because, they said, you're the one who's senator? I said, well, yeah. They said, I didn't see a black child up there. I said, well, who brought them? A white person brought them. You all don't see things, do you? Plain as the nose on your face and you don't see it. So you think I'm crazy. You think that something is wrong with me because I want for my children in reality what you say you want for yours. So I'm the destructive one. But my children know they're not looking at a traitor in me. And I can give them an example of what I want them to be and what I think they ought to be. They get cheated in these elementary grades. And until I raised that issue, I don't think even the Education Committee was going to look at it. There's a guy named Michael Yanney who's spending some money on some kind of report,... [LB316]

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

Floor Debate  
April 19, 2007

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SENATOR ERDMAN: One minute. [LB316]

SENATOR CHAMBERS: ...and he'll get a lot of credit for it, but they were not going to focus on the elementary grades until I talked to one of the people who wanted me to talk to these people from California who were going to do the study. And after I pointed out what needed to be done in the elementary grades, how you hurt children when you give them this so-called preschool education, then you dump them into a regular public school classroom where nothing is going on and that child becomes a problem, is...what do they call it, you all know what those four letters are, they're hyperactive, they suffer from attention deficit disorder and they need medication. And if the parent refuses to let them put the child on medication then the child is out of the classroom and then out of the school. Senator Schimek doesn't know this but at a school called Everett they've put on the floor a square with tape and a little black kid sits there all day. His desk is there all day. [LB316]

SENATOR ERDMAN: Time. [LB316]

SENATOR CHAMBERS: White kids laugh at him. They say, that's where we put him and that's where he's going to stay. Thank you, Mr. President. [LB316]

SENATOR ERDMAN: Thank you, Senator Chambers. That was your third time. Senator Chambers, there are no senators wishing to speak. You're recognized to close on your motion to bracket LB316. [LB316]

SENATOR CHAMBERS: Thank you. That's what they do to our children. So when the child's mother and her friend, who has a video camera, went over there and "videoed" it, then suddenly everybody was concerned--well, what's he taking pictures for? And when one of the children, one of the other children, was asked, what is that? Well, that's where we keep so-and-so; we keep so-and-so; we put him there. Then they sometimes let him sit on the floor cross-legged in that little square of tape, right now, in liberal Lincoln, Nebraska. He's going to what you might call a white school because there are not that many black children in Lincoln anyway. So why do these people come to me? There are senators in Lincoln. They don't believe any white person cares what happens to our children. Now you know what I would do? If somebody stood on this floor and told me that happened, even in a white school, I'd say, where is the school and I will end that before the day ends. But white people just sit back and they just say, tsk tsk tsk, isn't that too bad. The work of black people is onerous, but we must do it, and I shall do it. And after reading the paper and finding out what the white Education Committee did, I can't wait for that bill to come out here. And I want to hear them justify it. Some of the members have talked to me about what understanding they have of what I'm talking about. Then the white superintendent who has created the problems in Omaha tells them, we don't like this so leave OPS alone, so they say, okay. And I'm supposed to go along with it? One time a suggestion was made that Senator Friend may have been

Floor Debate  
April 19, 2007

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angry and Senator Friend said words to the effect, you haven't seen me angry. You all have not seen me angry, but when I'm genuinely angry you won't hear my voice raise, you will not see me gesticulate, you will hear me talk like white people supposedly talk, well-modulated tones. But my philosophy will be that of Teddy Roosevelt--walk softly--except, speak softly but carry a big stick. You know what my big stick is? The rules that white people adopted for their white Legislature. That is my big stick. And Teddy Roosevelt told his sons never strike unless you must, but if you must, never strike softly. And see, these things never wind up in the World-Herald, never, because it's a white paper written by white people, through the eyes of white people, for white people. That's why you all don't know anything about nonwhite people and you don't even care. You send white people who don't know anything. They ignore. It goes right over their head. They don't even know what we're talking about. They don't care. But if I talk about something that relates to white people then out comes their little pen and their little paper; they just a writing. I know white people better than they know us. We can write books about white people without studying white people because we get crash courses through experience every day. They have to darken their skin, they say. Well, white people don't have to darken their skin to say that they're...just say you're black in this society and that's what you are, and they'll treat you that way. Their hair can be as white as "James Colburn's" back there, alias Senator Pahls, or Senator Pahls, alias "James Colburn." [LB316]

SENATOR ERDMAN: One minute. [LB316]

SENATOR CHAMBERS: Skin as pale as his, and if he says, but I'm black, then suddenly things change and they treat him that way. Gee, Rich, I never knew, but you know, you're still all right with me; I don't...I don't even see color. Well, why do you bring it up? My color hasn't changed. Well, you know what I mean. Yeah, I'm beginning to see what you mean. Talk to Senator Dwite Pedersen who suddenly found out that when these things are done to your flesh and blood your eyes suddenly come open and you understand things because he has a black grandchild. He knows it's one thing to say you're sympathetic and another thing to have it brought into your family what's being done to a child just because of what that child is. You're no longer a spectator who is nice and has a missionary zeal. You now have to look at what is happening to your grandchild and you cannot protect your grandchild. [LB316]

SENATOR ERDMAN: Time. [LB316]

SENATOR CHAMBERS: Thank you, Mr. President, and I withdraw that motion. [LB316]

SENATOR ERDMAN: The motion is withdrawn. We're back to discussion of the Raikes amendment. Seeing no lights on, Senator Raikes, you're recognized to close on AM1074. [LB316]

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

Floor Debate  
April 19, 2007

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SENATOR RAIKES: Thank you, Mr. President. This amendment makes it possible for the Commission of Education to...Commissioner of Education, excuse me, to appoint the representative from the State Department of Education. I urge your support. Thank you. [LB316]

SENATOR ERDMAN: Members, you've heard the closing on AM1074 as an amendment to the Education Committee amendments. All those in favor vote aye; all those opposed vote nay. Have all senators voted who care to? Record please, Mr. Clerk. [LB316]

CLERK: 29 ayes, 0 nays, Mr. President, on the adoption of the amendment to the committee amendments. [LB316]

SENATOR ERDMAN: The amendment is adopted. We are back to discussion on the Education Committee amendments, AM765, to LB316. Seeing no lights on, Senator Raikes, as Chair of the Education Committee, you're recognized to close. [LB316]

SENATOR RAIKES: Thank you, Mr. President and members. The committee amendment changes the number of members to 15, and the initiation date for the work from June 15 to July 1, 2007. I urge your support. Thank you. [LB316]

SENATOR ERDMAN: Thank you, Senator Raikes. Members, you've heard the closing on AM765, the Education Committee amendments to LB316. All those in favor vote aye; all those opposed vote nay. Have all members voted who care to? Record please, Mr. Clerk. [LB316]

CLERK: 33 ayes, 0 nays on adoption of committee amendments. [LB316]

SENATOR ERDMAN: The amendment is adopted. [LB316]

CLERK: I have nothing further on the bill, Mr. President. [LB316]

SENATOR ERDMAN: We'll now proceed to discussion on the advancement of LB316. There are no lights on. Senator Friend, you are recognized to close. [LB316]

SENATOR FRIEND: Thank you, Mr. President, members of the Legislature. Thank you for the discussion on this, on this potential task force. This body does have my word that it's important, this is important to me, it's important subject matter to me, but the word is heard loud and clear to deal with issues and for this task force to be as effective as it possibly can. That's my goal. It's my pledge to you that if I'm involved in it I can keep a close eye; if not, I know that other senators will do the footwork and do the type of thing necessary to make sure it's as effective as possible. With that, members of the Legislature, I'd ask for the advancement of LB316. Thank you. [LB316]

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Transcriber's Office

Floor Debate  
April 19, 2007

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SENATOR ERDMAN: Thank you, Senator Friend. Members, you've heard the closing on the motion to advance LB316 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Have all members voted who care to? Record please, Mr. Clerk. [LB316]

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB316. [LB316]

SENATOR ERDMAN: LB316 does advance. Mr. Clerk, next item on the agenda. [LB316]

CLERK: LB316A by Senator Friend. (Read title.) [LB316A]

SENATOR ERDMAN: Thank you, Mr. Clerk. Senator Friend, you're recognized to open on LB316A. [LB316A]

SENATOR FRIEND: Thank you, Mr. President, members of the Legislature. This A bill, which contains an emergency clause, is the funding mechanism for the task force. For fiscal year 2007-2008 only it appropriates \$10,000 for the members of the task force to be reimbursed for actual and necessary expenses. Thank you, members. I ask for the advancement of LB316A. Thank you, Mr. President. [LB316A]

SENATOR ERDMAN: Thank you, Senator Friend. Members, you've heard the opening on LB316A. Senator Friend, there are no lights on wishing to discuss the bill. You're recognized to close. Senator Friend waives his opportunity to close. Members, the motion before you is, shall LB316A advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all members voted who care to? Record please, Mr. Clerk. [LB316A]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB316A. [LB316A]

SENATOR ERDMAN: LB316A does advance. Mr. Clerk, items for the record. [LB316A]

CLERK: Mr. President, a reminder, an announcement that the Agriculture Committee will meet under the north balcony upon adjournment; the Agriculture Committee, upon adjournment, underneath the north balcony. Amendments to be printed: Senator Avery to LR6CA, Senator Harms to LB603. (Legislative Journal pages 1233-1234.) [LR6CA LB603]

And, Mr. President, I have a priority motion. Senator Flood would move to adjourn until Monday morning, April 23, at 10:00 a.m. []

SENATOR ERDMAN: Thank you, Mr. Clerk. Members, the motion before you is, shall

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Floor Debate  
April 19, 2007

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the Legislature adjourn until Monday, April 23, 2007, at 10:00 a.m.? All those in favor say aye. All those opposed say nay. The ayes have it. We are adjourned. []