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Floor Debate
May 09, 2007

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SENATOR LANGEMEIER PRESIDING []

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

SENATOR HANSEN: (Prayer offered.) []

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

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

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

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

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

CLERK: One item: LB482A by Senator Johnson. (Read LB482A by title for the first time.) That's all that I have. (Legislative Journal page 1477.) [LB482A]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. We will now proceed to Select File, 2007 senator priority bills, and as it states on the agenda those bills in this section that have amendments filed against them other than E&R will be skipped over until we have completed the list. Then we will go back up and address those with amendments in a secondary fashion. Mr. Clerk, LB316. [LB316]

CLERK: LB316, Senator McGill, I have Enrollment and Review amendments. (ER8075, Legislative Journal page 1243.) [LB316]

SENATOR LANGEMEIER: Senator McGill. [LB316]

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SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB316]

SENATOR LANGEMEIER: You have heard the motion on the adoption of the E&R amendments to LB316. All those in favor say aye. All those opposed say nay. They are adopted. [LB316]

CLERK: I have nothing further on that bill, Senator. [LB316]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB316]

SENATOR MCGILL: Mr. President, I move LB316 to E&R for engrossing. [LB316]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. LB316 does advance. Mr. Clerk. [LB316]

CLERK: LB316A, Senator, I have no amendments to the bill. [LB316A]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB316A]

SENATOR MCGILL: Mr. President, I move LB316A to E&R for engrossing. [LB316A]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. LB316A does advance. Mr. Clerk. [LB316A]

CLERK: LB373, Senator, I have no amendments to the bill. [LB373]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB373]

SENATOR MCGILL: Mr. President, I move LB373 to E&R for engrossing. [LB373]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. LB373 does advance. Mr. Clerk. [LB373]

CLERK: LB629, Senator, I have Enrollment and Review amendments, first of all. (ER8098, Legislative Journal page 1370.) [LB629]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB629]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB629]

SENATOR LANGEMEIER: You have heard the motion on the adoption of E&R amendments to LB629. All those in favor say aye. All those opposed say nay. They are adopted. Mr. Clerk. [LB629]

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CLERK: I have nothing further pending to LB629, Senator. [LB629]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB629]

SENATOR MCGILL: Mr. President, I move LB629 to E&R for engrossing. [LB629]

SENATOR LANGEMEIER: You have heard the motion on the advancement of LB629. All those in favor say aye. All those opposed say nay. LB629 does advance. Mr. Clerk. [LB629]

CLERK: Sorry. Mr. President, LB629A, Senator McGill, I have no amendments to the bill. [LB629A]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB629A]

SENATOR MCGILL: Mr. President, I move LB629A to E&R for engrossing. [LB629A]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. LB629A does advance. As stated earlier, we return now to LB405. [LB629A LB405]

CLERK: LB405, Senator, first of all I have Enrollment and Review amendments. (ER8059, Legislative Journal page 1012.) [LB405]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB405]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB405]

SENATOR LANGEMEIER: You have heard the motion on the adoption of the E&R amendments. All those in favor say aye. All those opposed say nay. They are adopted. Mr. Clerk. [LB405]

CLERK: Senator Schimek would offer AM849. Senator, I understand you want to withdraw AM849 and substitute, as an alternative, AM1070. [LB405]

SENATOR SCHIMEK: That is correct, Mr. Clerk. [LB405]

SENATOR LANGEMEIER: If there are no objections, so ordered. [LB405]

CLERK: AM1070, Senator Schimek. (Legislative Journal page 1227.) [LB405]

SENATOR LANGEMEIER: Senator Schimek, you're recognized to open on AM1070.

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[LB405]

SENATOR SCHIMEK: Thank you, Mr. President and members of the body. Members, I just was thinking about this issue as we were discussing it on the floor the last time and it seemed to me that there might be kind of a compromise in this whole issue. The issue, as you remember, is whether the city council districts of Omaha should expand to nine and how the city of Elkhorn should be incorporated into that, and it's really not that long till we do redistricting, and that will happen in 2011, so it seemed to me that creating nine districts at the present moment would be a little bit foolish because you'd then have to totally disrupt all the city council districts and redo all the lines. And then it would have to be redone again in 2011. So keeping that in mind and keeping in mind that the city of Elkhorn has recently been annexed and that there are some wounds there, and that it probably would be nice if we could keep the city of Elkhorn intact, at least until 2011, I offer this amendment simply as a way of doing all that. And the amendment simply says that if a city of the metropolitan class annexes a city of the first or second class, that city would not be divided up into two or more districts, at least initially; that we'd have to come back and amend the statutes later. But it allows that...it would allow that city, Omaha specifically, to move the entire city of Elkhorn, which is about 7,000 or 8,000 people, into one district, and then maybe make some minor adjustments in population, moving a little bit of their population into an adjoining district to sort of balance it a little bit. If you still have your map from the previous discussion, you will see that the city of Elkhorn is contiguous to both District 6 and 5, so it could actually be put into either of those two districts naturally and then you could maybe move, say, 3,000 or 4,000 people into the other district, or you could just leave it until the redistricting is done. I suspect that these council districts are out of balance already because of normal population growth. Yes, Senator Chambers, I see you looking very stern over there. And so they're probably already out of balance, but that...I just offer this as a way of maybe delaying redistricting and letting Elkhorn be Elkhorn within that one city council district, either 6 or 5, for another three or four years until the next census comes out and the city does do their redistricting of city lines. So with that, Mr. President, I think I would ask Senator Pedersen if he would like the rest of my time.
[LB405]

SENATOR LANGEMEIER: Senator Pedersen, 6 minutes. [LB405]

SENATOR PEDERSEN: Thank you, Mr. President, and thank you, Senator Schimek. What Senator Schimek is trying to do to LB405 is not as I or my constituents perceived what we wanted when we started this journey to try and get more representation on the Omaha City Council. However, after polling the people in the Elkhorn area and in other parts of my district, towns that are concerned, Bennington, Waterloo, they do believe that we would be better off with Senator Schimek's amendment than we would be losing the battle on adding more members to the city council. Adding two members, or even one more member, has come through polling you people, brought me to the

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understanding that it will not pass another stage. So we did look at this as an option and we do support this as an option. You have your maps, I passed them out again, that shows you how they divided the new annexed area into two different districts by going up one thin line and making sure there was two. Most of the population or constituency in this annexed area do not like this. There are some that do and I have heard from some of the business people and some of the leaders in our community that they would like to have two votes out of seven instead of one, but when questioned about the fact that what do you do if one of them votes are not with you, then one is voted out the other. The big map, you might see, has District 5 and 6, Councilman Welch and Councilman Thompson. It has stars on there. The blue one is senator...I mean Councilman Thompson. The star is where he lives, way over close to 72nd Street and yet is expected to represent eight miles west. District 5 where Councilman Welch is at, the star shows where his residence is and yet he's expected to come six miles west and think that our interests are the same as his. All we're asking is to have one representative on the city council who would hear us as a united area that's been annexed, instead of dividing us in two. I believe this is very, very little compared to what we were looking for to begin with, and that it would hurt no one. One of the city leaders was at a meeting with Councilman Thompson and Councilman Welch who, with their letters that they sent to us, don't agree with what the consensus was of that particular meeting, but the city leader said he did not like adding more members because he's worked with boards before and he said the more in number the harder to work with. But he did say, I truly do support the fact that if we can get one representative instead of two, is what we would like to have in Elkhorn in the new annexed area. Please consider Senator Schimek's amendment and know that I do support it. And if Senator Schimek's amendment is supported, I go away, pull my amendments, and we'll move on. Thank you. Thank you, Senator Schimek. [LB405]

SENATOR LANGEMEIER: Thank you, Senator Pedersen and Senator Schimek. Wishing...we return now to discussion on AM1070. Those wishing to speak, we have Pedersen, Friend, Chambers, and Nelson. Senator Pedersen waives his time. Senator Friend, you are recognized. [LB405]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. LB405, as it matriculated through General File, I think, you know, the debate got somewhat vigorous, I guess, and was pretty poignant. And what it told me is that there's a reality here that we're dealing with and Senator Pedersen spoke to that reality. If I get this right, I think I concur with him. I don't think LB405 has got the type of legs, as a realist, the type of legs that it would require, and there's a lot of reasons for that, but let me step back from that point for a second. I do favor, as you know, LB405 in principle and I don't think it's bad public policy. That being said, AM1070, while well-intentioned, first of all, LB405 is a significant shift in public policy, no doubt about it. We obviously have to be very careful about what we do, and I recognize that. AM1070 is a significant shift in public policy as well, but a different type of shift, different subject matter, I believe,

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dealing with a lot of different areas of the law. I have study language, my office has drafted study language that's very broad and deals with all the subject matter that we have up here, not just LB405, but can be...what also can be addressed is the language and the ideas encompassed in AM1070. So I think here's where we sit. While I will not fight this amendment vigorously at all--I'll probably just sit and listen to what you folks have to say about it--while I will not fight this amendment, I will not support it. So if it's adopted you probably won't hear me say a whole lot of favorable things about moving this bill forward, and here's the reason: Because the goals and objectives, if you remember, if you were interested in the debate on General File, if you remember, my goals and objectives in seeing this bill to the floor, not only to the floor but to its ultimate...hopefully successful conclusion, relate to the proper analysis regarding the adequate local representation in a rapidly growing urban community or environment. And while there's nothing functionally wrong with LB405, and I've brought that up a couple of times, AM1070 does not encompass the same subject matter that I'm interested in dealing with, that I felt like in General File that we were dealing with. It's different. We're in a different plane here now. And we're not talking about the specific annexation of Elkhorn. I've never been talking about that. I know some of you don't believe that, but I haven't, and I don't know how to convince you of that other than to say that the policy related to the growth of a city is what I was interested in and about overall annexation policy, because that's what...that's what confused the citizens of Elkhorn and that's what confused the citizens of Millard back in the early seventies. Secondly, with AM1070, there is no precedent for this. This is the first time we've ever addressed...well, I don't know if it's the first time we've ever addressed it, but in the five years I've been here it's the first time we've ever addressed the idea of preserving local district boundary lines based on the action of annexation. [LB405]

SENATOR LANGEMEIER: One minute. [LB405]

SENATOR FRIEND: So, simply put, here's where I think we sit. In reality, I don't think LB405 has the legs. In my own personal way, I kind of wish it did, but it doesn't. AM1070 deals with one rep or two reps. I think that that's perfect subject matter for an interim study. We've got the language drafted up. Senator Pedersen has valiantly worked for his constituents in Elkhorn. I think I've halfway valiantly made an argument for expanding a city council in a rapidly growing urban community. We may be at an impasse. Maybe an interim study can help us with that. Here's where it sits. If AM1070 is adopted, I can't support this bill. If LB...if this isn't adopted and LB405 moves forward, I would like to bracket the bill and deal with it in the fall with subject matter in an interim study... [LB405]

SENATOR LANGEMEIER: Time. [LB405]

SENATOR FRIEND: ...with the subject matter there. Thank you, Mr. President. [LB405]

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

SENATOR CHAMBERS: Mr. President, members of the Legislature, discombobulation. I just thought I'd throw that out there, although it is appropriate in our discussion here. I do not think that the Legislature, by enacting a law, should knowingly and intentionally throw city council districts out of kilter, as far as population. If there is some disproportionate population among the various districts, that came about not through official government action. People moved and other factors may have entered the picture. But for the Legislature to put 8,000 people into one district, knowing it's going to throw it out of kilter, destroy the entire concept of one person, one vote in a political setting is something that I do not think ought to be done. I have said it before and I'll say it again. Creighton hates the fact that I attended their university and graduated, attended their law school and graduated. There's only one thing they hate more than that. That's to have me tell people that I graduated from their schools. They feel that is worse than my having attended there. Senator Schimek's amendment has achieved something that I thought was impossible. I thought Senator Dwite Pedersen, his bill was the worst bill of its kind that could come before us. Senator Schimek, showing why I think so much of women, why I see them as an untapped resource which ought to be given lionization, has come up with an amendment that tops Senator Pedersen, a male. Hers has out-worsted his. (Laughter) She knows it but, as she stated, she was thinking about this one night and wondered what could be done to give everybody something. So she wanted to give some of the people in Elkhorn the opportunity to be in the same district, she wanted to give Senator Pedersen a way out, and she wanted to give me heartburn. She succeeded to a marked degree in producing the heartburn, if I had a heart. So I escaped her clutches, and I don't want the other two things to be successful. Senator Friend laid out a scenario which will allow a consideration of every issue that has been raised during our debate on Senator Pedersen's bill, LB405. I don't know what the result of such a study will be, but that is preferable to flying by the seat of our britches and petticoats to do something such as is envisioned in the original version of LB405 and the amended version that would emerge if we adopted Senator...she's not even looking...Senator Schimek's amendment. If that amendment is adopted then I will be compelled to do everything I can to defeat the bill and I do think that would be wasted time,... [LB405]

SENATOR LANGEMEIER: One minute. [LB405]

SENATOR CHAMBERS: ...because the idea is not good. It's no disparagement of Senator Schimek or her attempt to arrive at some kind of accord, but not every effort put forth should be rewarded by being allowed to come to fruition. So I would rather just see the bill die and be given a decent burial, and if that happens I might even have a little tune, a few bars of which I will sing in memoriam. Thank you, Mr. President. [LB405]

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SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Nelson, you are recognized. [LB405]

SENATOR NELSON: Thank you, Mr. President and members of the body. I turned on my light because I had some questions of Senator Schimek, and I think I still do. I've had an opportunity to read some correspondence now. But, Senator Schimek, will you yield to a question or two? [LB405]

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

SENATOR SCHIMEK: Yes. [LB405]

SENATOR NELSON: It's my understanding that the Omaha City Council, according to the maps, has already done that redistricting and that it's kind of dividing Elkhorn between the existing Districts 5 and 6. Is that correct? [LB405]

SENATOR SCHIMEK: That is my understanding, yes, Senator Nelson. [LB405]

SENATOR NELSON: All right. Could you tell me what your thinking is about...as I understand it now, you want all of Elkhorn to be just either in 5 or 6. Is that correct? [LB405]

SENATOR SCHIMEK: That was my suggestion, yes. [LB405]

SENATOR NELSON: Okay. Could you tell me your reasons for that? [LB405]

SENATOR SCHIMEK: Yes. [LB405]

SENATOR NELSON: Yes, please. [LB405]

SENATOR SCHIMEK: I think that the people in Elkhorn would like to have it that way. Now I know there is some...not everybody agrees, but I think they would like to stay together. I know that there was a meeting a lot of public officials were at where they thought maybe it would be good to have two representatives, and you can certainly make that argument, Senator Hansen (sic). But I think that the people would like to stay together and I just thought that for the interim it might be well to do that, to keep Elkhorn together, and then when the next redistricting is done that's the time that you would redraw all the districts and somewhere in-between now and then decide whether you really wanted to do nine districts or not. [LB405]

SENATOR NELSON: All right. Senator Schimek, I've often been confused with Senator Carlson, but never Senator Hansen before, so I feel flattered by that. [LB405]

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SENATOR SCHIMEK: (Laugh) Sorry. You and Carlson and Hansen and...yeah, I mean it is confusing, Senator Nelson. [LB405]

SENATOR NELSON: That's all right. I can understand. There are others on the floor who also confuse us. So maybe by the time we get to the end of the session it will be a little easier to separate. Well, I think perhaps your proposal has merit, but I just...it seems to me in one way the citizens of Elkhorn would benefit by having two separate representatives on the council, perhaps representing divergent points of view, and secondly, it would not throw one of the districts that far out of balance for the next three, four years by putting all of Elkhorn in there. That's 8,000 or 9,000 people added to one district, whereas the present lines permit 4,000 or 5,000 added to each district. So I guess, in conclusion, I would view this as a compromise that is appealing to those or a compromise made to appeal to those who presented LB405 initially, but...and I appreciate your efforts, but I think at this point in time, because of the fact it would require another redistricting for just a short period of time and there would be some imbalance, I think that I am not able to support AM1020...or AM1070, rather, and therefore would have to vote against it. Thank you, Senator Schimek, and thank you, Mr. President. [LB405]

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

SENATOR PEDERSEN: Thank you, Mr. President, members of the Legislature. I stand in support of AM1070 and I want to make comment on two of the senators, Senator Nelson and Senator Chambers, when they talk about it throws the districts out of kilter and makes them different from one another. If it does that, with this amendment passed and as this is put into law, then it's done that way only because they want it that way. They are the ones who draw the lines. The city council draws the lines and they have guidelines on how to do that, and it would be their job to keep the equal population in each district, and it can be done. Their lines can be made and it would be up to them to do it. So it would be their fault if it came out of kilter. I want to go back a little bit to the meeting that Councilman Thompson and Councilman Welch had with the business people in Elkhorn. I was not present at that meeting, but I did get a letter from both of them and they were a little bit different. Senator, excuse me again, Councilman Welch said that there was a consensus. He says here: There were residents and business leaders who spoke to me about the advantage of having two representatives versus one. In my opinion, a general consensus ended with the group supporting the representation as it is now--Councilman Welch. Councilman Thompson, which you all have a copy of his letter and attachment on...of his letter on your desks that he recently attended that same meeting and he put out a survey, and take a look at that survey and it will show you that there's no consensus in the Elkhorn area to keep it at two. It's not basically asked that way, but if you read through it you can see what Elkhorn would want--very blatant. We believe that it's very little to ask and it would not hurt anybody

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politically, from the mayor, any one of them councilmen, to take in consideration the people who have been bullied into and pushed around into the annexation, which is at this point going quite well with most of the people. I've not seen the bitterness that there was a couple months ago. There is still some, there always will be, but they would still like some token of representation where they could be together and have the same representative. I have nothing against AM1070. I would like to have seen more members, and I agree with Senator Friend, that would have been the ideal thing with a growing city to have growing...more representation. But obviously, losing at least five votes from the General File,... [LB405]

SENATOR LANGEMEIER: One minute. [LB405]

SENATOR PEDERSEN: ...which you members have told me they would not vote for LB405 again, this is the option that we are left with and do believe would take care of us. Thank you. [LB405]

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

SENATOR WALLMAN: Thank you, Mr. President, members of the body. And I thank Senator Schimek and Senator Pedersen for bringing this forth, but as a legislative body it seems like we're carrying a big stick here again and, whether we like to or not, it's going to be redistricting I guess. And if Elkhorn is a growing community you'd think they would want another representative. And if we have to work this out in here, I guess so be it, but I would hope that those residents in that Omaha and Elkhorn area would get a coalition to find a solution. And with that, I'd yield the rest of my time to Senator Pedersen. [LB405]

SENATOR LANGEMEIER: Senator Pedersen, Senator Wallman has yielded you 4 minutes. [LB405]

SENATOR PEDERSEN: Thank you, Senator Wallman. I have said most everything I was going to say. Thank you, Mr. President. Appreciate the time. [LB405]

SENATOR LANGEMEIER: Thank you, Senator Pedersen, Senator Wallman. Those wishing to speak, we have Erdman, Schimek, Chambers, Pirsch, Pahls, Friend. Senator Erdman, you are recognized. [LB405]

SENATOR ERDMAN: Mr. President, would Senator Schimek yield to a question, please? [LB405]

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

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SENATOR SCHIMEK: Yes, I will. [LB405]

SENATOR ERDMAN: Senator Schimek, has this had a public hearing, this amendment? [LB405]

SENATOR SCHIMEK: No, it hasn't. [LB405]

SENATOR ERDMAN: It hasn't? [LB405]

SENATOR SCHIMEK: No. [LB405]

SENATOR ERDMAN: Doesn't that just tear a hole in the universe and upset our process? [LB405]

SENATOR SCHIMEK: Well, I can tell you that there are going to be things offered later today that haven't had a public hearing either, Senator Erdman. So if you want to start down this road, it's going to be a long road. (Laugh) [LB405]

SENATOR ERDMAN: Well, Senator Schimek, I was just handed some information from Senator Chambers that brought back fond memories of former Senator Beutler, and that used to be his role of getting up and asking those questions, and so I just thought I would lightheartedly ask that question, given the fact that there will be other amendments offered today that will be in the same situation yours is. [LB405]

SENATOR SCHIMEK: And I'm so glad that somebody has chosen to take on that mantle. [LB405]

SENATOR ERDMAN: No, no. No, no, this is...consider this a one-time gift. Mr. President, I would yield my remaining time to Senator Friend. [LB405]

SENATOR LANGEMEIER: Senator Friend, 4 minutes. [LB405]

SENATOR FRIEND: Thank you, Senator Erdman, and thank you, Mr. President. Members of the Legislature, that was, all joking aside, Phil had obviously pointed out that we were talking about an interim study earlier. I had brought that up, ran out a little bit of time. Let me go through really quickly, this amendment is...these type of things need to be, just like LB405, need to be dealt with in a very deliberate manner, and one of the things we're going to do in this study, since we are talking about, in a lot of ways, reformation, not only with LB405 but with AM1070. The study is going to be very broad but, one, the statutory authority for representation on and the size of a city governing bodies in metropolitan-class, primary-class, and first-class cities, including charter provisions; and number two, the actual size of the governing bodies in such cities and historical changes related to the size of governing bodies in those cities. So boundaries,

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districting, that's the...that's code language for that, and number one, the statutory authority for representation on and the size of city...or for the size of city governing bodies in metropolitan-class, primary, and first-class cities. So we're not just...we're not just messing around with Omaha here now. This isn't a provincial, you know, Mike Friend and Dwite Pedersen trying to secure themselves future, you know, city council seats or some garbage like that. That's not it. That's not it with the bill, by the way, either. But the bottom line is we have very general study language drafted up to address this issue because I think it's important. Quite honestly, Senator Pedersen didn't come and say, necessarily, right out of the gate, hey, let's go do a study; I want the people of Elkhorn to be able to, you know, have a forum. He's producing the forum in a certain way for them. This was our idea--my idea, maybe part of my staffs' and, you know, maybe scattered members of the Urban Affairs Committee. So what I would say is we have a lot of opportunity. A lot of people sigh at the idea of an interim study, especially an Urban Affairs interim study. It's not like Judiciary where you're...or Government, where you're sinking your teeth into very esoteric and sometimes very interesting subject matter. We've got TIF, we've got that type of stuff, so...but it has to happen, and even I realize that and I feel like, while, like I said, LB405 is legitimate subject matter to deal with here on the floor,... [LB405]

SENATOR LANGEMEIER: One minute. [LB405]

SENATOR FRIEND: ...we're going to have more time, we're going to have the ability to decipher not just the intangibles associated with LB405 but we're going to be able to expand the scope quite extensively just based on those two bullet points that I gave you earlier on. So you want me to be clear about this right now at the end, I don't want AM1070 adopted, okay? I don't really have a major problem with it or heartburn maybe, like Senator Chambers does, but we're not ready for that. Quite honestly, I don't think anybody is ready for LB405 either, at least that's the feeling that I'm getting, so we can handle that. But we don't need to do any of this now. If you want an apology from me from bringing this out to the floor, you aren't going to get it. Fooled you, didn't I? But what I will say is we don't have to deal with this now. Thank you, Mr. President. [LB405]

SENATOR LANGEMEIER: Thank you, Senator Friend and Senator Erdman. Senator Schimek, you are recognized, followed by Chambers, Pirsch, Pahls, and Pedersen. [LB405]

SENATOR SCHIMEK: Thank you, Mr. President and members. You know, Senator Chambers' offer to serenade us ought to make you (laugh) really think about adopting this amendment. Because if you don't, that's when he will serenade us. Is that not correct, Senator Chambers? And, Senator Friend, you mentioned governing council a couple of times in your remarks and I think that may be a dangerous word to mention today. But I understand your arguments and an interim study wouldn't be bad, but let me just say a couple of things about that. First of all, this proposal, AM1070, would not

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really disrupt the population balance that much. This, the city council districts that you have seen have just been redrawn on a population basis, so you wouldn't really be disrupting it that much. This amendment calls only for the city of Elkhorn to go into that one council district, so that means the surrounding, the SIDs and that, could actually stay in the other city council district, so that you're putting about...you're just moving a few thousand people so the balance would be a few, maybe 3,000 at most, and that's not a huge number. So I'm not sure that I think Senator Chambers' argument carries a lot of water. The other thing that I would like to mention is that an interim study would take place over the interim and if there were a policy change to be made it couldn't be made until next year, obviously. And by the time you got a bill passed during the session, it would probably...it would probably not impact elections in 2008, and I think that's part...part of the motivation here is to give the Elkhorn people a feeling that they can have a say in the next election in a way that represents their entire city. So I would just point that out. I would go back to saying that I don't really have a dog in this hunt, you know? I don't. It doesn't affect me one way or the other. What I was trying to do here was to provide a kind of a compromise position that would allow the city of Elkhorn to stay whole at least through the next redistricting process, and I believe this would do it and I would appreciate...I would appreciate any consideration that you would give it. Thank you very much, Mr. President. [LB405]

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

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, the first time I spoke I was quite facetious, although I meant what I said. I'd like to ask Senator Schimek a serious question or two. [LB405]

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

SENATOR SCHIMEK: Yes, I would. [LB405]

SENATOR CHAMBERS: Senator Schimek, into which of these two districts would this city be? [LB405]

SENATOR SCHIMEK: I wouldn't know. I wouldn't care. [LB405]

SENATOR CHAMBERS: Who will make the determination? [LB405]

SENATOR SCHIMEK: The city council. [LB405]

SENATOR CHAMBERS: Will the people of Elkhorn have any say-so? [LB405]

SENATOR SCHIMEK: No, that would be up to the city council. [LB405]

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SENATOR CHAMBERS: So suppose the people of Elkhorn did not want to be in the district that the council would decide to put them in? [LB405]

SENATOR SCHIMEK: (Laugh) Well, half of them already are. [LB405]

SENATOR CHAMBERS: Well, so... [LB405]

SENATOR SCHIMEK: (Laugh) I mean they didn't have any say about that either. [LB405]

SENATOR CHAMBERS: But now the state is getting involved. That was something done locally and the people could contact the city council members in the districts of which they're a part, but this is where... [LB405]

SENATOR SCHIMEK: I'm not sure...excuse me. [LB405]

SENATOR CHAMBERS: ...this is where the state is imposing this plan, yet the state does not say into which district the city would fall, nor does it give any guidelines in determining which city, what would happen in case of an impasse on the city council if they did not take action to put the city into either district, and whether or not the people of Elkhorn should have a vote to see which district they'd like to be in, and if they could not decide among themselves even which district they'd like to be in, how would this law be complied with. And you can answer. [LB405]

SENATOR SCHIMEK: Thank you, Senator. [LB405]

SENATOR CHAMBERS: I meant, you know, you'll have time. It's not a yes or no, so you can elaborate. [LB405]

SENATOR SCHIMEK: Thank you. I would assume that they would use the same process they used to redraw these seven districts, and I would presume they would have a public hearing and that they would allow public input into that. [LB405]

SENATOR CHAMBERS: But they don't have to do that. [LB405]

SENATOR SCHIMEK: I think that, Senator, I find it somewhat ironic that you would be questioning the Legislature's authority to do something like this in light of the fact that you were the author of the district elections in Omaha and the Legislature did impose on the city of Omaha that scheme, if you will. So... [LB405]

SENATOR CHAMBERS: But, Senator Schimek, if you read the plan that I put into the statute, it wasn't like this. It laid out guides. In fact, it specified how the districts were to

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be compact; contiguous; equal, to the extent possible, in population; and the boundaries would be drawn by... [LB405]

SENATOR SCHIMEK: But I think those guidelines are still in effect, Senator. [LB405]

SENATOR CHAMBERS: Except that the city council now draws the...redraws its boundaries, but it has those specific guidelines. There is... [LB405]

SENATOR SCHIMEK: And they still would. [LB405]

SENATOR CHAMBERS: But there's nothing in here that says which district this city will be placed in. Nothing like that was ever put into any plan that I brought... [LB405]

SENATOR SCHIMEK: Well, and we shouldn't. [LB405]

SENATOR CHAMBERS: ...where I specified that this...such a thing as this should be done. [LB405]

SENATOR SCHIMEK: And we shouldn't tell the city council which district to put the city in. [LB405]

SENATOR CHAMBERS: But I mean I have not offered any plan which took a situation such as this and said if the city annexes then whatever they annex shall be in one district. I have never put anything like that in statute. [LB405]

SENATOR SCHIMEK: No, I know you haven't. [LB405]

SENATOR CHAMBERS: But it could have been done if I wanted to. [LB405]

SENATOR SCHIMEK: Yes, it could have. [LB405]

SENATOR CHAMBERS: But I wasn't looking at something like that. I wanted there to be a comprehensive plan which would work no matter what happened in terms of people being absorbed by the city. The boundaries would be drawn in the basis of the guidelines that existed in the statute, and if they were drawn in a way that deviated,... [LB405]

SENATOR LANGEMEIER: One minute. [LB405]

SENATOR CHAMBERS: ...people could go to court and challenge. But if the city council did not take action, then what could be done? Because no responsibility is placed on the council to do anything by Senator Schimek's amendment. if you want to bring a mandamus action to compel a lower court, a political subdivision to do

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something, you must first show that that duty is clear on that political subdivision or court to act. And they have no discretion. If there's discretion, mandamus will not lie. A court would be hard-pressed to say that we ordered the city council to put this city in District 5, or we ordered them to put it in District 6. This is not something that can easily be implemented. It doesn't say, in the law that creates this requirement, how it is to be carried out, and I think that is a serious matter that ought to be considered. And Senator Schimek's answer, whereas it was... [LB405]

SENATOR LANGEMEIER: Time. [LB405]

SENATOR CHAMBERS: ...argumentative, did not address the issue. Thank you, Mr. President. [LB405]

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

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I was wondering if Senator Friend would yield to a question or two. [LB405]

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

SENATOR FRIEND: Yes, I will. [LB405]

SENATOR PIRSCH: Thank you, Senator. With respect to the interim study you're proposing then, would that interim study be conducted with an eye towards establishing a uniform framework perhaps for any possible future annexations that would occur, no matter where they occurred in the state? Would it have broader implications then? [LB405]

SENATOR FRIEND: Well, Senator Pirsch, you've been...you'll be involved in enough interim studies that you know some of these can take on a life of their own. All you have to do is sit in a hearing and the next thing... [LB405]

SENATOR PIRSCH: Uh-huh. [LB405]

SENATOR FRIEND: ...you know, you're...it all depends on how tightly restrained and constrained the hearing is. Based on the language that we have here, it's pretty broad. So the answer to your question is we can go down a lot of different avenues--annexation, boundary lines. We can talk about specific language that shows up in AM1070. We could have four people show up at the hearing and talk about that because it encompasses...because the general language that we're going to file is...it's all game. So the answer to your question is it's going to be very broad and we can have 20 testifiers in there dealing with different subject matter every time they step up to the

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podium. I hope that helps. I mean, but can I add one more thing, Senator Pirsch?
[LB405]

SENATOR PIRSCH: Certainly. And actually, I would yield the balance of my time to Senator Friend. [LB405]

SENATOR LANGEMEIER: Three minutes. [LB405]

SENATOR FRIEND: Thanks, Senator Pirsch. And I don't even...thank you, Mr. President and members of the Legislature. I don't even know if I'll need that much. I wanted to point out something. It's not problematic with AM1070, I don't think, but when I said that there's no precedent for this, here's what I mean. The language we're changing or the language we're adding, it says any city of the first or second class or village annexed by a city of the metropolitan class after January 1, 2005, shall be included within a single city council district. City council district boundaries shall be redrawn to comply with this requirement by November 1, 2007, or within 60 days after the effective date of the ordinance annexing the city or village, whichever is later. Now just because we think that sounds good, and this may sound kind of strange, doesn't mean that it is. How do we know? Let me give you a hypothetical. How do we know that if Lincoln went out and grabbed Waverly ten years from now, how (laugh) how do we know that Waverly would step up to the plate and feel exactly the same way that citizens in Elkhorn felt about this? We need to be very careful about how we are determining boundary lines set up after annexation is implemented. I don't know that AM1070 is the right answer. That's my point. Is that the right answer for statewide policy? And by the way, there's a heck of a difference between a city...a first-class city being annexed and a village being annexed. Some may say that they'd rather have split representation so they have a greater voice. You see where I'm going with this? We just don't know yet whether AM1070 is, for lack of a better way to describe it, a very good idea for a second- or first-class city being annexed. [LB405]

SENATOR LANGEMEIER: One minute. [LB405]

SENATOR FRIEND: So again, I'm not fighting this. I mean, members of the Legislature, do what you really want with it. It totally changes the discussion. LB405 didn't have any...virtually anything to do with this. That's my only point. Senator Pirsch, thank you for the time. Thank you, Mr. President. [LB405]

SENATOR LANGEMEIER: Thank you, Senator Friend and Senator Pirsch. Senator Pahls, you're recognized, followed by Senator Pedersen. [LB405]

SENATOR PAHLS: Good morning, Mr. President, members of the body. I've had the opportunity to see the mayor and the city council in action and I'm, to be honest with you, somewhat impressed how I see them out there, when I call, in the neighborhoods. I

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happen...I'm very fortunate because I'm a member of the advisory board of the Neighborhood Center for Greater Omaha. This gives me the opportunity to see many neighborhoods across the city, and I'll just...just to give you a few examples, I know right now or within the last week or so Dan Welch has been working with the Millard Business Association. I've seen Garry Gernandt a number of times at meetings. I've been in meetings where I've not seen him, but I heard his name--Suttle. They were talking about how he's helping with their neighborhoods. I was at a neighborhood center meeting...a neighborhood meeting not too long ago and Chuck Sigerson was there and he was answering questions: what about the speed limits, do we need speed bumps? So he was out there and the neighbors, talking. And I personally know Franklin Thompson because he was...he represents my area and a year or two ago there was a need for him to visit our area and he was handling a gymnasium full of people who were not happy with what was going on. He just didn't stop there. He went back a number of times and he helped to resolve that. So I truly believe whoever is in those areas, they take these jobs seriously, and I've seen it happen. And as I'm listening to the individual senators speak this morning, there seems to be...I'm getting a mixed bag of which direction should we go. And also, when I talked to some of the people in the Elkhorn area, of course, you hear both sides of that. So to me, it seems that one of the proposals that Senator Friend has brought forth has some merit, but again, I do...I do see the mayor and the city council trying to make things happen in the city of Omaha. Another one final thing is several weeks ago, after the annexation, they were out there, their staff; they're trying to make this work. I was a little bit critical of some of the other things that were coming up, but I think the city is working to remedy those issues. And I promise you, Senator Chambers, I put my paintbrush away. Thank you. [LB405]

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

SENATOR PEDERSEN: Thank you, Mr. President, members of the Legislature. I thank you all for listening. I can see the handwriting on the wall. Senator Schimek has talked to me, what she's going to do with her amendment. I want you to all consider your own little communities where you live and who you represent, your neighbors, your close friends and family, and a much broader picture is our country and what representation means to this country. Senator Schimek's amendment does nothing more than give the people of Elkhorn the representation they want--one. The original bill which I've supported wanted two more representatives, which was even better, in my estimation. Some people said eight. Senator Chambers said to me one day in the hallway when I first offered the bill, he said why not 13? It's representation, people. Elkhorn is hurting, and they're getting over that hurt, but they still want to be heard as part of the city with part of their own representation. There is no personalities involved with me. You all know me better than that. Mayor Fahey did what his constituency wanted with this annexation, and he wasn't the first mayor who wanted to do it. Mayor Hal Daub put his finger right in my nose one day ten years ago and said, if Elkhorn tries to get to 10,000

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people I'll annex you overnight. So it's not a D and an R. What I was looking for is representation. What the people want is representation. Remember, people, this annexation hasn't stopped. The big picture is having enough representation here to jump the county lines and take in Bellevue, Papillion, LaVista, Gretna. Senator Kopplin and I will be introducing legislation next year, hoping to stop that; see where the support goes for that. With that, I thank you. And I give the remainder of my time to Senator Schimek. [LB405]

SENATOR LANGEMEIER: Senator Schimek, 2 minutes. [LB405]

SENATOR SCHIMEK: Thank you, Mr. President and members. I also turned on my light because I didn't know if I would have enough time to say what I wanted to say. First of all, I don't feel passionately about this one way or the other. I just thought it was a good middle ground and I still think so, but I don't believe that the amendment has the support here on the floor to actually pass, so I do tend...intend to withdraw it, not at this very moment, Mr. President. I do think this has been a good discussion and some...and interesting observations were brought out during that discussion. Senator Pahls, I listen to you very carefully because I know your community has been through this. And I agree that you can look at it that way and, in fact, for anybody who was here... [LB405]

SENATOR LANGEMEIER: One minute. [LB405]

SENATOR SCHIMEK: ...in 2001...no, in 1991, sorry, anybody who was here in 1991 and remember when the Legislature split Madison County between two legislative districts and Madison County took this Legislature to court over it because there was a community of interest there which the court told us that if it was possible we had to observe and we had to draw the lines accordingly. And since Madison County had 30,000 people in it, which was about the size of a legislative district, they made us come back and redraw the lines. Community of interest is very important in redistricting, and I think this amendment preserves a community of interest. [LB405]

SENATOR LANGEMEIER: Time. Thank you, Senator Schimek. Senator Schimek, your light is next and you are recognized. [LB405]

SENATOR SCHIMEK: Thank you. And I wish I had thought to offer that suggestion or that argument a little bit earlier in this discussion. When you all are here in 2011 and are doing redistricting, one of the things that you will probably adopt is a guideline that says contiguous lines and community of interest and all of those kinds of things. We tried to make the argument at that time that Norfolk was the center of an entire economic market area and, therefore, you couldn't put it all into one community or one legislative district. So I think that the discussion has been good. I hope it's made some people think about it. I would hope that Senator Friend and his committee would do a good job on that interim study. Senator Pirsch, I think the way the bill was written and the way the

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amendment was written, it really did just apply to metropolitan cities, cities of the metropolitan class. It's conceivable. You might want to bring it in and include some of the other cities of other classes. I don't know. The other thing I should say is this was only meant to be a stopgap measure and then, when the city council redrew the lines, hopefully they would want to...they would want to preserve some community boundaries, just like we are charged by the courts to do here in the Legislature. It's not an unreasonable request. But thank you all for the discussion. Thank you for lending some ideas and some voices to this, and I look forward to seeing what the interim study comes up with. And with that, Mr. President, I'd like to withdraw the amendment. [LB405]

SENATOR LANGEMEIER: Thank you, Senator Schimek. AM1070, if there's no objection, is withdrawn. Mr. Clerk. [LB405]

CLERK: Mr. President, Senator Friend would ask unanimous consent to bracket the bill until May 31, 2007. [LB405]

SENATOR LANGEMEIER: The motion is unanimous consent to bracket LB405. Are there any objections? Seeing no objections, LB405 is bracketed. (Visitors introduced.) Mr. Clerk, LB274. [LB405 LB274]

CLERK: LB274, no Enrollment and Review. Senator McDonald, I have AM1139, with a note you want to withdraw that particular amendment. [LB274]

SENATOR McDONALD: Yes, I do. [LB274]

SENATOR LANGEMEIER: It is withdrawn. [LB274]

CLERK: Senator McDonald would move to amend with AM1263. (Legislative Journal page 1460.) [LB274]

SENATOR LANGEMEIER: Senator McDonald, you are recognized to open on AM1263. [LB274]

SENATOR McDONALD: Mr. President, members of the body, AM1263 is the clarifying amendment that we talked about when a bill moved from General to Select File. It clarifies, it clearly defines the type of propane system affected by LB274. AM1263 incorporates the committee's amendment, which was adopted on General File, and the application clarifications requested by the body into one amendment that becomes the bill. AM1263 specifically excludes the following propane applications from the warning label and leak check requirement: portable propane appliances and equipment that are not connected to a fixed fuel piping system; farm appliances and equipment in liquid service, including but not limited to brooders, dehydrators, dryers, and irrigation

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equipment; propane equipment for vaporization, gas mixing, and gas manufacturing; propane piping for a building under construction or renovation that is not intended to become part of the permanent building piping system; fuel gas system engines, including but not limited to tractors, mowers, trucks, and recreational vehicles. Again, these five types of applications are not included in the definition of liquefied petroleum gas vapor service systems and are not affected by the tank warning label required in LB274. I believe this amendment answers the questions posed on General File and makes it clear exactly which propane applications will be affected by the warning label requirement. I ask you to support AM1263. Thank you. [LB274]

SENATOR LANGEMEIER: Thank you, Senator McDonald. You have heard the opening on AM1263. The floor is now open for discussion. Seeing no lights on, Senator McDonald, you are recognized to close. Senator McDonald waives closing. The question before the body is, shall AM1263 be adopted to LB274? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB274]

CLERK: 29 ayes, 0 nays, Mr. President, on the adoption of Senator McDonald's amendment. [LB274]

SENATOR LANGEMEIER: AM1263 is adopted. Mr. Clerk. [LB274]

CLERK: I have nothing further on the bill, Mr. President. [LB274]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB274]

SENATOR MCGILL: Mr. President, I move LB274 to E&R for engrossing. [LB274]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. LB274 does advance. Mr. Clerk, LB540. [LB274 LB540]

CLERK: Senator McGill, I have Enrollment and Review amendments, first of all. (ER8104, Legislative Journal page 1431.) [LB540]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB540]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB540]

SENATOR LANGEMEIER: You have heard the motion on the adoption of the E&R amendments to LB540. All those in favor say aye. All those opposed say nay. They are adopted. [LB540]

CLERK: Senator Synowiecki would move to amend with AM1253. (Legislative Journal

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page 1460.) [LB540]

SENATOR LANGEMEIER: Senator Synowiecki, you are recognized to open on AM1253. [LB540]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier. This simply replaces "the Vera Institute of Justice," and inserts "an organization with expertise in the field of corrections policy and administration." The legal counsel from the Judiciary Committee thought that the current language would run afoul of the closed-class doctrine within statute, within our statutes. So therefore, we would replace that with "an organization with expertise in the field of corrections policy and administration." Encourage the adoption of the amendment. Thank you. [LB540]

SENATOR LANGEMEIER: Thank you, Senator Synowiecki. You have heard the opening on AM1253. The floor is now open for discussion. Seeing no lights on, Senator Synowiecki is recognized to close. He waives closing. The question before the body is, shall AM1253 be adopted to LB540? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB540]

CLERK: 30 ayes, 0 nays, Mr. President, on the adoption of the amendment. [LB540]

SENATOR LANGEMEIER: AM1253 is adopted. [LB540]

CLERK: I have nothing further on the bill, Mr. President. [LB540]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB540]

SENATOR MCGILL: Mr. President, I move LB540 to E&R for engrossing. [LB540]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. LB540 does advance. Mr. Clerk, LB540A. [LB540 LB540A]

CLERK: LB540A, Senator, I have no amendments to the bill. [LB540A]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB540A]

SENATOR MCGILL: Mr. President, I move LB540A to E&R for engrossing. [LB540A]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. LB540A does advance. Mr. Clerk, LB334. [LB540A LB334]

CLERK: LB334, Senator, I have Enrollment and Review amendments. (ER8068, Legislative Journal page 1105.) [LB334]

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SENATOR LANGEMEIER: Senator McGill. [LB334]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB334]

SENATOR LANGEMEIER: You have heard the motion on the adoption of the E&R amendments. All those in favor say aye. All those opposed say nay. They are adopted. Mr. Clerk. [LB334]

CLERK: Senator Hudkins would move to amend, Mr. President, with AM1198. (Legislative Journal page 1382.) [LB334]

SENATOR LANGEMEIER: Senator Hudkins, you are recognized to open on AM1198. [LB334]

SENATOR HUDKINS: Thank you, Mr. President and members of the body. The amendments that I'm offering today I am not going to take them to a vote, but I do want you to listen to why they're here in the first place. There is a provision, for those of you who are not familiar with it, called greenbelt. Land near a city is worth more because of its development or acreage potential. The market value increases far higher than the agricultural value and the taxes then, of course, go up in accord with the market value. Farmers can't afford the taxes and have no choice but to sell out. Lancaster County and many others in this state have a greenbelt exemption for land that is being used for agricultural purposes. This exemption limits the property taxes to its agricultural value and a person qualifies for the exemption by demonstrating that they have received income from the land. Last year the Legislature made several changes to the greenbelt laws and there were...the recommendations and the changes to reevaluate the use of the greenbelt exemptions to capture more taxes, that's what it was, in large part in response to pleasure acreages that were benefiting by claiming ag use by having a few horses for pleasure, for example. Now last year the bill was carried by Senator Raikes. I signed onto it as did Senator Pam Redfield. And it was my understanding that changing the greenbelt rules would eliminate those acreages, 20 acres thereabouts, that were being used for other than agricultural purposes. You have a big house. You have a few horses. That's not a farm. But if you have 20 acres that you're growing grapes on, for example, you are farming. If you have 20 acres that you have a farrow to finish operation on, that is farming. If you're raising llamas, if you have a truck garden, if you have nut trees, fruit trees, that is farming. And unfortunately, there has been at least one county assessor who has arbitrarily said anything that is 20 acres or less is not a farm. Well, there were over 900, I think 970 disqualifications sent out. A few of them realized that, yeah, they're right. But there were 502 landowners that protested this disqualification from the greenbelt value. Those 502 people were told that you have 20 acres, therefore, we're taking your exemption away. What those people have had to do is to file an appeal with the county board of equalization, the county board. And the

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county board members have been meeting, oh gosh, a couple of weeks late into night, not as late as midnight, but 8:00, 9:00 and hearing these appeals. People will come in and say I have 19.5 acres. I'm growing, you know, X, Y, and Z. I have a Farm Service number. I've filed a Schedule F which shows your farm income and expenses. I have receipts for expenses for seed, for feed, for fertilizer, or what else. I have a tractor, I have a baler, I have this or that and I am farming that ground. Well, because it was 20 acres or less, they were arbitrarily taken off the greenbelt status. So the ones that have appealed to the county board have explained why they are farming. I sat in on a couple of evenings of those meetings. And because the people could show that they had filed a Schedule F, they did have receipts, they did have the income from their farm, they did have what they needed to prove that they were farmers, the county board ruled in favor of the landowner. I am hearing now that the assessor has requested that he wants a transcript of all 502 of these hearings. He is taking all of these to the TERC. He is appealing. Now maybe it's not just Lancaster County, but wherever it is we're saying that if you have this proof then you are a farmer and you should not have been disqualified. My two amendments, one of them would ask for an informal review. The assessor sends out these disqualifications. The landowner could come in with all of this information and talk to the assessor or someone in their staff and say this is why I feel that I should not have been disqualified. The other amendment goes a little farther and wants to look at how this land is actually used acre by acre. Is this going to fix the problem? Is this what we wanted? No. I have been in contact with...this was Senator Dierks's bill at the request of the Governor. I have been in contact with several different parties, including Cathy Lang's office, and she says, well, doing part of this would undo what we did earlier in the year. I don't want to do that. I don't want to mess up what we have already decided. But neither do I want an assessor to arbitrarily say you aren't a farmer. So the one amendment that I would like to have is the informal review. The other one would go away. But right now, upon request of Senator Dierks, I am going to be withdrawing both of my amendments to perhaps be refiled on Final Reading. We're still debating that subject. But I did want to talk about it because I want you all to know that you don't have to have 160 acres or 800 acres or 10,000 acres to be a farm. You can be a farm with 20. Now if you have a farm with a half a million dollar house on it and you have three horses for the kids, no, you're not a farm and you should have had your greenbelt status revoked. What I'm wanting you to consider is if this is being used for agricultural purposes, then those acres should be valued at greenbelt taxes. So at this point, Mr. President, if you would please withdraw both of my amendments on this bill I would appreciate it. We'll be in further discussion as to what we're going to do later. Thank you. [LB334]

SENATOR LANGEMEIER: Thank you, Senator Hudkins. So you would like to withdraw AM1198 as well as AM1197. She indicates yes. They are withdrawn. Mr. Clerk. [LB334]

CLERK: At this point, Mr. President, I have nothing further pending to LB334. [LB334]

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SENATOR LANGEMEIER: Senator McGill, for a motion. [LB334]

SENATOR MCGILL: Mr. President, I move LB334 to E&R for engrossing. [LB334]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. LB334 does advance. (Doctor of the day introduced.) Mr. Clerk, LB588. [LB334 LB588]

CLERK: LB588, Senator McGill, I have Enrollment and Review amendments first of all. (ER8094, Legislative Journal page 1369.) [LB588]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB588]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB588]

SENATOR LANGEMEIER: You've heard the motion on the adoption of the E&R amendments. All those in favor say aye. All those opposed say nay. They are adopted. At this time I would ask the body to keep the visiting to a minimum so we can continue to hear the discussion on the floor. Thank you. Mr. Clerk. [LB588]

CLERK: Mr. President, Senator Cornett would move to amend with AM1278. (Legislative Journal page 1472.) [LB588]

SENATOR LANGEMEIER: Senator Cornett, you are recognized to open with AM1278. [LB588]

SENATOR CORNETT: Thank you, Mr. President and members of the body. Before I go to the amendment, I wanted to refresh the body on what LB588 does. The Business and Labor Committee began working on workers' compensation this session. We had three main goals for reform. The first was to create savings by bringing hospital reimbursements in line with the rest of the nation. The second was to create a fee schedule that was consistent and equitable. The third was to ensure that a portion of savings were passed on to the injured worker. Through the hard work of this committee and many compromises by all parties involved, LB588 accomplishes these goals. AM1278 is a technical amendment to LB588 and, if adopted, will become the bill. As I discussed on General File, we were working on language to further clarify the committee's amendment and AM1278 serves that purpose. We worked closely with the Workers' Compensation Court to ensure that the bill contained the technical language necessary for a smooth implementation. As we worked on AM1278, several questions have arisen and we have addressed them in this technical amendment. I will give you a brief description of the important aspects of the technical amendments. One of the things we heard from the hospitals is that payors were trying to negotiate lower rates after service had been provided. This puts the hospital in a powerless situation since

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they've already performed services. We have addressed this issue by striking the term "maximum" from the fee schedule and inserting "the ability for payors and hospitals to negotiate a rate through a written contract prior to the date of service." This also addresses one of the concerns raised by the state. Since prior to LB588, they were relying on the term "maximum" to give them the ability to contract for less than the fees on the fee schedule. We have clarified that the fee schedule will be adjusted each year and that the fee schedule for each year will cover patients who were discharged within that year. We also worked to refine the language of LB77 which increases the benefit for a specific group of injured workers. The state had expressed a concern that the language was unclear. The technical amendments make it clear that those injured workers with multimember injuries will either be paid according to the schedule or they will be treated as a whole body injury but will not be paid under both. Finally, the state had requested that the state Prompt Pay Act not prompt pay provisions contained in the bill govern their workers' comp payments for injured state employees. They argued that due to the volume of claims they pay each month and their computer system it would be difficult to follow two separate prompt-pay provisions. We accommodated the state's request in AM1278. I would ask for your support in adopting the technical amendments contained in AM1278 and thank the body. [LB588 LB77]

SENATOR LANGEMEIER: Thank you, Senator Cornett. Mr. Clerk, for a motion. [LB588]

CLERK: Senator Cornett would move to amend her amendment, Mr. President, with AM1279. (Legislative Journal page 1472.) [LB588]

SENATOR LANGEMEIER: Senator Cornett, you are recognized to open on AM1279. [LB588]

SENATOR CORNETT: Thank you again, Mr. President and members of the body. AM1279 is the substantive changes to the bill. The amendment is the product of hours of negotiation between parties and compromise. The original committee amendment was Medicare plus 40 with the outliers at three times. This amendment increases the percentage to Medicare plus 50 and changes the outlier threshold to 2.5 times. It was never the committee's intent to hurt the hospitals or pay them less than cost. As this bill has moved forward and discussions have continued, we realize that Medicare plus 50 and 2.5 times for the outlier is a more reasonable reimbursement rate. I would also like to point out that if we find in years to come that this rate is causing any types of access problems for injured workers or we see huge cuts in Medicare that make this fee schedule unreasonable, we will be back to make adjustments. AM1279 also clarifies the trauma language that was adopted on General File. The trauma language offered in this amendment had been agreed to and will cover the major trauma no matter which hospital performs the service. We have carefully drafted this language to establish parameters for what can be considered trauma. This language is meant to include those principal diagnosis codes that describe major trauma such as drowning, asphyxiation,

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strangulation, or electrocution and was admitted through the emergency room or transferred out of the hospital and/or died in the emergency room. As I mentioned earlier in this amendment, this is a compromise we have reached an agreement and would ask for your support in adopting these two amendments. Thank you very much. [LB588]

SENATOR LANGEMEIER: Thank you, Senator Cornett. You have heard the opening on AM1279 to AM1278 to LB588. The floor is now open for discussion. Seeing no lights on, Senator Cornett, you are recognized to close on AM1279. [LB588]

SENATOR CORNETT: Thank you, Mr. President. Again, I just want to urge the body to pass these amendments. They are technical amendments that make the bill more equitable for all parties concerned. Thank you. [LB588]

SENATOR LANGEMEIER: Thank you, Senator Cornett. You have heard the closing on AM1279. The question is, shall AM1279 be adopted to AM1278? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB588]

CLERK: 34 ayes, 0 nays, Mr. President, on the adoption of Senator Cornett's amendment to the amendment. [LB588]

SENATOR LANGEMEIER: AM1279 is adopted. We return now to discussion on AM1278. Seeing no lights on, Senator Cornett, you are recognized to close. Senator Cornett waives closing. The question before the body is, shall AM1278 be adopted to LB588? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB588]

CLERK: 35 ayes, 0 nays, Mr. President, on the adoption of Senator Cornett's amendment. [LB588]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. It is adopted. [LB588]

CLERK: I have nothing further on the bill, Mr. President. [LB588]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB588]

SENATOR MCGILL: Mr. President, I move LB588 to E&R for engrossing. [LB588]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say yea. All those opposed say nay. It does advance. At the introducer's request, we will be skipping over LB588A. Mr. Clerk, LB578. [LB588 LB578]

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CLERK: Mr. President, with respect to LB578, Senator McGill, I have Enrollment and Review amendments first of all. (ER8052, Legislative Journal page 899.) [LB578]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB578]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB578]

SENATOR LANGEMEIER: You have heard the motion on the adoption of the E&R amendments. All those in favor vote yea...say yea. All those opposed say nay. They are adopted. [LB578]

CLERK: Mr. President, Senator Kruse had a series of amendments but I understand he'd like to withdraw at this time and refile to allow Senator McDonald to offer an amendment. [LB578]

SENATOR KRUSE: That is correct. Please refile AM759 and AM779 after AM892. Thank you. [LB578]

SENATOR LANGEMEIER: They are withdrawn and refiled. Mr. Clerk. [LB578]

CLERK: Senator McDonald would move to amend with AM892. I'm...yes, AM892. (Legislative Journal page 1100.) [LB578]

SENATOR LANGEMEIER: Senator McDonald, you are recognized to open on AM892. [LB578]

SENATOR McDONALD: Mr. President and members of the body, AM892 would provide clarification and consistency within a section of the Liquor Control Act. It amends Section 53-169.01, the statute that requires alcohol manufacturers and distributors to keep their interests separate. Alcohol public policy in Nebraska since 1935 has centered on the three-tier system of liquor distribution: a manufacturer sells to a wholesaler, who sells to a retailer, who then sells to a consumer. The system exists to draw a distinct line between the wholesaler and the manufacturer. It is the prevailing regulatory system across the country and has worked well since prohibition and should be maintained. Under the three-tier system no manufacturer, wholesaler or retailer may be part of more than one tier. This system provides a clear chain of custody and accountability, making it easier to police and penalize liquor law violations. The system provides check and balances over the production, distribution and sale of alcoholic beverages. This amendment clears up a restriction on the type of business that can hold a wholesaler's license. The point is to stop manufacturers from setting up as wholesalers in Nebraska and aggressively pushing their own products. The intent is not to affect current license holders. It is to make the system, current system, stronger as new licenses are issued. It has come to my attention that because of a national trend of shipping house

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consolidations the lines that should separate functions have become a little muddled. This amendment would help to clean up and to help keep those lines clear. Currently, Section 53-169(1)(c) provides a manufacturer from having an interest in a retailer. In this section, by deleting the words "for distribution and sale within the state," it clarifies that a manufacturer outside Nebraska may not wholesale in Nebraska at all. Under the current language, such manufacturer may wholesale in Nebraska if it doesn't manufacture what it distributes here. We want to make it clear that if you are a manufacturer you may not wholesale in Nebraska. Since we are making this clarification and with the growth of consolidated shipping houses, we decided to put an effective date that would preserve the licenses of those that we have already obtained a license and make it clear that this is the law now and there's no opportunity for an applicant who is interested in dabbling in both areas to do so. Thank you. [LB578]

SENATOR LANGEMEIER: Thank you, Senator McDonald. You have heard the opening on AM892. The floor is now open for discussion. Seeing no lights on, Senator McDonald, you are recognized to close. [LB578]

SENATOR McDONALD: I think that's pretty self-explanatory. It's just a technical bill to tighten up our liquor laws. Thank you. [LB578]

SENATOR LANGEMEIER: Thank you, Senator McGill (sic). You have heard the closing on AM...Senator McDonald, excuse me. You have heard the closing on AM892. The question is, shall AM892 be adopted to LB578? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB578]

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of Senator McDonald's amendment. [LB578]

SENATOR LANGEMEIER: AM892 is adopted. [LB578]

CLERK: Mr. President, Senator Kruse would move to amend with AM759. (Legislative Journal page 910.) [LB578]

SENATOR LANGEMEIER: Senator Kruse, you are recognized to open on AM759. [LB578]

SENATOR KRUSE: Thank you, Mr. President and colleagues. The AM759 is at the request of the Lincoln Police Department. They want to be able to keep a repeat intoxication person--there's not an offender, there's no arrest involved here, but a person who is regularly coming in with intoxication and they have the right to hold them for 24 hours, trying to get them quieted down, whatever--they would like to hold them for up to 72 hours in a treatment center to see if they could get them into treatment and remove the situation. That's a very occasional thing. Out of 500 persons brought in less

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than 18 would qualify for this. They cannot hold them in a jail. They would be taking them to treatment. We had only one person opposing this within the hearing--this is from a bill--and that person has withdrawn the opposition. That was a person from Douglas County who said, we don't have a center to take these persons to and we would rather not have it in statute. So the proposal was amended to require that a county apply for this kind of a privilege. The...I have counseled intoxicated persons full-time at a mental hospital and I would strongly affirm the proposal. At 24 hours later they're not sober yet. They haven't had food yet. When you interview them the next morning, you know, I generally get them the next morning after they would come in, and you really couldn't make a lot of sense out of it, but the next morning you could talk about things and they could talk about things. They'd had some food in them and they were back to a little bit more of a rational status, and so we could offer other kinds of treatment. That's what's being suggested here. They cannot be required to take treatment, but they could have treatment offered to them when they are able to process that information and had discussion on it. So this is the request of the department. There's nothing more to it than that, that they would be able to have persons who are picked up often--there's three times within a short period; that they would be able to do more than just hold the person overnight. Thank you. [LB578]

SENATOR LANGEMEIER: Thank you, Senator Kruse. Wishing to speak we have Senator Chambers, Synowiecki, Fulton, and Dierks. Senator Chambers, you're recognized. [LB578]

SENATOR CHAMBERS: Mr. President, members of the Legislature, we had a bill like this in the Judiciary Committee. I strenuously opposed it there; I will strenuously oppose it out here. I'd like to ask Senator Ashford a question. [LB578]

SENATOR LANGEMEIER: Senator Ashford, would you yield to a question? [LB578]

SENATOR ASHFORD: Yes, Senator Chambers. [LB578]

SENATOR CHAMBERS: Senator Ashford, do you recall whether or not that bill was advanced by the committee? I just don't recall. [LB578]

SENATOR ASHFORD: I believe that it was, was, Senator Chambers, because there were some amendments put on it regarding what...there had to be a facility willing to take these people for the drug cases, and with that amendment, I believe, Senator Chambers, it was advanced out of committee. I believe that's... [LB578]

SENATOR CHAMBERS: Is it clear to you that I was strongly opposed to any form that bill took? [LB578]

SENATOR ASHFORD: Senator Chambers, you have been historically opposed to this

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type of measure. That's my recollection. [LB578]

SENATOR CHAMBERS: Thank you. I just wanted that clear in the record. If this goes on to Senator McDonald's bill, I'm opposed to her bill. I'm not opposed to it now. When you are going to forcefully and forcibly deprive somebody of his or her liberty for three days when no crime has been committed, that is wrong. I don't care why you say you're doing it. The police, the church, any do-gooder, there is no right, in my view, for a person in this country to be taken into the hands of the state or a representative of the state and held when he or she has not committed a violation of the law that would justify incarceration and be held there against his or her will because there are some people who say they know what's best for that person, better than the person himself or herself knows. I will not argue against the notion that a person who is intoxicated repeatedly may be in imminent peril of harm, but that has not been made a crime. And before a person can be deprived of his or her freedom against his or her will and held against his or her will, that is something I have never supported; I will not support it. Now if you want to build into this so-called democratic society certain areas where autocratic and tyrannical powers can be exercised by the government and you can get the people to accept that, then all I can do is argue against it. But right now there is no law in my mind which should be enacted which would deprive somebody of his or her freedom. Let's say that you pick the person up and dump that person at one of these places and the person is intoxicated. I was even against 24 hours but I was able...they persuaded me that a person in that condition could lie on the street in the winter, or even not in the winter, and have very bad things happen to him or her, so for that period of time I was willing to relax my strenuous opposition and say that is something which can genuinely be said to be in the best interests of the individual. When you want to go beyond ensuring that person's safety and impose some kind of treatment that you think this person ought to have and is best for the person, I say no. And if the person rejects the treatment then you can tell them, well, we're going to keep you here for three days anyway. [LB578]

SENATOR LANGEMEIER: One minute. [LB578]

SENATOR CHAMBERS: So since you're going to be here, you may as well do what we tell you to do. And then you might make the person even more adamant to say, well, you can hold me here but you ain't going to make me do nothing. And if I find a way to break out of here, what are you going to do? You going to shoot me? You going to call the cops and have them pick me up and bring me back here? And if a cop approaches me on the street you think I'm going to let him pick me up and take me someplace where they have no right to take me because I haven't committed a crime? And then a problem develops between that person and the cop, and the cop can arrest that person, can bust him or her in the head, shoot that person and say, well, under the law I have a right to pick you up and take you back over here. No, that is not the kind of thing I will support. And had that bill come out here on its own, I would have fought it tooth and

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nail, but I don't think it was prioritized by anybody. So here it is. But that is what I'm announcing, that I will strenuously oppose this amendment and if it's adopted then I will oppose the bill. Thank you, Mr. President. [LB578]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Synowiecki, you are recognized. [LB578]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier. Members, I philosophically oppose the approach in this bill of Senator Kruse's amendment. The intent of civil protective custody is to save life, as Senator Chambers is indicating. Individuals that are intoxicated and put themselves and their lives in jeopardy, that's what civil protective custody seeks to prevent. It's a safety mechanism and it's a lifesaving mechanism in our statute. It is not...and members of this body know how sympathetic I am to treatment systems and substance abuse/mental health treatment. Our civil protective custody statutes are not meant to be a gateway to treatment. We pick individuals up on the street and get them to safe harbor. It's not supposed to be a gateway to treatment. If you adopt this amendment, and I think Senator Kruse is going to pull it, but if you adopt this amendment, in my estimation you're abusing the intent of civil protective custody statutes. Right now a person can be brought in by a police...this is a police action, by the way. This is a police action. Only law enforcement officers sworn to preserve the law that have arrest powers can bring people in on a civil protective custody hold, only those. And what you're essentially doing is you're saying we're going to give you three days in jail with this kind of approach. I think it's punitive. And another thing this amendment does, it expands the scope to drugs. Right now if you're brought in and a law enforcement officer brings you in to preserve your life because you're at such an intoxicated state that you need safe harbor, you are automatically released when the Alco-Sensor is down to .00 percent. And why? Because you're no longer a threat to yourself. What we're saying here is an individual could be entirely detoxed, can be as fluid as any of us on the floor, but we're going to hold you for an additional couple days; we're going to hold you for two more days while you're completely sober. That's wrong. That's wrong. That violates the intent of the civil protective custody statutes and why they're in our books. How do you measure when a person is detoxed for drugs, another element? This expands...this expands the scope of the statute to drugs. If you're on a methamphetamine, if you're on cocaine, how do you calculate, how do you measure when a person has detoxed from cocaine or methamphetamine? You can easily do it. The scientific measures are there on an Alco-Sensor or a "detoxilizer." You can measure when a person has entirely detoxed from alcohol. You can't do it with drugs. You can't do it. On two levels I profoundly disagree philosophically with where Senator Kruse is going here. Number one, it's punitive; number two, it violates the intent of civil protective custody statutes; number three, again, relative to the intent of civil protective custody statutes, it's not a gateway to treatment. Do I want these folks to get help? Do I want them to enroll? And we're talking here...we are talking about a population that are chronic... [LB578]

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SENATOR LANGEMEIER: One minute. [LB578]

SENATOR SYNOWIECKI: ...that are chronic in terms of their level of addiction to alcohol. I agree with that. Do I want them to get help? Yes, absolutely. Do individuals that go through the detox programs then turn themselves over to a treatment program? Yes, they do. Do they do it as often as I want to see them do it? No. But do I want them held for three days? When a law enforcement officer brings them to one of these detox centers, do I want them held there for three days against their will after they're entirely detoxed from alcohol? We never know if they're entirely detoxed from drugs. So I profoundly disagree with the direction of this amendment. I think it runs afoul of what the general intent of our civil protective custody...the intent of those statutes were to begin with. I would defer the rest of my time to Senator Kruse. [LB578]

SENATOR LANGEMEIER: Ten seconds, Senator Kruse. [LB578]

SENATOR KRUSE: Thank you. I strongly disagree. I think we ought to give persons help when they need it. But I withdraw the amendment, Mr. President. [LB578]

SENATOR LANGEMEIER: Thank you, Senator Kruse. AM759, seeing no objections, is withdrawn. [LB578]

CLERK: Mr. President, the next amendment I have to the bill is AM779 by Senator Kruse. (Legislative Journal page 1041.) [LB578]

SENATOR LANGEMEIER: Senator Kruse, you are recognized to open on AM779. [LB578]

SENATOR KRUSE: Thank you, Mr. President and colleagues. I'm delighted to be able to shift to something that has no opposition that I know of. This is also a bill and there were no...there was no opposition. It was passed out to the floor without opposition. It is a correction of a bill which was passed out of Judiciary last spring, strongly supported. It was targeting repeat offenders on DUI. It was a bill by Senator Friend, LB925. During the summer we discovered that there is a bit of a loophole in there and so, as I say, make corrections. The bill stated that if a person is a repeat offender and has a high BAC that there's additional sanctions. Some persons have learned, through advice of their attorneys, to refuse the test and then, by current law, that would then be at .08. So this corrects that, makes a refusal of the test the same as the offense which is what we do in other parts of the statute, and really it's no more than that. I commend it to us. Thank you. [LB578]

SENATOR LANGEMEIER: Thank you, Senator Kruse. We had a number of lights on previously, from the previous amendment, so we will go through those. Senator Kruse,

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you are recognized. He waives his time. Senator Pedersen, your light was on. [LB578]

SENATOR PEDERSEN: Thank you, Mr. President, members of the Legislature. Whether it's appropriate or not, it is my time and I want to go back to the amendment that Senator Kruse just had withdrawn. I just want to give you a little education in the area of locking people up when they have a problem with alcohol. It used to be that public intoxication was a law and you could be locked up for public intoxication. And I'm not saying that we need to follow what Senator Kruse was trying to do in that amendment, but I do want you to have some education on the fact of what Senator Synowiecki was talking about; was talking about a physical addiction to alcohol. Detoxification by itself can be gone 24 hours later. Most...it is. When you're talking about a physical addiction, but we do not treat physical addictions as substance abuse counselors. That is done by medical professionals, used with medication, quite often Valium, Librium, some of the other drugs that are used to bring somebody down physically off from their addiction. What is treated is the psychological addiction and a lot of times that takes more than two, three days. And proof of that is when you go to get an evaluation from somebody like myself, and I find addiction and you haven't had any counseling before, we go to outpatient standardized treatment. If that doesn't work we go to intensive outpatient treatment. If that doesn't work we go to inpatient treatment, short term, and that's to get them off the street to give them a longer time to understand what's going on and to feel not threatened by the streets. That's all that amendment was trying to do, was once they were physically detoxified to give them a couple more days for their mental addiction to stop over. Obviously, this has been withdrawn. It's not something that I would beat my feet up and down, but I wanted you to have the difference between physical and psychological addictions. Physical addictions are treated by medical professionals, and psychological addictions are treated by those people who work in the psychological field, including substance abuse counselors. Thank you. [LB578]

SENATOR LANGEMEIER: Thank you, Senator Pedersen. (Visitors introduced.) Returning now to discussion on AM779 and continue with lights we had on previously, Senator Ashford, you are recognized. [LB578]

SENATOR ASHFORD: Thank you, Mr. President. My light was on, on the prior amendment, so I would waive. Thanks. [LB578]

SENATOR LANGEMEIER: Thank you. Senator Chambers, your light was also on at the prior amendment, and you're recognized. [LB578]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I have to be brought up-to-date by Senator Kruse. Senator Kruse, was this bill advanced by the Judiciary Committee? Do you remember? [LB578]

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SENATOR LANGEMEIER: Senator Kruse, would you yield to a question? [LB578]

SENATOR KRUSE: Yes, I will yield. Yes, it was advanced without opposition. [LB578]

SENATOR CHAMBERS: And what I'm curious about is why this applies only to a repeat offender. [LB578]

SENATOR KRUSE: The original bill which we passed last spring applied only to repeat offenders. The bill was targeted for those kinds of persons, feeling that we needed to get a little tougher with them, and in the bill we included if they were a repeat offender and twice the legal limit then different sanctions could apply. [LB578]

SENATOR CHAMBERS: Well, why would they have to be a repeat offender before those sanctions would apply? That's what I'm curious about. [LB578]

SENATOR KRUSE: Well, that's just the way the bill was drawn. We were taking the position that, more in committee than on the floor, that first offenders can make a mistake, they should learn from that, most do, two-thirds of them don't come back, but for those that come back we've got an attitude problem and we needed to deal with it. [LB578]

SENATOR CHAMBERS: So it is not the offense itself that's being punished. You are enhancing the punishment for somebody who commits the same offense again, something like...well, I'll just leave the question like that and let you answer. [LB578]

SENATOR KRUSE: That's correct. [LB578]

SENATOR CHAMBERS: And that is not a stranger to the law. We do have other laws where if a person does the same thing again then there might be an enhancement of the offense. And that's what you're looking at? [LB578]

SENATOR KRUSE: That is correct. [LB578]

SENATOR CHAMBERS: Senator Kruse, do you think I'm going to support this amendment? [LB578]

SENATOR KRUSE: I would think you would because you do what's right. [LB578]

SENATOR CHAMBERS: And you're correct. [LB578]

SENATOR KRUSE: (Laugh) Thank you. [LB578]

SENATOR CHAMBERS: Thank you, Mr. President. [LB578]

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SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Ashford, you are recognized. [LB578]

SENATOR ASHFORD: Yes, thank you, Mr. President. Just for the record, very briefly, Senator Kruse and Senator Chambers, the exchange I think explained the amendment. It's an enhancement of a penalty. And the committee did advance the bill with 2 not voting and 5 yeases, so the bill was advanced by the Judiciary Committee. Thank you, Mr. President. [LB578]

SENATOR LANGEMEIER: Thank you, Senator Ashford. Senator Synowiecki, you are recognized. [LB578]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier. Senator Ashford, would you yield, as Chair of the Judiciary Committee? [LB578]

SENATOR LANGEMEIER: Senator Ashford, would you yield to a question? [LB578]

SENATOR ASHFORD: Yes. [LB578]

SENATOR SYNOWIECKI: This amendment does not enhance penalties in and of itself. It expands the scope to refusal. Is that what it... [LB578]

SENATOR ASHFORD: It expands...it treats someone who refuses in a manner similar to someone who does not refuse, essentially. [LB578]

SENATOR SYNOWIECKI: So... [LB578]

SENATOR ASHFORD: But it does have an impact on the penalty. [LB578]

SENATOR SYNOWIECKI: ...what we did last year was enhance penalties, but we neglected to expand the scope to refusal for them enhanced penalties. [LB578]

SENATOR ASHFORD: That's probably a better way to explain it, Senator Synowiecki. [LB578]

SENATOR SYNOWIECKI: Thank you. [LB578]

SENATOR LANGEMEIER: Thank you, Senator Synowiecki. Seeing no other lights on, Senator Kruse, you are recognized to close on AM779. [LB578]

SENATOR KRUSE: The discussion has covered it. I waive closing. [LB578]

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SENATOR LANGEMEIER: Senator Kruse waives closing. The question before the body is, shall AM779 be adopted to LB578? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB578]

CLERK: 27 ayes, 0 nays on adoption of Senator Kruse's amendment. [LB578]

SENATOR LANGEMEIER: AM779 is adopted. [LB578]

CLERK: I have nothing further on the bill, Mr. President. [LB578]

SENATOR LANGEMEIER: Senator McGill, for a motion. [LB578]

SENATOR MCGILL: Mr. President, I move LB578 to E&R for engrossing. [LB578]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. It is advanced. Mr. Clerk, items for the record? [LB578]

CLERK: Mr. President, amendments to be printed: Senator Mines to LB674 and to LB504. Study resolutions: LR127, Senator Synowiecki; LR128, Senator Aguilar; LR129, Senator Avery; all will be referred to the Executive Board. (Legislative Journal pages 1479-1482.) [LB674 LB504 LR127 LR128 LR129]

SENATOR LANGEMEIER: (Visitors introduced.) We now continue on to General File, 2007 committee first priority bills. LB516. [LB516]

CLERK: LB516, introduced by the Agriculture Committee and signed by its membership, relates to agriculture. (Read title.) Introduced on January 17 of this year, referred to the Agriculture Committee. Bill was advanced to General File. There are committee amendments pending, Mr. President. (AM1132, Legislative Journal pages 1306.) [LB516]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Erdman, as Chair of the Agriculture Committee, you are recognized to open on LB516. [LB516]

SENATOR ERDMAN: Thank you, Mr. President. I'll waive opening on the bill. [LB516]

SENATOR LANGEMEIER: As the committee (sic) Clerk has stated, there are committee amendments. Senator Erdman, as Chair of the committee, you are recognized to open on the committee amendments. [LB516]

SENATOR ERDMAN: Mr. President, members of the Legislature, on February 6 the Agriculture Committee held a public hearing on LB516. The hearing was well-attended with great interest. After the hearing we embarked upon a number of different variations

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of how to provide a process in place for the state to respond to what was then an imminent situation but is now a reality, and the issue regarding the future of our state's agricultural policy, specifically corporate farming policy. And after those discussions the committee adopted AM1132, and LB516 was advanced to General File unanimously. All eight members of the committee were present; all eight members voted to advance LB516 to the floor of the Legislature with this amendment. The committee amendments that are before you adopt a simplified approach to the issues that were presented to us after the ruling in the federal courts of Jones v. Gale and the litigation that it contained. The committee preferred taking ownership of this issue and I will point out that even under the original bill that there would have still been the same type of interest; however, this is a more specific approach in which the Agriculture Committee will have specific ownership as to the future of this issue and the policy decisions that we as a body and a state may have to adopt or pursue, and we will be pursuing those opportunities directly through policy recommendations of our own, in cooperation with the Attorney General, as well as with outside experts and legal opinions that we would be able to contract with under the adoption of AM1132 to LB516. Specifically, the provisions of the committee amendment state legislative findings regarding the federal district court ruling, holding that Article XII, Section 8, also known as Initiative 300 of the Nebraska Constitution, has implications for the future structure and development of agricultural production. It further states legislative intent to facilitate a study by the Ag Committee to investigate the appropriate policy response to Jones v. Gale, ruling to preserve and advance state interests as they relate to conduct of farming and ranching. The committee amendment specifies two forms of assistance. The first form is allowing the Agriculture Committee to contract with experts in the areas that we believe are essential in analyzing the opportunities or the areas of law necessary to give us a basis in the foundation, if you will, to proceed with any policy that we may bring back to the Legislature during next legislative session, or present to the electorate for voting in the next election, which would be next year. Secondly, it authorizes the Attorney General to contract for similar services, and the way that the amendment is written, when the Attorney General will be contracting with individuals for those services, it will be for the purposes of carrying out the intent of the Agriculture Committee's effort. So we will be working in coordination and making sure that we have the tools and resources necessary to proceed. Obviously, there are significant differences with the bill compared to...the amendment compared to the bill. The bill would have created a task force of stakeholders across the state of a number of different groups and interested parties. The committee amendment that is before you authorizes funding for the purposes of carrying out this act. This is not unusual for the Legislature to do this. The unusual part may be that this is a committee that is doing this, but given the sincerity and the level of importance that this issue carries, not only to those of us in rural Nebraska but to the entire state, we believed as a committee that it was essential that we had the resources available to us to make sure that we were able to exhaust and pursue the best minds available to help us determine these public policy decisions before we would bring them back to you, as members of this Legislature, or again possibly submit them to the

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electorate after going through our process. There are a number of issues that will have to be looked at. The specifics of those issues are not outlined in this amendment, nor are they outlined in LR93, which will be the interim study that we will be conducting that would generally follow the intent of this authorization of funding. And that's why LB516 is before us. We will be taking a broad approach to looking at all of the tools and resources that we need to have available to Nebraskans in making sure that our agricultural policy reflects the best opportunities to promote the interests of Nebraskans and the public policy that has generally been before us over the last 25 years. So it will be an analysis of where we have come from, an understanding of how we got here, but most importantly the right way to proceed. There will be an A bill that will follow. I will go into that if you would have questions. As I have shared with the Chairperson of the Appropriations Committee and other members that have followed the way that I have proceeded at least as a member of this Legislature, I believe in setting priorities, and in order to fund this study we are going to ask the Legislature to adopt LB516A that prioritizes this study and takes the money from an existing program in a similar area of law, but it will be an offset. So we're asking for your approval for authorization to hire consultants and experts, whether they be legal or otherwise, to give the committee the tools that we need as we go out across the state, whether it's in stakeholder meetings or public hearings, and making sure that the public is intimately involved in this, under LR93, but that we have the resources as we proceed. If you have any questions on the committee amendment, I would try to answer them. Again, we have worked with the Attorney General's Office. They are going to be working with us as they will ultimately be responsible for defending the law of the state, and they have been an immense resource at this point in helping us to begin to craft the public policy, or at least the foundation of how we would analyze. I would encourage your adoption of AM1132 and again look forward to the discussion to this important public policy decision. Thank you, Mr. President. [LB516 LR93 LB516A]

SENATOR LANGEMEIER: Thank you, Senator Erdman. You have heard the opening on LB516 and AM1132. The floor is now open for discussion. Senator Dierks, you are recognized. [LB516]

SENATOR DIERKS: Thank you, Mr. President and members of the Legislature. One of the reasons, and I think Senator Erdman did a great job of explaining what we're doing here, but if you recall, Initiative 300 was part of our corporate farming law that put a ban on corporate farming in Nebraska other than family corporate farms. So it was struck down by a court order and it was refused to be heard by another court, and so we're doing this as a matter of trying to resurrect some of the potential that was in the original Initiative 300 to protect our family farmers and ranchers from exploitation by corporate America. We're trying to do this with respect for everybody and we want to make sure that we can provide in legislation another year those same protections that we had in Initiative 300, or as many of them as possible. So I would just urge your...not only your patience but your participation in the study as we go through that this summer, and ask

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for your support for the amendment and the bill this morning. Thank you. [LB516]

SENATOR LANGEMEIER: Thank you, Senator Dierks. Senator Karpisek, you're recognized. [LB516]

SENATOR KARPISEK: Thank you, Mr. President. Members of the body, I would just like to echo Senator Dierks's comments and also compliment Senator Erdman for excellent leadership on this bill. It is a very emotional, very touchy subject. There's been a lot of arguing back and forth over this for years. Hopefully now we can sit down and all get to the same table and come up with a good plan for our farmers and ranchers in the state to keep them competitive. It's going to be a long summer for the Ag Committee, but I think that we owe it to the state and I just want to thank the committee for their hard work on it and some give and take, and also urge you to vote for this amendment. Thank you. [LB516]

SENATOR LANGEMEIER: Thank you, Senator Karpisek. Senator Nelson, you are recognized. [LB516]

SENATOR NELSON: Thank you, Mr. President, members of the body. I live in Omaha now. I have for a long number of years, but I grew up on a farm. I'm familiar with the family farm operations. I was very disappointed when 300 was struck down by the court, and I really think this is an excellent idea for the Legislature to do a study on this and see if they can come back with recommendations that will preserve, as much as possible, what we had there. I know there probably is opposition on the part of large corporations, but I think it's very important for the state of Nebraska to protect and encourage the smaller operations. I think they have a very important part to play in our agriculture. I would be very disappointed to reach the point where it's all large farms and lack of ownership by the smaller farmers and simply a matter of employment for them. So I, too, commend the Agriculture Committee and Senator Erdman. I think this is a thing that we need to study. I support not only this but I would certainly support the A bill, when we get to that, in light of the way that's been structured. Thank you, Mr. President. [LB516]

SENATOR LANGEMEIER: Thank you, Senator Nelson. Seeing no other lights on, Senator Erdman, you are recognized to close on AM1132. [LB516]

SENATOR ERDMAN: Thank you, Mr. President. Senator Nelson, also known as Senator Hansen or Senator Carlson, thank you for your comments (laughter), not to be lighthearted. This is a serious issue. We have had a number of challenges that have faced us in agriculture and continue to face us in agriculture. Obviously, what needs to happen as we go forward is that we have a comprehensive look. Within the committee there are different areas of interest that members would like to pursue and see in public policy. Within the state of Nebraska there are different interests that different groups or

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individuals would like to see included in that public policy. We believe that it is essential that as we go down that path of creating the process to allow that to happen that we have resources that we believe are appropriate and necessary to make it effective and to make it workable. With the adoption of AM1132 and the advancement of LB516 and, most importantly, with the advancement of LB516A, the appropriations, we as a committee believe firmly that we will be able to have the resources that we need to not only do the study, but to do it right, as we involve the public in this discussion, intimately, and making sure that through this process that there is an open dialogue against all parties and that not one side has a trump card, if you will, but that everyone is welcome to the table. And then ultimately the Agriculture Committee will be making a recommendation back to this body next legislative session as to how we should proceed. I would also note that it is my intent, as the Chair of the Ag Committee, that our study not just limit ourselves to some of the existing tools that we had in the tool box. There may be other options that we have not pursued that would also help us accomplish our goals, whether it's in tax policy--Senator White and I had a very interesting conversation earlier this morning--whether it's in other resources that other states have done, and we look to utilize the legislative staff, possibly Legislative Research, to assist us in a comprehensive review of other states that are similarly situated to Nebraska. So this is a piece of the puzzle and we hope at the end of this that we're able to paint a picture that's bright for the future of Nebraska agriculture. Again, I would encourage your support of the committee amendment and your advancement of LB516. Thank you, Mr. President. [LB516 LB516A]

SENATOR LANGEMEIER: Thank you, Senator Erdman. You have heard the closing on AM1132. The question is, shall AM1132 be adopted to LB516? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB516]

CLERK: 30 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB516]

SENATOR LANGEMEIER: AM1132 is adopted. [LB516]

CLERK: I have nothing further on the bill, Mr. President. [LB516]

SENATOR LANGEMEIER: We return now to LB516 and the floor is now open for discussion. Seeing no lights on, Senator Erdman, you are recognized to close on LB516. [LB516]

SENATOR ERDMAN: Mr. President, I'll waive that opportunity. [LB516]

SENATOR LANGEMEIER: Senator Erdman waives closing. The question is, shall LB516 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay.

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Have all those voted that wish to? Record, Mr. Clerk. [LB516]

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB516. [LB516]

SENATOR LANGEMEIER: LB516 does advance. Mr. Clerk. [LB516]

CLERK: Mr. President, LB516A, a bill by Senator Erdman. (Read title.) [LB516A]

SENATOR LANGEMEIER: Senator Erdman, you are recognized to open on LB516A. [LB516A]

SENATOR ERDMAN: Mr. President, LB516A would appropriate \$50,000 to the Legislative Council to carry out the purposes authorized in LB516, which I'm grateful that you just advanced to Select File. The A bill has been revised and will provide that fund to the Legislative Council. There is also a General Fund offset in the second section of LB516A that would authorize that funding come from the value-added grant program. That program has been authorized by the Appropriations Committee to receive \$850,000 a year for the next two years of our biennium, which I am grateful for and think is appropriate. The alternatives that may be out there we're still pursuing, but at this point we believed that it was an appropriate request to put this measure before you, asking for the funding to come out of this area, because generally the individuals that would benefit from this grant program would also benefit from a comprehensive study that was effectively done and appropriately done. And so, therefore, the A bill that is before you requests \$50,000 be authorized to the Legislative Council for the purposes of carrying out LB516. It takes that fund, or it's the intent language that would authorize that funding come from, the first year in a one-time amount of \$50,000, from the value-added grant program, leaving \$800,000 available for value-added grants in the first year of the biennium, but fully funding the second year of the value-added grant program at \$850,000. Again, we are going to look and see if there are some other options that may be before us that may make it possible to fully fund the value-added grant program and still provide an offset, but we felt that this was appropriate. I will also point out that, depending upon the status of the budget, when it passes and the form that that takes, there may need to be a clarifying amendment to specify the bill and the page number in which this intent language would fall under LB321, but we will bring that to you at an appropriate time. If you recall in LB516 there is authorization for the Attorney General's Office to assist us in this process, to contract with individuals, as well as the Agriculture Committee would have that opportunity. They have stated that there will be no fiscal impact that would be required under LB516 and we will continue to work with them under their existing authority to fulfill their obligations. But LB516A is necessary to appropriate the funds to the Legislative Council for our purposes and it is an offset from an existing program, therefore, not adding to the cost of our state's budget but, rather, setting priorities in this area. I would be happy to try to answer any questions on this A bill and would encourage your support to advance it. Thank you, Mr.

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President. [LB516A LB516 LB321]

SENATOR LANGEMEIER: Thank you, Senator Erdman. You've heard the opening on LB516A. The floor is now open for discussion. Senator Carlson, you are recognized. [LB516A]

SENATOR CARLSON: Mr. President and members of the Legislature, I'd like to address a question to Senator Erdman. [LB516A]

SENATOR LANGEMEIER: Senator Erdman, would you yield to a question? [LB516A]

SENATOR ERDMAN: I will. [LB516A]

SENATOR CARLSON: Senator Erdman, I really should have asked this on the other discussion on LB516. I thought it would go on a little longer and I didn't get my light on in time. But looking at the summary of the hearing, there's an interesting list of proponents and opponents, and I looked down the list of proponents and I think I understand why they would be supportive of this. Then I look down the list of opponents and some I kind of understand, others I don't. So to maybe put you on the spot, would you summarize a little bit some of the reasons for opposition to this bill in the hearing? And with that, I'll relinquish the balance of time to Senator Erdman. [LB516A LB516]

SENATOR LANGEMEIER: Four minutes, Senator Erdman. [LB516A]

SENATOR ERDMAN: Thank you, Senator Carlson, and I think that is a fair observation. Obviously, we have a committee hearing process for a reason, giving the citizens to come and share their opinions with us, and you'll probably not be surprised by the division. I will tell you that the intent of LB516, as introduced, followed a similar path that we did with Medicaid reform. It was a similar type of council, similar type of advisory group, which I think any objective observer of that process would say that there was a wealth of opportunities for public involvement and that they had the opportunity at every course of that discussion to be a part of that. As the introducer of LB709, which contained that and the way that that worked, I thought that that would be a good first step for us to begin this discussion about what process should we put in place should we need to respond to legal challenges. Generally, the opposition at the hearing came from what I believe was a false perception but was willing to alleviate their concerns and go with the committee amendment. The perception from those that testified in opposition was that there would be a predetermined outcome, that there would be a slant of the task force that would be created. Nothing could be further from the truth, either in intent, in practicality, but it was rather my intent as the Chair of the committee to ensure that it would be a balanced approach. Because of those concerns and because of the way that the bill was portrayed to some of those organizations, we felt it was most appropriate and concurred with them that they didn't...they didn't feel

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comfortable and, therefore, we were able to go with a different route that they are comfortable with. But as you can see, even from the debate on LB516 in the committee, there was disagreement about even how to proceed with the process. I'm comfortable, I'm grateful that at this point we have both sides, if you will, in agreement that this is an appropriate process, that we do need to have some resources to assist us, and that it is a fair process that, as issues arise with perceptions, that will be directed and dealt with head on. If one side of this debate from the last 25 years feels that they're not being fairly heard, we have pointedly told them that they need to come to us, as the committee, and specifically me as the Chairperson, and we will work directly through their issues to make sure that if they have areas of interest that they would like to have discussed, or if they would like to submit information to the committee for our purposes of analyzing those, that we will accept that. It is not my intent, either under LB516 as introduced, which was the subject of your question, or as amended, to allow one side or the other to have a trump card, but that it is a fair process and that we're able to sit down at the table and try to work through the areas where we can agree. And I will fully admit that there will probably be areas where we can't find consensus, but I'm hopeful that those areas will be able to be worked with separately but that they will all be a part of this discussion so that we can have a broader picture. So I will tell you that some of the people came in with a perception. We have alleviated, I believe, that perception with the reality that the committee will be doing the work under the amendment that was adopted. We will continue to work with... [LB516A LB516]

SENATOR LANGEMEIER: One minute. [LB516A]

SENATOR ERDMAN: ...any side. There are pros, cons, and neutrals in this process. And again, it's my intent to make sure that it is a fair and open process. If you go back and also look at some of the transcript from that hearing, there were some questions asked to both sides about what their perception was of the language that was before them. I would respectfully tell you that some of the perceptions were immediately disabused or at least contradicted, based on a plain reading of the language, but that's behind us. We're going to move forward. And again, we have used that as we will other issues as we try to figure out the public policy. We've used that in this process to determine what people believe would be fair and I believe we have arrived at that and alleviated those concerns, and now the real work will begin in making sure that we continue that fair process throughout the interim and as we conduct this study. [LB516A]

SENATOR LANGEMEIER: Thank you, Senator Erdman and Senator Carlson. Wishing to speak we have Senator Kruse, Dubas, and Dierks. Senator Kruse, you're recognized. [LB516A]

SENATOR KRUSE: Thank you, Mr. President and colleagues. I stand simply to verify the financial part of it as we reviewed it in the committee, and the offset there is as Senator Erdman stated. Thank you. [LB516A]

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SENATOR LANGEMEIER: Thank you, Senator Kruse. Senator Dubas, you're recognized. [LB516A]

SENATOR DUBAS: Thank you, Mr. President, members of the body. I'd just like to reiterate or reinforce what Senator Erdman just said. As a member of the Ag Committee and also as someone who has worked on the Initiative 300 issue for many years, those that showed up technically in opposition to that bill were not there opposing what Initiative 300 does or has done. That coalition of people have worked very hard for very many years. They were the core group that gathered the signatures, got Initiative 300 placed on the ballot, and then worked hard to make sure that it passed and ensured its success, and they have worked tirelessly over the last 20-plus years watching out for Initiative 300, making sure that it was being enforced, just working with the Legislature and different branches of the government; have felt very strongly that Initiative 300 has served this state and, in my opinion, Initiative 300 served this state very well. But there's definitely strong feelings on both sides of this issue and so, for the most part, that group that showed up technically in opposition to that bill were there just to protect their longstanding interest in Initiative 300. They have a very deep-seated pride in the work that they've done. It's a very, in my opinion again, very justified pride and they were there just to make sure that the work that they have put into Initiative 300 over so many years was going to be represented and with the understanding that, yes, we're kind of back to square one, but they want their interests represented. And I think the committee is going to work very hard to make sure that what Initiative 300 has done over the years is going to continue on and hopefully we're going to be able to even make it better. It's going to...we're going to be able to craft something that will continue to serve this state well, will continue to promote agriculture in the state, to promote a positive future for agriculture in the state. So that group is not in opposition to what we're trying to do. They're pretty much there just to protect the work that they've done over the last few years. And as you could see by the testifiers, they present a wide variety of issues. There's church groups there. There's ag groups there. There's individual groups there. And they look at Initiative 300 from that same wide variety of issues, whether they look at it as a social justice issue or as an economic issue, however you want to state it. But I think we've worked very hard to include all of those differing viewpoints and those differing groups to be a part of this, to bring their issues, to bring their concerns to the committee and to this interim study. I'm looking forward to working with them this summer and what we'll be able to bring back to the Legislature I think that will be able to continue to serve agriculture in the state. Thank you. [LB516A]

SENATOR LANGEMEIER: Thank you, Senator Dubas. Senator Dierks, you're recognized. [LB516A]

SENATOR DIERKS: Thank you, Mr. President and members of the Legislature. I had somewhat the same talk to give to you that Senator Dubas just did. But Senator Dubas

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was chairman of a group called Friends of the Constitution. That was a group of about, I don't know, 15 or 20 organizations that met for a long, lengthy period of time in support of Initiative 300 and the attacks that were being made on it. I've always been a supporter of Initiative 300 and I can tell you lots of personal experiences over the years where I can see that it really worked well for Nebraskans, especially for the people in the feedlot business. I think that when I looked at the...of course, I was there for the hearing, too, and I...when I...as I recall the opposition, I think Senator Erdman had it pretty well when he said that they were opposed to what they thought was the purpose of the legislation and that they thought it was stacked in opposition to their philosophy. I think that the committee, in their deliberations, were able to dispel that feeling, and with the development of this piece of legislation today reflects better the...an overall view of those who oppose and support Initiative 300. So I would just urge your support of this A bill. And again, I'd like to urge your support of the process so that you can come as individuals to the hearings and testify and let us hear what you have to say about this whole issue. Thank you very much. [LB516A]

SENATOR LANGEMEIER: Thank you, Senator Dierks. Senator Wallman, you are recognized. [LB516A]

SENATOR WALLMAN: Thank you, Mr. President. And thank you, Senator Erdman. I want to comment on Senator Erdman, how he is going to run this thing. He's a very fair person. He will make sure that everybody hears both sides of the issue. And I'm proud to be on this committee. And it's going to be a tough job. Senator Erdman and Cap Dierks and myself and whoever is a farmer, how can you get three farmers to think alike? You can't, but...so I think this will be a good issue. We're not going to please everybody, but we've had the feeling that this Initiative 300 actually helped farmers, which I think it was...did too. So we're going to have to try to get something together and listen to all facets of this information, and I'm confident that our Chairman will set this up. And thank you, Mr. President. [LB516A]

SENATOR LANGEMEIER: Thank you, Senator Wallman. Seeing no other lights on, Senator Erdman, you are recognized to close on LB516A. [LB516A]

SENATOR ERDMAN: Mr. President, I appreciate the comments. I will recognize fully that the effort that we are about to undertake as the Agriculture Committee on behalf of the Legislature and the people of the state in this area will only be successful to the extent that we as a committee can continue to direct that process and that that process remains open. As has been pointed out on this A bill that there are members of our committee that are intimately and have been intimately involved in this process over the past 25 years. Again, we seek to do justice to this process and believe firmly that this authorization of funding, which again is an offset to existing funds as to not increase the cost to the budget, is essential for us to be able to accomplish that. I would appreciate your support, I know the committee would as well, on the advancement of LB516A, and

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look forward to working with all of you over the interim, should this become law, to make sure that that public policy reflects the best interests of all Nebraskans. Thank you, Mr. President. [LB516A]

SENATOR LANGEMEIER: Thank you, Senator Erdman. You have heard the closing on LB516A. The question before the body is, shall LB516A advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB516A]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB516A. [LB516A]

SENATOR LANGEMEIER: LB516A does advance. Mr. Clerk, LB157. [LB516A LB157]

CLERK: LB157 was a bill originally introduced by Senator Stuthman. (Read title.) Bill was introduced in January, referred to Judiciary, advanced to General File with committee amendments. Bill was discussed, Mr. President, on March 9 and March 12. Committee amendments were offered. When the Legislature left the issue there was a priority motion pending by Senator Chambers to recommit the bill to the Judiciary Committee. [LB157]

SENATOR LANGEMEIER: Senator Stuthman, would you give us an opening on LB157A...excuse me, LB157. Excuse me. [LB157]

SENATOR STUTHMAN: Yeah. Thank you, Mr. President, members of the body. My original intent with LB157 was to leave an infant that was 30 days or less old with a hospital, with a staff member at a hospital, or an individual at a manned fire station. That was my original intent and that the infant would be...if it was left off at a fire station it would then be taken to a hospital, admitted at a hospital. The law enforcement would have been notified about the situation and a hospital, at that time, would have four hours to notify Health and Human Services that an infant had been left at that time. That is the basics of the original bill that I had put in and we do have some amendments to that. Thank you, Mr. President. [LB157]

SENATOR LANGEMEIER: Thank you, Senator Stuthman. Senator Chambers, you'd be recognized to open on your motion to recommit to committee. [LB157]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm not going to follow through on this amendment, but it will give me an opportunity to say a few things about this bill and my position on it. I have never supported these types of bills where you give an incentive for a woman to dump her child. In the past when they had these bills they said that the purpose is to allow a woman to drop off a child, anonymously, because she may not want people to know that she had a child. Well, this particular one said she identifies herself to the facility where she leaves the child, and

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whether she does or does not, there is no way to ensure that she really is the mother. All you have is a woman coming with a small child, saying this...I'm so-and-so and I want to leave this child here. Suppose somebody had stolen a child and then changed their mind but didn't want to kill the child or be responsible and would drop the child off here because she knows that that can be done. Then others are responsible but the child never finds its way to, his or her way, to the legitimate parents. But those are some of the things that we'll have a chance to discuss when we get to the bill itself. But I just wanted to make it clear at the outstart that this is the type of bill that I have never supported. I never will support it. I don't think it is good public policy, in the same way that some people, including myself, if I was in that line where people would ask my opinion, would encourage every woman who is pregnant to carry a child to term. That would be a personal opinion perhaps, but in those areas I don't think a man has a right to say anything. We can give our opinion. We don't get pregnant. We don't carry a fetus nine months. We don't...we aren't called bitches and whores and tramps because we're having a baby without being married. We might be the one who put the woman in that situation and will not come forward, but we can be sanctimonious and ride our high horse and put these oppressive things in place for women. This bill I don't think is designed, by Senator Stuthman or anybody who supports it, to be oppressive toward women, but I think it is very poor public policy and we will have a chance to discuss it in detail, because that is what I intend to do. I have to say on the mike that nothing I say is directed against Senator Stuthman. It's just one of those issues on which we differ. So having said those things, Mr. President, I will withdraw that motion that is pending. [LB157]

SENATOR LANGEMEIER: Thank you, Senator Chambers. The motion to withdraw...MO31 by Senator Chambers is withdrawn. Mr. Clerk. That returns us back to...Mr. Clerk, for a motion. [LB157]

ASSISTANT CLERK: Mr. President, the next motion I have is offered by Senator Ashford, AM674. [LB157]

SENATOR LANGEMEIER: Senator Ashford, you are recognized to open on AM674 to the committee amendments. [LB157]

SENATOR ASHFORD: Thank you, Mr. President. I'm just going to be clear here. Is this...that one I will withdraw, Mr. President. [LB157]

SENATOR LANGEMEIER: AM674 is withdrawn. Mr. Clerk, for a motion. [LB157]

ASSISTANT CLERK: Mr. President, Senator Stuthman would offer AM844. (Legislative Journal page 1245.) [LB157]

SENATOR LANGEMEIER: Senator Stuthman, you are recognized to open on AM844 to

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the committee amendments. [LB157]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. AM844 to the committee amendment is, and I will read you the highlights of that portion of it, in Section 1, subsection (1), changes "parent" to "mother," and it eliminates "firefighters." Only the mother can bring the baby to the hospital. The reason, changing "parent" to "mother," is outlined in Section 2. Fire stations were taken out as a location to leave infants. The infant will end up at the hospital anyway. Also, fire...rural fire stations are not manned 24 hours a day, 7 days a week, for they are mostly volunteer fire stations. Subsection (2): If a hospital staff member takes temporary physical custody of a child, the hospital staff member shall perform any act necessary in accordance with general accepted standards of professional practice, to protect, preserve, and aid in the physical health or safety of the child during the temporary physical custody; (b) would notify the Department of Humans...Health and Human Services within four hours. Subsection (3): A hospital shall not incur...a hospital shall incur no civil or criminal liability for any good faith acts or omissions performed by a hospital staff member pursuant to this section. Subsection (4): General accepted standards of professional practice means medical treatment or care of the type, quality and the amount that a hospital staff person would be expected to provide according to the professional standards of care for hospital staff with regard to the medical treatment and care of infants. Subsection (2)...no, Section 2: Upon receipt of notice pursuant to Section 1 of this act, the Department of Health and Human Services shall take the child into temporary custody, place such child in a licensed foster family home as defined in Section 71-1902, or with a licensed child placement agency as defined in Section 43-121, and take all necessary steps to facilitate adoption of such child as soon as possible after receiving such notice. The department shall make reasonable efforts to notify the biological father as provided in Sections 43-104.12 to 43-104.14. Section 3, subsection (1): The Department of Health and Human Services shall maintain and update on a monthly basis a report of the number of children who have been left with a safe haven providers pursuant to this section, and the number of children abandoned by other means. Subsection (2) of Section 3: Beginning January 1, 2008, the department shall submit a annual report to the Legislature that compiles the monthly reports required pursuant to subsection (1) of this section. Section 4, subsection (1), this is the current language: Any person who abandons or neglects or refuses to maintain or provide for his or her spouse or his or her child, dependent stepchild, whether such child is born in or out of wedlock, commits abandonment of child, of spouse, child, or dependent stepchild. Subsection (2) is new language: It is not a violation of this section for a mother to leave a child who is 72 hours old or younger with a hospital staff member pursuant to Section 1 of this act if the mother provides the hospital staff member with proof of her identity. This is the items of concern that I have of...this is what my amendment talks about, and it talks about the things that we have changed. The main things we have changed is we have eliminated the fire stations and the firefighters. Only hospital staff can admit these infants. And the other thing is that the baby must be 72 hours old or younger. Those are the things that

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are different in this amendment and I would ask for your support. Thank you. [LB157]

SENATOR LANGEMEIER: Thank you, Senator Stuthman. (Visitors introduced.) You have heard the opening on AM844. The floor is now open for discussion. Senator Ashford, you are recognized. [LB157]

SENATOR ASHFORD: Thank you, Mr. President. I won't take all my time, just to remind the body we opened on these committee amendments the last time the bill was heard. Senator Stuthman's amendment strike the committee amendments and add the language that he has described, and I believe there's another amendment that Senator White has filed which deals with the immunity issue raised by Senator Stuthman in his amendments involving hospital personnel and their liability for civil or criminal...in civil or criminal cases, and I would support Senator White's amendment. I believe Senator Stuthman does as well. Just for the record, the committee did vote this bill out of committee. Senator Chambers, as he rightly says, did not vote in favor of it, but I believe I'm correct in stating that the committee's feeling was that the opportunity to save...potentially save the life of a child trumped some of the other considerations which, all be them important considerations, were not as important or critical as the potential saving of the life of a child. Senator Stuthman has, and his staff have, addressed many of the concerns raised during the first time we discussed this issue and I support the committee amendments, I support the bill, should these committee amendments be adopted, and I commend Senator Stuthman for his efforts and his tenacity in working on this issue. Thank you, Mr. President. [LB157]

SENATOR LANGEMEIER: Thank you, Senator Ashford. Wishing to speak we have Senator Schimek, Chambers, Dubas, and Howard. Senator Schimek, you're recognized. [LB157]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. It's with great reluctance that I stand to oppose this bill and I have several reasons which I will go into in a minute. But it is also a good opportunity for me to mention the flier that you found on your desk this morning. This is about children also, and this is a brochure that was developed not only with the help of the Legislature itself, through the work of the Government Committee and others, but also the Nebraska Association of...or Board of Architects and Engineers, the League of Municipalities, Nebraska Game and Parks, the Nebraska Recreation and Parks Association. And we developed this brochure to go out to all the entities across the state, and we tried to gather as many together as we could for our mailing list to let them know that there needs to be inspection of walls in public places. This all came about because of the death of an eight-year-old girl in Crete, Nebraska, that was on a school picnic, and you can read about it in the brochure. And there as a bill brought to the Legislature several years ago which we considered and decided it wasn't really the answer, and there was an interim study done and out of it came this. And I'd like to thank the people that helped develop this and say that these

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organizations and groups are going to be sending them out to all the people that are their members or on their mailing list, so we're hoping this has wide dissemination. I bring it up now because there will be a proclamation issued on May 19 by the Governor...or May 16, I'm sorry, and there will be a press conference held in conjunction with that. And I think it's...the Alexa check is a good way to prevent anything like this from happening again. You can read the full story in the brochure. So thank you for your indulgence on that. I'd also like to then continue with the discussion of LB157 and I think that I have to agree with the Nebraska Adoption Agencies Association, Voices for Children, and others who say that this will encourage unsafe infant delivery. It says to people that unplanned pregnancy is so shameful that running away is an acceptable option, one approved by the State Legislature. It says that fathers and extended families have no rights to this child. I'm reading from the letter from the Nebraska Adoption Agencies Association. All of the progress in making adoption a more humane process, and proper notification of father and in crafting laws that making adoption a permanent decision will be put at risk. Desperate persons abandon babies, persons not likely to research legislation and become educated on the correct way to abandon one's child. And then it goes on and it just says that licensed adoption agencies in Nebraska are safe havens and that states that have done this still have babies being abandoned. It takes a huge effort to let people know about safe haven laws. [LB157]

SENATOR LANGEMEIER: One minute. [LB157]

SENATOR SCHIMEK: With that, Mr. President, I don't intend to go on about this bill. I don't intend to continue opposing it. I will be voting against it, but I think Senator Stuthman's heart is in the right place and I acknowledge that. Thank you. [LB157]

SENATOR LANGEMEIER: Thank you, Senator Schimek. Senator Chambers, you are recognized. [LB157]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I believe Senator Stuthman has a heart and I believe it's in the right place too. And I'm sure if any physician made a check of it, it would be found to be where it ought to be situated in a member of the species Homo sapiens. But here's what I have to say on this bill as a beginning. We're not going to get very far on it today, but if this mother, we're presuming the woman who delivers the child is the mother, does not identify herself, she is guilty of child abandonment. So if she comes to a hospital not having researched the law but, by word of mouth, gets the impression that if you leave a child at the hospital that's all you have to do, nobody is going to know who you are, the police are not going to knock on your door or anything else, the way this bill is crafted now, if you look at Section 4, it says in subsection (2) it is not a violation of this section for a mother to leave a child who is 72 hours old or younger with a hospital staff member pursuant to Section 1 of this act if the mother provides the hospital staff member with proof of her identity. And the section that they're talking about is Section 28-705, which deals with abandonment

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and neglect. So if this person does not want to identify herself then she can't leave the child there. The hospital staff member need not accept the child. But if the hospital staff member accepts the child and the woman does not identify herself, she's guilty of abandonment and neglect. That's what the statute says. It is more complicated than you might think from listening to Senator Stuthman's presentation, and I do not believe he intended to mislead anybody because he read this language that I'm talking about. But the emphasis was not placed on the consequences and how a woman avoids being charged with abandonment and neglect. If she doesn't want to identify herself and leaves the child, that's abandonment, that's neglect. Does she have to give proof of her identity? That's what the statute says. So will that be a driver's license? Will it be a state identification card? Will it be her birth certificate? Just how does she establish that proof? It's not in the statute. So the hospital staff members, if the hospitals are going to do what they ought to do, knowing that this law applies to them, the hospitals will inform their staff members about this law and that the woman must give proof. It doesn't say the hospital shall establish what constitutes proof or anybody else. Is her merely saying that she's such a person adequate proof? Maybe some hospital staff member would say yes, and maybe another, an excess of caution being exercised, would say no. And maybe a hospital, because there is not immunity, will say in order not to be liable we're going to insist on ironclad proof. Now if she was going to abandon the child, she can do that because we're not going to dump the child out in the street. We will take the child and tend the child. But that person... [LB157]

SENATOR LANGEMEIER: One minute. [LB157]

SENATOR CHAMBERS: ...is guilty of abandonment or neglect and, as a hospital, we're not going to mention that this child was delivered to us pursuant to this Safe Haven Act. This child was abandoned. And then if they ever find the woman, say they have security cameras and they get a photo or a picture that is identifiable, then they can pursue her and charge her with abandonment and neglect. And an unintended consequence, I presume it's unintended, is that this mother now is at risk of being embroiled in a criminal justice system, if abandonment rises to the level of a crime, if neglect rises to the level of a crime. And is that what you're doing? The intent is to criminalize this act? Many times good sounding ideas don't work that way in the real world. Thank you, Mr. President. [LB157]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Dubas, you are recognized. [LB157]

SENATOR DUBAS: Thank you, Mr. President. Would Senator Stuthman yield to a question, please? [LB157]

SENATOR LANGEMEIER: Senator Stuthman, would you yield to a question? [LB157]

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SENATOR STUTHMAN: Yes. [LB157]

SENATOR DUBAS: Thank you, Senator Stuthman. I'm kind of guessing that maybe the answer to my question will come in some future amendments, but I'm looking at the committee statement and those who testified in opposition to this bill, and I'm looking at Hospital Association, Medical Association, lawyers. Could you tell me what their opposition was and will their concerns be addressed in future amendments? [LB157]

SENATOR STUTHMAN: The...Senator Dubas, the opposition, as I can recall from the Hospital Association, it was the liability that they was thinking that they may occur...may incur with the situation of accepting a child. Hopefully we had...we've got this addressed in that portion where they will accept it and get minimal information, like proof of identity. That is a key portion to that. And I think that's...as far as those other ones, could you mention those again in the other part of your question? [LB157]

SENATOR DUBAS: I think it was the trial attorneys and the Medical Association. [LB157]

SENATOR STUTHMAN: I'm not...I don't...do not recall exactly right now why the trial attorneys were in opposition to it, and it was maybe because of the liability portion of it. As you can see, Senator White has an amendment on there to remove one of the subsections, subsection (3), and I think that is one of their concerns, the liability portion of that. I think that's...hopefully that is enough of an answer for you. [LB157]

SENATOR DUBAS: Thank you very much. Appreciate it. [LB157]

SENATOR LANGEMEIER: Thank you, Senator Dubas. Mr. Clerk, items for the record? [LB157]

CLERK: Mr. President, new study resolution, LR130 introduced by Senator Synowiecki, will be referred to the Executive Board. Senator Mines would like to add his name to LB551, and Senator Fischer to LB564. (Legislative Journal pages 1483-1484.) [LB157 LR130 LB551 LB564]

I do have a priority motion. Senator Schimek would move to recess until 1:30 p.m., Mr. President. []

SENATOR LANGEMEIER: You have heard the motion to recess until 1:30 this afternoon. All those in favor say aye. All those opposed say nay. The ayes have it. We are recessed. []

RECESS []

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SENATOR FLOOD PRESIDING []

SENATOR FLOOD: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Senators, please record your presence. Senators, please return to the Chamber. Senators that are in the Chamber, please record your presence. Mr. Clerk, please record. []

ASSISTANT CLERK: There is a quorum present, Mr. President. []

SPEAKER FLOOD: Mr. Clerk, any messages, reports, or announcements? []

ASSISTANT CLERK: Mr. President, I do. Your Committee on Enrollment and Review reports LB88, LB317, LB318, LB319, LB320, LB321, LB322, LB323, and LB339 as correctly engrossed. (Legislative Journal pages 1484-1485.) [LB88 LB317 LB318 LB319 LB320 LB321 LB322 LB323 LB339]

SPEAKER FLOOD: Thank you, Mr. Clerk. (Visitors introduced.) Mr. Clerk, we will now proceed to the 1:30 General File Speaker's major proposal bill, LB641. [LB641]

ASSISTANT CLERK: (Read title.) The bill was read for the first time on January 17 of this year, referred to the Education Committee. The committee reported the bill to General File with committee amendments attached. (AM1141, Legislative Journal page 1396.) [LB641]

SPEAKER FLOOD: Thank you, Mr. Clerk. Senator Raikes, you're recognized to open on LB641. [LB641]

SENATOR RAIKES: Thank you, Mr. Speaker, members of the Legislature. LB641 is one of four or five proposals that were introduced this year to deal with what we have come to know as the metro area issue. I would commend it to your reading. I'm sure you'll enjoy it. However, I will tell you for this particular discussion, we're not going to use LB641 as the green copy. The truth is, we used that bill as a vehicle in our committee. We stripped its contents out and we amended sections into that bill which reflected the committee's thinking on the issue. So the real meat of that bill, if you will, is in the committee amendment. But I'm going to use this introductory time on the green copy to background the issue for you, if I may. It is an extremely important issue, not only for the metro area, but I would argue for the entire state of Nebraska. It's a central element, deals with central elements of our school district organization and operation policy. I'm referring specifically to the one city, one school district provision, which permeates our state organizational policy, and which I will tell you I believe is a very sound policy. It's a sound and enlightened policy. It's not something that every state does, but I certainly believe that it is a very beneficial public school policy. The key

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features that I think are important is it provides a way for all the folks in a given city, metropolitan area, to help support all the kids in that area in terms of their public education. The issue was brought to the Legislature--or brought, I guess, generally and the Legislature didn't shirk its responsibility in dealing with it--in June, 2005, when Omaha Public Schools announced a plan to expand the school district boundaries to the city boundaries. This caused a controversy, certainly. It also caused us some real head scratching as about what to do. One city, one school district has been employed very effectively in a number of cities throughout Nebraska. I would cite Lincoln as one example, but only one example. It's happened in other areas. Omaha was, particularly Omaha Public Schools was unique in that they had not employed this policy over the years. Dating at least 30 years before that, opportunities they had to expand the city, school district rather, with the city boundaries they had not taken advantage of. So you had a situation in June of 2005 where, all of a sudden, this policy was to be put in place and a huge amount of disruption resulted, amounting to taking over school buildings put there by other districts, operated by other districts, in addition to changing district allegiances and so on and so forth. We were left at that time with the proposition or the issue of, if you believe one city, one school district is a good policy--and I do, for the reasons I have mentioned--how do you adjust state policy given the situation that had arisen? The answer that was offered at that time, and I think has remained throughout the discussion which dates back more than two years now, involves five key components. In the metro area specifically, there should be a two-county area involved in public education that involves both the cooperation and competition among public school districts. There should be shared financial resource. There should be governance relating both to the individual school districts and to the cooperative involving all the school districts. And there should be a combined dedication to the expansion of educational opportunities for students, as well as diversity opportunities for students. Finally, the policy should be a statewide policy. It should not address one specific area. It should be a statewide policy and there should be opportunity for it to be applied anywhere in the state. I think also I should say we've consistently, as a committee and a Legislature, rejected the following notions: one, that we do a short-term fix, which is clearly short-term and will not sustain us throughout any significant period of time. We've rejected the notion that we should simply push it under the rug, ignore it, pretend the problem isn't there. We've also rejected the notion that we should pretend to do something but really not do anything. So we have proceeded, in my view, on a courageous and constructive path toward trying to deal effectively with this issue. Last year, the Legislature dealt with it in the form of LB1024. I'll remind you, it had several key elements. I'm going to repeat myself some. It had a two-county learning community, which was a cooperative involving 11 independent autonomous school districts. There was a governance structure that, not only you had the governance that was in place, remained in place for the individual school districts, but you had a governance structure that dealt with the actions of all the 11 districts combined. There was shared finance. There was a common operating levy. There was a special building fund levy that was also common among the school districts. There was a dedication in

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that proposal to educational opportunity. That bill dealt specifically with providing educational opportunities through transportation and access to buildings, school districts throughout the metro area, to any student who chose to take advantage. There was a specific focus on diversity, on trying to achieve greater diversity in individual school districts. It also included the split-up of OPS, Omaha Public Schools, into three separate districts. This is the background, LB1024 is the background with which we came into this session. This year, in the committee amendment, which I'll go ahead and discuss a little bit now, begin on, involved also a number of key components in addition to what was done and, yes, in addition to what was done in LB1024. First, in this session, the committee...and I should point out, as I have maybe not enough, that the committee this year has been an outstanding group to work with. We have had Exec Sessions lasting for hours I hate to even think of. They have stayed there, not only been present but been actively involved in the discussions throughout. We haven't always agreed but we have managed to come to consensus and we were able to advance a committee amendment, the key features of which are these. We propose that the ESUs in the metro area be combined into a single ESU, which would act as the governing entity or the boundaries, if you will, of the governing entity for the learning community. We changed the governance structure from what it was in LB1024. We went to election districts rather than school board members serving on both the school board and the learning community board. We did work in the area of shared resources. We came up with a... [LB641]

SENATOR LANGEMEIER PRESIDING []

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR RAIKES: ...revised common operating levy. We continued with a special building fund provision which is, again, a combined levy in the learning community. We also included a provision to allow for a capital construction levy, whereby buildings approved for interdistrict purposes by the learning community council could be shared by the district in which the building would be located and the broader community as well. We also worked in the area of school finance. We changed the poverty and ELL provisions of the aid formula, provided that there be more specificity as to what is required for a poverty allowance, and more local accountability as to the granting and verification of those expenditures. There were a couple of important changes that were made in the way of elimination. [LB641]

SENATOR LANGEMEIER: Time. Thank you, Senator Raikes. As the Clerk has stated, there are committee amendments offered by the Education Committee. Senator Raikes, as Chairman of the Education Committee, you are recognized to open on the committee amendments, AM1141. [LB641]

SENATOR RAIKES: Thank you, Mr. President and members. I will continue with my

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discussion of the committee amendment. There were a couple of important changes that were in the way of elimination. We had in LB1024 an integration task force and a provision that, once the plan and integration plan was developed, that if you had a school district that persistently, I think for two consecutive years, failed to adhere to that plan, that that district would be dissolved. That provision has been eliminated. The committee also eliminated the breakup of Omaha Public Schools into three separate districts. It did provide for the school board, yes, the K-12 school board for Omaha Public Schools to operate, and subboards or subcouncils in addition to, as a single total board. These are...this hopefully is a discussion of the issues and also a history of the proposals that we have come up with to deal with this issue. The following amendment that you're going to hear about offers some additional ideas, some changes in some of the ideas that we've considered so far. I would hope that we will have a productive and complete discussion and that we will move forward. With that, I would like to yield the remainder of my time to Speaker Flood if he would like that. [LB641]

SENATOR LANGEMEIER: Senator Flood, 8 minutes. [LB641]

SPEAKER FLOOD: Thank you, Mr. President, members. This is a priority issue for the Legislature this session. And at the outset, I want to thank the Education Committee, its members, its staff, those that have been at the table; from the superintendents to patrons of school districts to rural schools that have paid attention. I want to thank each of you for allowing us to work very hard on this. And I think each of you recognize a lot of work has gone in to bringing LB641 to the floor. This is the first step in our legislative process. When George Norris set up the Legislature, he added an extra stage of consideration, as we are the only one-house legislature in the nation. This is like the water bill in LB701, where we brought forward the best first step we could find and then we brought people to the table between General and Select and we worked to make the bill even better, working for a compromise at every corner. The Adams amendment that follows the committee amendment becomes the bill, with your adoption. It is written as a white copy amendment that strikes everything in the committee amendment, ends up replacing the language in LB641, and it will come up next. This is a Speaker's major proposal and I intend to use the authority granted to me by our rules and the Executive Board fairly and judiciously. That said, we are going to move to the best first step of a compromise that we have. Is it perfect? No, it never is. Is this compromise a deal maker on every level? No, it isn't. But it takes us from zero almost all the way down the football field to the five-yard line on the other side to work toward the end zone and finish this process. We plan to have a healthy discussion on the Adams amendment, AM1258. It is my hope that this Legislature works through the issues that the amendment presents and that there are working groups, involving not only the Education Committee but all members, to get us to the next step. The amendment, the Adams amendment, puts OPS back together. And I'll let Senator Adams go through this in more detail. It works to eliminate the common levy. It disengages ESUs from the process of being the governance for the two-county area. It makes significant progress in areas of integration

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and transportation and attempts to address boundaries, which I'm sure there will be more discussion on later today. It does include a two-county 18-member governance structure. That is at issue before the Legislature and I'm certain we will hear a lot of debate on that issue alone. My hope is that senators and members of this body will look at the Adams amendment, will recognize the progress that it makes in resolving the issues presented in the Omaha metro area, and you will cast a green yes vote to move this to Select File with the understanding that we will have discussions continuing among members. Because this is where we make the policy. This is where we decide what the law will be and this is where we decide how we're going to treat the Omaha metro area. And on Select File, my intention is to bring forward, with Senator Raikes's leadership, an amendment that addresses a number of issues. Five percent capacity I know is an issue that has been raised in the metro area. Senator Raikes said to me last night, maybe we should do an amendment, we should take some of this stuff out. I was the one that said, let's stay with what we've got, let's run it as the amendment, and let's make the changes necessary on the second round of debate. This is a very pluralized issue and we live in a very pluralized branch of government. We work in a very pluralized branch of government but we are going to work toward compromise. Senator Chambers has been at the table and, as he's noted yesterday, given up more than almost...of anybody else in the name of putting together a process that addresses the concerns that affect these children in those schools. I don't want to take up anymore time. I believe that Senator Adams will do a good job of explaining to you what his amendment does. But I want you to know, this is a process, and moving this from General to Select is the right direction to go. A lot of work has gone into this and it has been serious work, it has been backbreaking work, and again, I want to recognize members of the Education Committee for their efforts. And Senator Raikes, you can have back the balance of your time. I guess he doesn't want it. Mr. President, that would be all I have at this time. Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Flood and Senator Raikes. Mr. Clerk, for a motion. [LB641]

ASSISTANT CLERK: Senator Raikes, the first two amendments filed were AM1211 and AM1212. And I understand you wish to withdraw those. [LB641]

SENATOR RAIKES: Yes, please. [LB641]

SENATOR LANGEMEIER: Seeing no objection, they are withdrawn. Mr. Clerk. [LB641]

ASSISTANT CLERK: Senator Adams would offer AM1258. (Legislative Journal page 1472.) [LB641]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Adams, you are recognized to open on AM1258. [LB641]

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SENATOR ADAMS: Thank you, Mr. President and fellow senators. I was saying to myself earlier, a few months ago I would have never imagined I'd be here at this point. And though there were questions asked along the campaign trail about the Omaha school situation and what would you do and how do you think the Legislature has handled it, like all of us, we realize that once we get here it's a whole lot tougher than it is spewing opinions on a campaign trail, isn't it? Walked into the Education Committee excited about this. And I suspect me and all the other members, my colleagues on that Education Committee, how many times were we excited about what we were doing and then utterly frustrated? Frustrated because we seemingly couldn't solve the problem with schools. It's deeper than that. Frustrated because of outside forces constantly honing in on us. We managed to push all of that aside and bring to you this bill. Now the amendment that I'm about to present to you, I want you to understand I truly believe it's reflective of the work that the committee has done. As Senator Raikes has pointed out, hours and hours and hours of work. Are there deviations? Of course there are, we wouldn't have this amendment. Let me summarize what the amendment does and we'll go from there. First of all, let's deal with property tax and state aid. To describe it as simply as I can, while all other school districts in the state of Nebraska will be at a maximum levy of \$1.05, assuming that LB367 passes as it is, schools within the learning community will go to \$1.00 as a maximum levy. The learning community itself, that body of school districts, will be allowed to levy an extra nickel for those charges that they will have that I'll outline for you in a few moments. That takes us back to \$1.05. The learning community itself won't be entitled to any state aid but every school district within the learning community, their calculations for state aid will be calculated the way that they always have been. The difference is now they'll be at \$1.00, which means the local effort rate will be at 90 cents for those school districts. Now very simply described to you, that means their resources are diminished, their needs haven't but their resources have, and the state aid formula kicks in. And those numbers are something that are always open to look at. Now let's talk about the governance. There were so many times during the committee I thought to myself, maybe we ought to just throw the governance out. And I know that there's people back there behind the glass that would say, great idea, Adams. We've got to have the governance, we simply have to. We are embarking on something brand new, very new. And what we tried to do is to strike a balance, a balance between finding a level of cooperation between all of these entities and leaving those individual entities, those school districts alone to go about the business that they're so good at; educating kids. But we had to have some kind of governance, so here's what the governance will look like if you adopt this. There will be an 18-member learning community governing council. Those 18 people will be elected from throughout the learning community. They will come from six electoral districts, three from each district. Unique to this proposal is that we will use limited voting. Now those of you from Omaha, you're accustomed to that. MUD, I think OPPD uses limited voting. For the rest of you, what does that mean? That means that you will be walking into the voting booth in the metropolitan area and you will be casting a vote for only two

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people, but filling three spots. Now what does that do? Very simply, I'm going to be very candid with you. The limited voting methodology simply increases the possibility of a more diverse representation on a board. It makes it potentially more diverse. And I think, in Omaha, that is critical. It is critical. This 18-member board, the three people from each election district will be considered a subcouncil and that subcouncil is going to have responsibilities for education within their district, within their election district. What does that do? Something that's very, very important, and I'd ask all of you rural senators to listen up for a moment. You all know as well as I that one of the things that makes us most proud of the success of our schools in rural Nebraska is a community tie-in. We're small enough to do that. Omaha is a big place and a big school district, that's difficult. This is a way of putting OPS back together and creating a community of interest around schools. Now we can't ensure that education and parental involvement and all the things we'd like to see will happen. But we believe we can create a governing structure that will assist that process. And let me emphasize something with you on this governance process. This governance was never intended to, nor should it be interpreted as being the ruler of the learning community. School districts will run school districts. They will elect their boards, they will hire their teachers, they'll wear their uniforms onto the ball field, they'll levy, they'll adjust their budgets, they'll build their buildings, they can override if they feel, if the citizens of those districts want to. I'm stressing with you the autonomy of those districts. So then you say, well, why do we even need this governance? Because over this thing called a learning community made up of 11 communities, there are issues that surpass any one district; issues like poverty, issues like student achievement. And that is the focus of this. And it takes a cooperative effort to deal with those kinds of things. And the purpose of this governance is that. It's not to direct some schools' curriculum. It's not to say who the principal is going to be. It's not to say, you can't build that building, you're not supposed to play that particular sport anymore. That's still up to the school districts. What this is is a way of coordinating and focusing on key issues that are relative to the entire learning community, and that is cooperating to fight the battle in the area of student achievement where there's a huge gap, to do what schools can under a very limited basis of tackling the problem of poverty, dealing with English as a second language learners. Those are the kinds of things that we are asking this governing body to do. Elementary resource centers, unique to this bill--Senator Ashford gets the credit for that one--unique, and these subcouncils will have some administrative authority over these elementary resource centers. What do they do? They do the things that the school has difficulty doing. They provide a place in the community, in the neighborhood for a social worker, Senator Howard. They provide a place in the community, maybe for computers where computers are otherwise hard to find. Career planning, extended hours, mentoring, tutoring, a place where parents can have a place to go with their kids. The subcouncils will be responsible for those things. In terms of boundaries... [LB641 LB367]

SENATOR LANGEMEIER: One minute. [LB641]

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SENATOR ADAMS: ...the amendment says very simply that a city of the metropolitan class can't infringe on another school district unless there's mutual agreement. And for those of you who have school districts outside of Douglas County, the boundaries stay fixed unless there is mutual agreement to do otherwise. This bill has a lot in it. This amendment has a lot in it. It's a beginning point. The Speaker said it, Senator Raikes has said it. It is a beginning point. And I would tell you this; as you listen, as you ask your questions, we may not have all the answers. This is huge. Be visionary, think out of the box, you're going to have to. And we can take Nebraska, and in a few years we can have a model at the eastern end of the state. [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR ADAMS: Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Adams. You have now heard the opening on LB641, the committee amendments, AM1141, and AM1258. The floor is now open for discussion. There are a number of lights on. Those wishing to speak are Senator Chambers, Synowiecki, Ashford, Adams, Pirsch, Pahls, and many others. Senator Chambers, you are recognized. [LB641]

SENATOR CHAMBERS: Mr. President, members of the Legislature, this is a very consequential and historic action that we're undertaking. I shall attempt deliberately and consciously to be as conciliatory as I can. And that is difficult because I'm giving up more than anybody on this floor or connected with the schools in any way. Because you see, I have in my hands LB1024, which divides OPS into three districts. Although a county judge put the bill on hold, that bill has not been ruled unconstitutional and I believe it will withstand court challenge. So in a sense, I can't lose. So why would I agree to this compromise? There comes a point when holding to a position simply because you've taken it may not be the best thing to do. In the framework of this compromise, I see the very real potential for getting at the issues that I was convinced, and deep down inside remain convinced, could only be achieved through breaking OPS into three individual districts, each of which would elect its own, hire its own superintendent, elect its school board, hire administrators, teachers, formulate its curriculum, purchase textbooks, and do all the things that a school district is supposed to do. But cooperation is better than warfare. And if it's possible to have a cooperative environment where educating children is at stake, that's what we should have so that the children will have an example in how we conduct affairs, of how they should conduct their affairs. So I see the possibility for obtaining some genuine local control, equitable distribution and providing of needed resources, electing people with responsibilities and loyalties to those in the subdistrict from which they will hail. Another reason I'm going to agree to go along with this compromise, it's going to force cooperation, not just among the separate school districts. It's going to force the individual school board to cooperate with the learning community council and the members of the subdistrict. There will be

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some areas of activity where the subdistrict and the council must sign off before certain activities can occur. So if the school board and the superintendent would decide to be recalcitrant, they simply will not be able to get done what it is they want. Will that be a stalemate? It might appear so. But what it will demonstrate to everybody is that the school board and the superintendent are going to have to cooperate with the learning community council and the 18-member group who will govern that council. So not only the individual school districts will be forced to cooperate, but the school boards will have to cooperate with the people who are going to make up the representatives of the subdistricts. Those representatives from the subdistricts will immediately see the need to cooperate with the members of the school board. [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR CHAMBERS: There is a greater likelihood that we can stop some of these school boards from simply being rubber stamps for the superintendent and the administration because they are not facing the administration and the superintendent alone. So this is not just a needless, unnecessary, unduly complex overlay of a worthless, useless bureaucracy. It is going to drive the engine that will make this whole plan work. And it will stand together or it will fall apart. You will never see me conciliatory like this again, especially on an issue such as this. And I'm going to maintain my conciliatory attitude as long as I can. But if the discussion takes the wrong turn... [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR CHAMBERS: Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Synowiecki, you are recognized. [LB641]

SENATOR SYNOWIECKI: Thank you, Senator Langemeier. First, I want to congratulate and thank the Education Committee. I think you had enormous focus. I think there was a lot of outside influences. But I want to congratulate the committee, Senator Raikes, and your leadership for maintaining your focus. And I know that an enormous amount of time, both in and out of these halls, were spent formulating this bill. Being the seat mate of an Education Committee member and hearing about the Sunday night meetings at truck stops and so forth on this issue, I genuinely appreciate the effort that was done and put into this bill. And you know, I have profound respect for Senator Chambers but I also have profound disagreement with him relative to last year's bill. I'm very happy that it now appears that we're moving toward repairing the split-up of the OPS school district. I didn't think that the provision, the split-up provision was based upon sound public policy. In my feeling, it only exacerbated existing conditions within a largely segregated community to begin with. And I further think that, given the weight of that issue, that the

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Legislature did not vote, devote an adequate level of deliberation to the provision of the split-up of the OPS school district. So I'm glad, I think, that we're moving in a productive direction with this bill. Senator Adams, would you yield to a question or two? [LB641]

SENATOR LANGEMEIER: Senator Adams, would you yield to a question? [LB641]

SENATOR ADAMS: Yes. [LB641]

SENATOR SYNOWIECKI: Thank you, Senator Adams, and thank you for your efforts relative to this amendment. And my first question is relative to the English as a...limited English proficiency plan. And it is on page 75 and there's three subsections about what the limited proficiency plan should include. And subsection (c) to that is teacher recruitment and professional development. Are we talking about perhaps an enhanced salary mechanism here for teachers that can demonstrate proficiency? What do you interpret that subsection (c) as meaning? [LB641]

SENATOR ADAMS: You know, I look at that, Senator, as more of a direction for local school districts and for the overriding governing board to say, do what you need to do in order to bring those teachers in to work on that problem. And it may be salary. It could be a host of different things. [LB641]

SENATOR SYNOWIECKI: Now let's say we have an individual teacher that has extraordinary credentials in English as a second language and the population of the school district in and around that particular school doesn't have a high level of students that need that type of education. Can a teacher then gravitate toward another school to provide, to teach...in other words, within the learning community itself, does it allow for the reallocation of teacher resources based upon the expertise that's needed in certain areas? [LB641]

SENATOR ADAMS: I think it does. I think it, first, within individual school districts, of course. And hopefully the overriding governing council could also be instrumental in maybe making some other shifts where a teacher could be helpful in another particular school district where there was a need. [LB641]

SENATOR SYNOWIECKI: Let's take that example and add more specifics to it. Let's say there's a teacher out at Gretna High... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR SYNOWIECKI: ...that's got extraordinary skills in English proficiency, extraordinary teaching skills. Could that teacher physically then go to South High, at Omaha South High, and continue to work for Gretna but provide the teaching at South High, for example? [LB641]

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SENATOR ADAMS: I think so. I think so. Another example would be in the rural areas. I could be teaching a government class at York High School and, via distance learning, be also teaching it in some smaller high school that doesn't have a government class. To me, I wouldn't see this as any different. It could happen. It could happen if the administration of the various school districts want it to happen. It could happen if this coordinating council encourages it. [LB641]

SENATOR SYNOWIECKI: I think I'm running out of time. But I also wanted to ask about the 5 percent capacity provision. The 5 percent capacity reservation, I think, is what it would be for children that want to attend outside... [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR SYNOWIECKI: Okay, thank you. Thank you, Senator Langemeier. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Synowiecki. Senator Ashford, you are recognized. [LB641]

SENATOR ASHFORD: Thank you, Mr. President and members. And thank you, Senator Adams, for bringing AM1258 to us and for bringing together the thoughts of the committee and others to put this issue before us. I, too, want to thank my colleagues on the Education Committee. Coming back to the Legislature after 12 years, it is a wonderful experience to be around the people in this room, the people on the Education Committee who have tirelessly dealt with what is a significant problem in an area of the state many of whom do not live in. I'd also want to thank my colleague, Senator Lathrop, Vice Chair of the Judiciary Committee, for doing a lot of the work when I was gone working in the Education Committee. And I appreciate Senator Lathrop and all the members of the Judiciary Committee for giving me that time. I love my city. I've lived there my whole life. I grew up, went to Westside High School. I'm so proud of all of the developments that have occurred in Omaha throughout the metropolitan area, the Qwest Center, all the wonderful things that have happened. And we're on the move. But at the same time, my experiences in Omaha in the last five or six years, working in the poverty areas of Omaha, underline something that I also feel and that's a sense of sadness. How can a city that is so great, made up of so many intelligent, motivated, good people, allow the poverty to exist that does exist in north and south Omaha? And it is a very difficult experience for me. So I see in this bill, I see in this bill tremendous hope, tremendous hope, hope through cooperation and collaboration. Senator Raikes said it very well. The state policy throughout the state of Nebraska is one school, one city, one school. That is the policy that has permeated the state. Omaha developed differently, Omaha developed differently. We have 11 school districts in the two-county area, all of whom have excellent reputations, all of whom do a great job. This measure, as amended in AM1258, focuses on what we can do together. Not that school districts

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haven't worked together in the past, not that they're bad or meanspirited. But this makes it so possible to focus on a single big problem. And that is, what happens when we have pockets and highly concentrated pockets of poverty in a metropolitan area? We can chart the course for the country on how to solve these kinds of problems. I was asked by the press the other day, well, how does this affect people, a person, a family? And here's what it does. If you're a family in poverty and you live in the projects in north Omaha in Senator Chambers' district and you are really poor, your neighbors are really poor, they have no choices other than just a few. What is this bill going to do? What this bill is going to do is say to you as a poor family, as a mom with three or four children, this bill says to you, you now have choices. You now have choices. If you have a child that has a difficult time reading, this bill says we're going to find you alternatives. We're going to find you a literacy summer school class out at Westside and we're going to provide you transportation to go there. [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR ASHFORD: We're going to find your children a place to go because we're not going to allow this learning gap to continue. We aren't going to allow it to happen. I'm proud of my school district, Westside High School. I represented Westside before, Westside district. We have a tremendous responsibility to lead, to set the example and the standards. And we need to take care of those children. We need to find ways for that learning gap to close. I am so proud to be a part of this effort. I'm so proud to be a part of the Education Committee and to be in this body. And I want to thank Senator Flood for his leadership because he said something very important. It is us, we make the policy. And thank you, Senator Chambers, for your willingness to work with us. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Ashford. Senator Adams, you're recognized. Senator Adams waives his time. Those wishing to speak, we have Pirsch, Pahls, Kopplin, Friend, Gay, Avery, and many others. Senator Pirsch, you're recognized. [LB641]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. Education is obviously a vital issue, not just for this Douglas County and Sarpy County but for the state as well. I think we need to, as a body, step up to the plate and address this issue. This bill is a culmination of many people's hard efforts and I do appreciate the work. Many long hours put in by the members of the committee and those senators who are interested, as well as those in the community as well who have dedicated a lot of resources, their time in particular, to addressing the problems that we are addressing, that is being addressed in this LB641. My particular district in Douglas County, I represent areas of both Millard Public Schools and Omaha Public Schools. And in looking at the bill as this amendment, AM1141, as amended by AM1258, there is a number of questions I'm sure that are going to come forward from the body. I think that

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we have to do our due diligence, have those questions answered. As Senator Flood had mentioned before, I'm sure that many of those questions are going to center around the aspect of management of the learning community and costs as well. I was wondering if Senator Raikes would yield to a question or two. [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR PIRSCH: Senator Raikes, with respect to the particular paradigm in this bill, in the amendment, was this based upon a model or elements of it, large elements of it based upon a model that was gleaned from other states, other cities where it was successful? [LB641]

SENATOR RAIKES: Good question, Senator. There have been other states, metropolitan, other areas in other states where there has been an effort in the direction that I think you could say is pursued here. But I don't think any could...I don't think this duplicates any of those. [LB641]

SENATOR PIRSCH: Okay. Thank you very much. With respect to the six districts that are encompassed by this amendment within the learning community, how would those districts be established, the district lines? [LB641]

SENATOR RAIKES: I think there's a two-step process proposed, Senator. The election commissioner is involved in the establishment of those district lines at the outset, if I remember correctly. Once that's done, any changes would be accomplished by the council itself. [LB641]

SENATOR PIRSCH: Okay. And is there an estimation, a ballpark estimation...there's a number of cost factors of costs that would be created, both to the state and the local level. Do we have a, at this point in time, a ballpark kind of estimate of what the cost outlay would be, additional cost outlay to the state? [LB641]

SENATOR RAIKES: Senator, in this proposal, there is, as Senator Adams has outlined, there would be a drop in the levy cap and local effort rate for metropolitan-area... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR RAIKES: ...school districts. That would generate additional state aid to those districts. I don't, I'm not exactly sure of the amount, but I think it would be in the neighborhood, if you had a five-cent levy drop, it would be in the neighborhood of \$20 million. This amendment, as it is, then would allow the learning community council to

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levy between \$1.00 and \$1.05, if you will, above the school district cap so that, in effect, the money that would be provided by the state in the form of additional state aid could be used by the learning community council to support its operations to include programming directed at elementary students and other focus programs and so on. [LB641]

SENATOR PIRSCH: Thank you very much. I wonder if Senator Ashford might yield for a... [LB641]

SENATOR LANGEMEIER: Time. Thank you, Senator Pirsch. Senator Pahls, you are recognized. [LB641]

SENATOR PAHLS: Mr. President, members of the body, this morning when many of us arrived, did you notice that it was dark in the Capitol? We lost electricity. I think most of you were here at that time. Well, I thought that maybe our Speaker had pulled the plug because some of the things we were going to talk about today, we probably wouldn't want to say in front of the TV cameras or the newspapers. Because I do have some concerns. Senator Adams, he did an excellent job portraying what this amendment is all about. I was listening to what he was saying. I said, I agree, how can you argue. I kept thinking to myself, gee, most of those things are the assignment of the regular school board. And I got to thinking, wonder why we're in this predicament. It's probably because of some of the actions of this body maybe 10, 15 years ago. I think there was a period of time that the Omaha Public Schools crying for additional aid. Perhaps if they had it at that time, some of the predicaments that they find themselves in today may not have happened. Now last year, when I was on the opposite side because my goal at that time was to preserve the boundaries, particularly of the school district that I represent, I analyzed the workings, financial workings of the OPS school system. And I did question some of the way they spent money. But I do think some of these issues have been brought about because of perhaps them not receiving the aid because a lot of the things we're going to do is going to cost money. Good, that's good, I can't argue that with my past experiences. I truly believe that if you...I don't know how many of you read the comic strips. Now I haven't read them for a number of years but I can remember as a child, I read Dagwood. He had this big sandwich. Now I think we have a sandwich in front of us. Part of that sandwich is good but there may be sometimes we need to take a look at that sandwich and take a little bit, some of that stuff out of it so we can really make it work. Prime example, we have a school board, nonpaid school board. We have an ESU, nonpaid. Now we want to bring a super board and pay them. Now I'm assuming, as we move this bill through and we talk on Select File, those are some of the issues we're going to talk about. I'm not against paying people but it seems to me that the school board is doing many of the same things that we're going to be paying this learning council. I have some questions about that because why, you know, why wouldn't I serve on the...that would be my first choice instead of the school board. And that will roll over throughout the state. Why am I volunteering to do some of these

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things? The ideas behind that are great, cannot argue with that. The proposals in this bill, you cannot...especially with my background, education background, I just ought to roll over and just say this is great and I appreciate the effort. But I think that we ought to be taking a look at some of the things, the requirements to make us good. The ironic thing about it is, in my whole career, they'll say, Rich, you're an educator. Oh, you believe in the bureaucracy. Well, those who have worked with me, they know I don't believe in bureaucracy. In fact, that's probably...some people outside are laughing right now because I do not believe in unnecessary bureaucracy. But we have the business world who are proposing more bureaucracy. I don't think there are a bunch of educators saying we need this another layer. Now we may need it to manage all of the unique things we want. But I daresay there may be another way. As I've gone through the bill or my staff... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR PAHLS: ...there are a number of other issues I have that are not as significant. I think if we can somehow take a look at the governance...I just don't know that if people read in the paper after much deliberation and say the body down here is spending up to \$30,000 for somebody to have that position, and we all know anytime you start paying somebody, there are other costs because you have to have staff to work with those individuals. I know they can use the schools. What I truly wanted to come out of this is let's take a really true look at education. This is one part, sliver. We have a long ways to go. I think this has potential. I am glad that we're going to be discussing this and then to Select File. But we ought to look at it. Can we do some of these things? School board, as I look at this, school board... [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR PAHLS: ...can do a lot of...thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Pahls. We have wishing to speak, Kopplin, Friend, Gay, Avery, and others. Senator Kopplin, you are recognized. [LB641]

SENATOR KOPPLIN: Thank you, Mr. President, members of the body. I was one that opposed the advancement of LB641 to the floor of the Legislature. I brought a bill of my own, not too much of that bill ever got into LB641. But never, never did I or any of the committee swerve from our goal of education for the children, especially the children in Omaha. That part of our discussion was always the same, the same goal. We got there. For my efforts of carrying the superintendents' bill to this body, I was called the water carrier for the superintendents. I didn't mind because I have the greatest respect for those men, those professionals. I was fodder for Senator Chambers' TV show. And you know, I didn't mind that at all because a guy like me never gets much media attention anyhow. My friend, Senator Avery, even got into the mix when he said in an interview

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that Senator Howard and Senator Kopplin are voting no to hold up this bill or slow this bill down. That one hurt because, Senator Avery, I had a 40-year career in education: 31 of those years was in administration; 20 of those years was in central office administration where I did budget after budget after budget; 14 of those years were as the superintendent where I got to sit back, hire an outstanding staff, and watch them go to work. So I do feel I have some things that I can offer, and will. Now we're talking about AM1258. And I told a friend of mine just last night, I should feel so great because so many of the things that I wanted to see happen are in this amendment that were not in LB641. But at the same time, I feel like I've just been pounded and I'll bet you everyone of the Education Committee feels the same way. We've just been pounded. But that doesn't mean that we shouldn't take our time on this bill. I know there's a lot of bills out there that have to reach there, I'm there in the same spot myself. But we need to talk about this bill. I need to understand the language and the complexities and the consequences of this bill. I want you to understand this bill. And honestly, I want to be sure the committee members, who put this bill out with short notice on being able to read it, understand this bill. Time is short, bills are waiting, but we've got to do this right. I think back to last year, LB1024. There was a lot of anger, bitterness, rushed jobs... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR KOPPLIN: ...on the floor. We can't let that happen again. We passed a bill last year in just a few days. In a matter of days, we split up Omaha, we combined all the schools in Sarpy and Douglas County. We weren't even sure what it was going to cost. We cannot do that. We have to go slowly. We have to understand every section of this bill. So I am going to ask the questions. Not that I don't support what we're doing for the kids in Omaha, not that I don't support what we're doing for the kids in Gretna or Bellevue or wherever they happen to be, because that's what it's all about. But because we need to understand before we pass another bill and then wind up with another year of court cases and figuring out what happened to us. [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR KOPPLIN: Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Kopplin. Senator Friend, you are recognized. [LB641]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. Senator Kopplin harkened back to LB1024 and I was one of the ones that was fairly vocal last year. I know that's hard to believe. I wanted that bill killed. I didn't want it to die a slow death, I wanted it to be killed quickly. And it didn't matter if it died painfully or not, as far as I was concerned. I hated it. But it seems like ages ago, and I don't even remember

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what that hate feels like. All I know is that we're in a situation, and I think Senator Adams spoke very eloquently about it, that offers us an opportunity. And AM1258, I got home last night--I don't know what time, fortunately the roads weren't all clogged up and the bridges were working--and was reading through it with a, not a fine-tooth comb, and questions arise, of course. Most of it's funding, I mean, where does this money come from, how much is this going to cost, those type of things. But the idea, and the things that Senator Adams pointed out, is an opportunity here. And that is kind of exciting. For a kid, for a kid, me, who grew up educated by OPS--and I've said this in hearings before--educated by OPS, educated by the Omaha Archdiocese, educated by the St. Paul, Minnesota, Archdiocese, the St. Paul, Minnesota, Public School system, Millard South, at that time Millard Senior High--that's how old I am--and then Kearney State College and Creighton University. I sought out opportunities. I didn't have a choice in a lot of those but I sought them out. And if I remember correctly, I didn't delve into these type of things. This type of thing could offer the type of opportunities for somebody living in the areas that Senator Ashford talked about, or somebody living in the areas of west Omaha or south of the Sarpy County line, the type of opportunities I got, which I think were valuable, that they may not even think they have right now. This could do that. It's the first thing that occurred to me when I looked at it. My dad gave me those opportunities or those...(laugh) my dad gave me those. Are we creating our nanny state here, our mini-nanny state? Are we trying to be that? I'm sure that debate will come out. I would defer to Senator Adams. I think he's right. It's an opportunity here. But Senator Kopplin is right. We have to be very, very deliberate and careful because last year, for all of the ire and the feelings I had about LB1024, I'm sure there's people out here with the same feelings about what we think we might be trying to accomplish right here. The interesting part of this bill appears to be what I talked about earlier, the opportunities. And if we can cap... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR FRIEND: Thank you, Mr. President. If we can cap or effectively manage and control the bureaucracy, which is what we're all afraid of and we know that we are--Democrat, Republican, Independent, Green Party, I don't care where you...we're afraid of it. We don't know what it's going to end up doing. There is so much in here that the proverbial devil in the details, I can't tell you what it's going to cost. We can put out all the fiscal notes we want. Until you start implementing it, good luck. But I've told everybody I'd stay open-minded about it. And quite frankly, folks, I don't know if we have that much choice. I think we do have to stay open-minded about it. And one of the things that the people expect from us, I think, is that eventually... [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR FRIEND: ...a body like this will come together. Thank you, Mr. President. [LB641]

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SENATOR LANGEMEIER: Thank you, Senator Friend. Senator Gay, you are recognized. [LB641]

SENATOR GAY: Thank you, Mr. President. Continue on with what Senator Friend was leading to is some of the same sentiments and questions I have. We've come to the point in the session here where this has been discussed at length by the Education Committee. We've read about it in the papers, the Governor, the World-Herald, Omaha business leaders, everybody is involved in this process. And now finally we've got an amendment to look at that has brought a lot of these issues together. There's a certain amount of frustration that comes when, I had to read this over the lunch hour to find out what's in it. And if you're like me as a member of the Legislature, I had been asking good friends on the committee, what's going on? And I've tried to understand what's happening in this process. And we'll get you some information, more will come, more will come. It came, it came last night, and here we're discussing it today. We're going to have a long discussion, I'm sure, on this. I'm not rising to condemn anyone. I think that the ideas that everyone is working on are, we're all on the same page here. How do the poverty and education, how do those two, how can we fix those two issues? Senator Adams is correct, and other people have mentioned this, that we need to...this is a statewide problem. It's in your district as well. Every time I read this is an Omaha problem, well, we've got children in Sarpy County as well. This is the OPS problem, I hear about. There's a lot of other people affected by this when we talk about boundaries, governance, yes, money, bureaucracy, all those things are in this bill that we have to fix. How we're going to do that, apparently, is bring it out here and everybody needs to be involved in this process, not just if you're in Omaha. I would encourage everybody to pay attention to what's going on. As we, some of the new members come into the Legislature and we're dealing with the Class I schools, some of these issues were made before we were even here and now here we're fixing it. Let's make sure that we get something that comes from this. And I'm willing to work with the body as well. I think there are some very good things in this amendment. There are also some things I question and will question throughout this debate. Just in the short time I've had to look at this, there are many things to look at. If you turn to page 71, it talks about a lot of programs that aren't provided now that will need to be provided for. How do we fund those? Who's going to provide them? Governance is another issue. We've had discussions on how this is going to be governed. How are we going to--heard the word--force these people to do the right thing? Educators and parents, many of them are doing the right thing. Superintendents, as much as we want to bash them in this process, want to do the right thing. So I would encourage us all. Let's make sure that when we're drafting this, I want to draft a workable solution that will work in Kearney, Columbus, Scottsbluff, wherever this is that it can be used to help the poverty and education question. Because we had had discussions and Senator Adams and I and Senator Avery and others. There's...this problem is everywhere, not just in the OPS district. So if we can come to a solution that you would like in your district, let's get

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involved. Because if we start this in OPS, why should this not be in Lincoln, why should this not be in Kearney, why should this not be in Scottsbluff? They'll talk about certain issues that are unique to Omaha and they will say Omaha again. But they're everywhere. So keep our mind on that when we're drafting this legislation, that I think we... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR GAY: ...as state senators, we need a statewide solution, not just the Omaha metro area. I'd like to keep it on a statewide concept if we can. And that may be not achievable, I don't know. But another thing as we discuss this, and I've heard it several times off the floor, let's not forget the teachers and parents. How much involvement did some of the teachers have in this? That's what I'd like to know. I mean, were we talking to any teachers along the way? I'd heard from some teachers in my district and they can't tell me what's in here. They ask me what's going on and, well, stay tuned, I'll let you know. So I guess I'll let them know here after we have a good thorough discussion and I look forward to that. And again, I wanted to stand up and say I'm open-minded to this. I want a workable solution but I also want to make sure we pass legislation that will not have a lot of unintended consequences that we don't know the answers to. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Gay. Wishing to speak, we have Avery, Hudkins, Carlson, Schimek, Engel, Harms, and others. Senator Avery, you are recognized. [LB641]

SENATOR AVERY: Thank you, Mr. President. I share many of the concerns of Senator Gay but I don't want to address them now. I will do that later. I'm going to put my light back on. What I want to do right now is follow up on something that Senator Ashford began. And that is, what is it we're trying to solve here with this bill? We have an achievement gap for minority students in Omaha that must not be permitted to continue. I believe the committee kept our eyes on that achievement gap from the beginning. We have an awful lot of children at risk. I was looking this morning at a study by the African-American Achievement Council in Omaha. And it showed that virtually all grade levels and all subject levels in all subject areas, minorities are lagging behind. There is a serious achievement gap. A fundamental cause of this problem, most of us know, is poverty. We're all aware of the article that was in the World-Herald recently, I believe it was April, on poverty. Some stunning information was in that article. Omaha has the third highest poverty rate among African-Americans in the entire nation among the top 100 cities. But most stunning of all for me, and I think for you, too, was the number one ranking for black children living in poverty. And this is occurring in the midst of a city that is prospering, a city with more Fortune 500 companies than any other city of its size in the country. This is intolerable. Poverty inflicts great costs on children; unemployment, kids having kids, violence, failure in school, and ultimately hopelessness. The

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World-Herald story discussed the plight of a 16-year-old girl named Amber whose mother was constantly telling little Amber, don't end up like me. That mother cares. But the odds she faces are enormous. Amber's mother has seven children, the first she had when she was still in high school so she dropped out of high school. Amber's family must rely on public assistance just to survive. They move from one place to another because they can't afford to rent, they can't afford to pay it. Amber has cousins her age who already are pregnant. Three of her brothers have dropped out of school, none of them are working. Obviously Amber's situation is part of a whole collection of larger social pathologies that we can't hope to solve in this body. But we can give her the opportunity to succeed by putting in place a plan that will open up new opportunities, new prospects, new options to help her succeed. There is a close relationship between poverty and child achievement in school. For each \$1,000 increase in family income, there is a corresponding increase in the math test scores of the children of 2 percent. There is also an increase of almost 4 percent in the reading test scores. Now that comes from an empirical study that I just looked at recently. So there is a direct and linear relationship between family income and child achievement in schools. We know also that increases in the mother's education has positive impact on children's performance in school. We also know from studies that have been done that school-based early intervention improves later child performance in schools. We know that parents who are unemployed significantly affect their children's poor educational performance and high rates of school mobility. The truth of the matter is that we need to act. Education opens doors, it creates opportunities for growth... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR AVERY: ...creates opportunities for improving self-worth. Absence of education closes doors and condemns young people to a life of vicious poverty, strips them of their dignity, and degrades their sense of self-worth. We can't let that continue. So what we're trying to do is motivated by the moral imperative that we cannot afford to do nothing. Now we may not be doing it the perfect way. What we have before us is probably not perfect. But it has many good elements that may give Amber a chance and I urge you to listen carefully, ask all the questions you want. I hope we have the answers and certainly I hope we can get this right. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Avery. Senator Hudkins, you are recognized. [LB641]

SENATOR HUDKINS: Thank you, Mr. President and members of the body. I'd like to ask Senator Raikes a question, if I may. And while you're going to your microphone, Senator, I'll ask it. You talked in one of your openings about the learning communities and how they're a two-county learning system. I don't understand that. Do you mean that you have to have two counties in a learning system? And obviously we're talking about Douglas and Sarpy right now. But what about Seward County? Are they going to

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automatically be teamed up with York County? Where does Lancaster go? Would you explain that two counties, please? [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to the question? [LB641]

SENATOR RAIKES: I would. Senator, this is a provision that is part of the existing statute, LB1024. And the way it's in there now is it's all the--and I'm going to guess a little bit and so I may be wrong here--it's all the school districts headquartered in a single county when you're talking about outstate. All the school districts headed...or not all, but I think at least three school districts maybe is the way it is, and I believe it's at least a total of 10,000 students unless you have sparse or very sparse districts involved, and then that number of students for a learning community drops down maybe to 1,000 or 2,000, I'm not just sure. But at any rate, there was an effort and, in fact, a provision in statute to allow for the creation of learning communities throughout the state. And the requirements were changed to reflect the conditions that would be present. [LB641]

SENATOR HUDKINS: All right, thank you. Thank you. And Senator Adams, if I might ask you a question, please. [LB641]

SENATOR LANGEMEIER: Senator Adams, would you yield to a question? [LB641]

SENATOR ADAMS: Yes. [LB641]

SENATOR HUDKINS: Senator Adams, in AM1258 on page 18, lines 23 through 28, I'm having a little difficulty with that. Your amendment is trying to promote diversity in schools, correct? [LB641]

SENATOR ADAMS: I'm sorry, would you repeat... [LB641]

SENATOR HUDKINS: Your amendment is attempting to provide diversity? [LB641]

SENATOR ADAMS: Yes. [LB641]

SENATOR HUDKINS: Okay. But if you look at those particular lines, page 18, lines 23 through 25, I read that as if you are a poor student and you want to go to this school here and they already have a whole bunch of poor students, you would not be entitled to interdistrict transportation costs. But if you were a rich student somewhere else and you wanted to go to this school, then it doesn't make sense. So how could you be a poor student and because you didn't meet the diversity guidelines, you would not be able to get your transportation? [LB641]

SENATOR ADAMS: The poor student, Senator Hudkins, could make application for the transfer to that school. [LB641]

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SENATOR HUDKINS: Um-hum. [LB641]

SENATOR ADAMS: And based on these guidelines, and we're certainly open to discussion on those, if the school district has determined that bringing that student in does not add to the diversity of that building, then the request would be denied. [LB641]

SENATOR HUDKINS: The request would be denied for his attending that school? [LB641]

SENATOR ADAMS: Making that transfer to that school, yes. And the point that you make about the reverse, if you had a school with a great deal of poverty in it... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR ADAMS: ...and you had a, I'm taking up your time, but if you had a person (sic) with a great deal of poverty in it, lived in a different school district, didn't qualify for poverty, wanted to go into the school with poverty, it would help the diversity, they would be allowed to move. [LB641]

SENATOR HUDKINS: All right. I guess I'm like everyone else. When you get an 83-page amendment the night before you talk about it, it's very difficult to understand what's in there. So hopefully over the next few hours or few days, we'll get some of these questions answered. Thank you. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Hudkins. Senator Carlson, you are recognized. [LB641]

SENATOR CARLSON: Mr. President and members of the Legislature, I also appreciate the time and effort that Senator Raikes and the Education Committee, along with contributions Senator Chambers has made to this effort, and know that it's a lot of time and do appreciate what they've done. This occasion, this subject brings to mind what I think to be one of Senator Chambers' favorite verses. This is the day the Lord hath made, let us rejoice and debate and compromise in it. (Laughter) I thought that I'd like to make some comments before we ever got started because I was afraid of some hurtful things that might be said because I've heard some of those things along the way in these last three months. This has been a very civil testimony and debate and I hope that it continues that way. But we're involved in what will probably be a lengthy debate on educational issues. And I want us to remember what our objective should be. And that would be, I believe, an opportunity for a quality education for all students in Nebraska. And I believe there are basic elements that should be available to all students to maximize their chances for academic success. And in spite of what we're talking about here today, in my opinion, the two most important factors for a student involve good

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parents and good teachers. And to put things into perspective, I believe all other considerations and provisions are secondary and peripheral. We can and we should debate the problems of education until the end of this session. And where problems exist, we make our best effort to try and fix them. But in my opinion, a huge problem in education--whether in Omaha, Lincoln, Holdrege, and I know it to be true in Holdrege, Blue Hill, or any other town--is the disintegration of the family and this is a huge impact on our educational system. Every child needs a loving, caring, productive, interested mother and father to defend, teach, discipline, encourage, and read to him or her. I think every child needs encouragement to develop a spiritual foundation on which to build their life. And without it, there's a big void. Unfortunately, there are many, many men and women who are not fit to be parents. They don't deserve to be parents, they don't want to be parents, and probably shouldn't have or retain the privileges of being a parent. They should, however, be responsible for support of the children that they bring into this world. And in my opinion, until we come to grips with these facts, we're going to spend more and more money with lower and lower returns from the dollars spent in our educational programs. When students come to school out of a dysfunctional home or environment, learning is not on their radar screen. What is on their radar screen probably includes hunger, maybe bruises from physical abuse, maybe bruises from emotional abuse, maybe a fear of who's going to pick them up after school, probably a fear of what happens after school when they are picked up. [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR CARLSON: Fear, fear, fear. Teachers do the best job that they can for every student. They set appointments to meet with parents. Many times, parents don't show up. When they do show up, they're defensive. Many times they blame the teachers for their child's problems, and they may even threaten the school. For these students, education is not very high on their list of concerns. But our efforts, in spite of these obstacles, should be to provide the opportunity to learn in the best environment possible for every child. But let's give teachers credit for what they do for our children. They're deserving of our respect and support. And with that, I look forward to the balance of this discussion and debate. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Carlson. Senator Schimek, you're recognized. [LB641]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. Because we only have five minutes to speak I need to say my thank-yous quickly, but I want to congratulate the Education Committee and the Speaker and any others who were involved in putting this package together. It wasn't easy and it's not perfect and we're here to help make it better. So with that said, I do have some concerns about the bill, and they center primarily around the council, the governing council, and from two aspects. First is the limited voting aspect. And I first heard about this yesterday at the

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briefing, and I thought that can't be constitutional. It sounds to me as if you're giving people representatives without giving them necessarily the right to vote on those representatives, and that was my initial gut reaction. I have subsequently found out that there indeed are some entities that have limited voting and they are Alabama; North Carolina; Washington, D.C.; Connecticut; a few local kinds of governing boards, city councils, and so forth, that have limited voting. And I don't know if we've really explained limited voting. We can more into that later but I just wanted to get that on the record. It probably is constitutional but it's not used often and it's usually used in states as a remedial action. In other words, in a instance where you have underrepresentation of minority groups and the courts have said this is something that you could or should do in order to solve that problem. Now, we don't have any such voting system in Nebraska. I've had probably four or five people tell me that OPPD and NPPD do this. They don't. No entity in the state of Nebraska has limited voting. I checked and double checked with the Secretary of State's Office. And my fear is that voters will be offended when they go to the voting booth and are told that they are going to have three people from this district, but, oh, by the way, they can only vote for two of them. That's my fear. Now, I'm open to hearing the discussion on this. I think one of the problems that we might have with this is there is no provision for a primary election that I can see and there is certainly not time for one this first time around because the election commissioner's office...the Secretary of State's Office, I'm sorry...the Secretary of State's Office tells me that the election probably wouldn't be able to held until December if this bill passes and there wouldn't be time for a primary election. So therefore you're going to get a free-for-all and this winnowing out process might not work very well and get the intended results anyway. But beyond that first election, I don't know that there is anything in this bill that provides for a primary election. I'm not going to have enough time but, Senator Adams, I mentioned to you that I have some questions that I would like to ask about the bill itself, and if you remember, Senator Chambers criticized my amendment this morning because he said it didn't have enough detail in it. Well, I would say that... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR SCHIMEK: ...and more so with this particular part of the amendment. And if you would look at page 68, Senator Adams, I've got several questions, and I'm turning my light on again because I know we won't even begin to get through it. [LB641]

SENATOR LANGEMEIER: Senator Aguilar...or, excuse me, Senator Adams would you yield to a question? [LB641]

SENATOR ADAMS: Yes. [LB641]

SENATOR SCHIMEK: The first question deals with page 68, line 3, and it says, "Proposed initial electoral districts shall be drawn jointly by the election commissioners

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or county clerks." Now, I was told yesterday that was going to be done by the Secretary of State, and I said, oh, that's good because it will take the politics out of the situation, but that's not true. But my question that remains is, when are they supposed to do this? There is no direction given here in this particular framework, right? [LB641]

SENATOR ADAMS: You're absolutely right, and that is our fault. [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR SCHIMEK: No, I know you were doing this and sometimes... [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR SCHIMEK: Oh, thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Schimek. Senator Engel, you're recognized, followed by Harms, Christensen, Howard, and Chambers and others. [LB641]

SENATOR ENGEL: Mr. President and members of the body, I too want to thank Senator Raikes, the Speaker, and all the members of the Education Committee who has worked on this because I know this has been quite a situation the last couple years. And I recall a year ago or so when we got this all together, at least it was in the last two days and we were trying to get everything done in the last days. At least this time we have some time to talk about it so we understand it and maybe work some of the problems out that we, some of us might think, I mean think that we have. I would like to ask Senator Avery a question or two, if Senator Avery would respond. [LB641]

SENATOR LANGEMEIER: Senator Avery, would you yield to a question? [LB641]

SENATOR AVERY: I will. [LB641]

SENATOR ENGEL: I mean, like now maybe or you want to wait awhile? [LB641]

SENATOR HARMS: Anytime you want, Senator. [LB641]

SENATOR ENGEL: Oh, I'm sorry. I didn't mean Avery. He's who I go to for my daily advice. I'd like to speak to Senator Adams; I'm sorry. [LB641]

SENATOR LANGEMEIER: Senator Adams, would you yield to a question? [LB641]

SENATOR ADAMS: It's a good thing I was probably occupied. I didn't hear all of that. [LB641]

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SENATOR ENGEL: Yeah. Well, I'm sorry about that but you resemble each other except for a certain part of your body. But the thing is with the...now, the ESUs will not part of this, is that what you're saying? [LB641]

SENATOR ADAMS: That's correct. One of the things that this amendment does, Senator Engel, is to restore the ESUs, give them back their functions just as they are right now. [LB641]

SENATOR ENGEL: Oh, so they will be part of the picture here then. [LB641]

SENATOR ADAMS: Just as they are right now. [LB641]

SENATOR ENGEL: Okay. Okay. [LB641]

SENATOR ADAMS: They will be autonomous. We put them intact. [LB641]

SENATOR ENGEL: Okay. [LB641]

SENATOR ADAMS: ESU 19 and 3. [LB641]

SENATOR ENGEL: That's one question. Another question I had was the advisory council you're talking about, and I agree we need more coordination as far as throughout the system. And like Senator Chambers said, we'll force the school boards and the superintendents and so forth to work together and get something done. But in here I don't see where do they get the authority to do that? Where is their authority? [LB641]

SENATOR ADAMS: Specifically in a statute, I'm not... [LB641]

SENATOR ENGEL: I mean, is it in there? [LB641]

SENATOR ADAMS: Yes. [LB641]

SENATOR ENGEL: They do have the authority to make that happen. [LB641]

SENATOR ADAMS: They have the...yes, they're given the responsibility of developing the diversity plan and implementing it, developing a poverty plan and implementing it. [LB641]

SENATOR ENGEL: Well, responsibility is one thing but the authority has to go with it. That's what I'm getting at. [LB641]

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SENATOR ADAMS: I see. [LB641]

SENATOR ENGEL: I mean, you can't give responsibility without giving authority, otherwise what good does it do? I mean, as long as that's...and we'll talk about that later. [LB641]

SENATOR ADAMS: Point well made. [LB641]

SENATOR ENGEL: And then I see you passed out a chart which I was going to ask for, but I'll...the thing is, I hope that in the end, with all the administration and staff we currently have, and personally I think in most school districts we're overadministered, I really do. I think we forget what the real reason for school, that's to teach children; it's not to have turf battles between administrators, etcetera. But I do hope that through this, because you're adding more people, I know your advisory council and you haven't talked about them having staff but I know down the line they will because that's how the system works, I hope that they take away some of the burdens that our teachers have now, filling out all these reports, and let them do what they do best and what we hired them to do is to teach our children, not to fill out all these reports or be taking care of crowd control or riot control within their classrooms. I think that's part of what the administration should do, and their staff, and not turn it over to them because they're taking them...I know, in my school district, they're taking the teachers away from what they're supposed to be doing. And another thing I'll talk about a little later but I'll talk about it also right now, Sioux City, Iowa, should happen to be across the river, there is a school on the west side that was a poor district, poor performance, and they got the right principal in there who worked with those teachers, the teachers who weren't doing their job, they got the right teachers in there, turned that school around; it's a model school in Sioux City, Iowa, now. So I don't buy, I really don't buy all this poverty, etcetera. I buy part of it... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR ENGEL: ...because of their home life and so forth, but I don't buy it all. I blame a lot of it on administration. If they're doing their job, if they are doing their job with the tenure and so forth, first of all, to help the...that be (inaudible) these teachers the first couple years, so if they don't get tenure they might help them get it, and then when a teacher turns bad they still (inaudible) they either help them improve themselves or get rid of them and bring somebody in that can do the job. I think that is the crux of the whole thing and I think that's what they have to put their resources on instead of all this infighting and trying to, in between administrators, etcetera, etcetera. Let's get down to the root of it. What we're doing this for is for the kids, not for the parents, the administrators, or the hierarchy. So with that I turn my last two seconds back to the floor. Thank you. [LB641]

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SENATOR LANGEMEIER: Thank you, Senator Engel. Wishing to speak we have Senator Harms, then Christensen, and then 21 others. Senator Harms, you are recognized. [LB641]

SENATOR HARMS: Thank you, Mr. President and colleagues. I would like for Senator Chambers, would you yield for a little bit? And if you don't want to answer this question maybe we can then refer it to Senator Adams, okay? [LB641]

SENATOR LANGEMEIER: Senator Chambers, would you yield to a question? [LB641]

SENATOR CHAMBERS: Yes, I will. [LB641]

SENATOR HARMS: Senator Chambers, in order for me to understand how this functions and how everything is going to work, I need to have a true organizational chart. What I have before me is not an organizational chart. It does not show the lines of authority. It does not show the lines of communication. If you can give that to me and you can show me that, then I can understand any structure you put together because I know right where to go, I know how it's going to function, know how it's going to work, but I don't have that. And if you've got one, we need to see that. Now the question I have for you, Senator Chambers, is several of those. One is, who has the authority in this structure? [LB641]

SENATOR CHAMBERS: The authority to do what? [LB641]

SENATOR HARMS: Just to operate each of the school districts. Who has the authority to operate this district? [LB641]

SENATOR CHAMBERS: Okay. The school boards will continue to exist as they do now, the superintendent and all that. [LB641]

SENATOR HARMS: I understand that. So they have the authority then to operate their schools. [LB641]

SENATOR CHAMBERS: Yes. Instead of...the word I use to talk about these 11 school districts is a consortium of independent but cooperating schools. [LB641]

SENATOR HARMS: Yeah. [LB641]

SENATOR CHAMBERS: Then there is an overarching body, something like an umbrella, and that would be this, whatever the term is, this council, the learning community council. [LB641]

SENATOR HARMS: The learning community governing council. [LB641]

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SENATOR CHAMBERS: Right. That council overarches, and that is governed by this 18-member board. That board will have responsibility over things that the individual schools don't do, such as for example an integration program, interdistrict transfers, and other things that might be itemized in the bill. [LB641]

SENATOR HARMS: Are they going to be involved? That's what I want to get to, first of all. If you're going to have a learning community governing council and they're going to have authority in regard to those school systems, and if they're going to be dealing with poverty or they're going to be dealing with the parental issues, they're going to be dealing with the fact these kids are not progressing appropriately because of the school district they're in. I guess my objection might be, and I would have to see more about what you're wanting to accomplish here, is that do these people have the right credentials to be able to do this? [LB641]

SENATOR CHAMBERS: Say that again. Do they have the right what? [LB641]

SENATOR HARMS: Credentials. Do they have the background or the right educational skills? Because I don't think you can go into a school, in a school that is a troubled school or a school with poverty, and understand it and understand how you penetrate that. And if they don't have the authority and you've left the school districts independent, they don't have to listen to those people. [LB641]

SENATOR CHAMBERS: Do you...which ones are you...do you mean this council now, the elected council, are they the ones with the credentials? Let me know which group you're talking about when you ask a... [LB641]

SENATOR HARMS: I'm talking about the learning community governing council. If you had a...if we had an organizational chart it would be a lot better to...it would be easier for you and I to communicate. [LB641]

SENATOR CHAMBERS: They will be...those people, as you know, there will be six election districts. [LB641]

SENATOR HARMS: I understand that. [LB641]

SENATOR CHAMBERS: Each one will send three people. [LB641]

SENATOR HARMS: I understand that. [LB641]

SENATOR CHAMBERS: Now, it's up to the people in that community who elect those people to be sure that the ones they elect know enough to do that job. [LB641]

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SENATOR HARMS: But are they... [LB641]

SENATOR CHAMBERS: Just like when they elect people for the school board. There are no credentials, so to speak, that are required to be there. [LB641]

SENATOR HARMS: Then I'm here to tell you I think we have a problem, and what that problem is, they're not going to have the expertise to deal with what they need to deal with. And my thoughts are that I think that's the thing I think you have to...we have to look at carefully. I'm not...unhappy with nor do I disagree with the structure. I'm just saying I think you need to think through very carefully. If you're going to give them responsibility for children... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR HARMS: Thank you. If you're going to give them the responsibility for children, if you're going to give them the responsibility to penetrate those areas that the schools are troubled, if they do not have the authority and they cannot be integrated into that system because the principal does not want it to happen, they're going to have a problem. And I think those are things that I would like to see taken care of, and that structure, organizational structure, will clear it up for us. You have the hammer to say this is what we have, this is what the law's intent is, and this is what we expect you to do. The other thing I would want you to think a little bit about, again, is the people that we place there must have the skills and the background to be able to accomplish what we want. We're after making this a better place for children. [LB641]

SENATOR CHAMBERS: I see what you're...your dissertation made clearer to me what you're asking than your question did, so we will put together this chart that you're talking about and what the ones have authority to do. [LB641]

SENATOR HARMS: Yeah, and I just want to...good, because that will help us all. [LB641]

SENATOR CHAMBERS: Okay. [LB641]

SENATOR HARMS: And the other side of it is, I want to know, the people that are being, that run for this, are they... [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR HARMS: Okay, thank you. Thank you, Mr. President. Thank you very much. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Harms. Senator Christensen, followed

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by Howard. [LB641]

SENATOR CHRISTENSEN: Thank you, Mr. President. Would Senator Adams yield to a question? [LB641]

SENATOR LANGEMEIER: Senator Adams, would you yield to a question? [LB641]

SENATOR ADAMS: Yes. [LB641]

SENATOR CHRISTENSEN: Are the school boards paid in Omaha? [LB641]

SENATOR ADAMS: I don't think so. [LB641]

SENATOR CHRISTENSEN: Okay. Why are we...is this going to be that full-time a job that we need this governors board to be paid? [LB641]

SENATOR ADAMS: I think that whatever we set that dollar amount at, and I think that is open for discussion. A per diem is certainly reasonable. Beyond that, one of the things you do is we're hoping that these people are going to really hustle and do the job. But I think we also create a little bit of separation between the school boards in those districts and this group. [LB641]

SENATOR CHRISTENSEN: Okay. Also, would it be simpler if we elected this governors board by every school board selecting two or three individuals to be on that? [LB641]

SENATOR ADAMS: I think there are those that think it would be simpler. It probably would be simpler. Would it be as productive? I don't believe so. [LB641]

SENATOR CHRISTENSEN: Wouldn't they better understand the issues of the schools and things if they were coming off the board? [LB641]

SENATOR ADAMS: I think they would better understand the issues within their specific school districts, but I don't know that that gives them the ecumenical view of the whole situation that they need. [LB641]

SENATOR CHRISTENSEN: Okay. Also, I've been told, in asking some questions, that they have some uncontested races now for school boards, so not abundantly people seeking this. Is this going to cause us problems getting people to run for school boards when they see a paid position? [LB641]

SENATOR ADAMS: Well, we've got that issue everywhere, not just in Omaha. [LB641]

SENATOR CHRISTENSEN: Right. [LB641]

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SENATOR ADAMS: And I think we have to move forward, not based on how many we can put into a position but doing the right thing in terms of governance. [LB641]

SENATOR CHRISTENSEN: One more question. Back to the governance board here, is this something that can be structured and utilized for a time of getting this changed around and done and then sunset, or is this something that you see needs to go on forever? [LB641]

SENATOR ADAMS: Well, forever is a long time, Senator, and a lot of things happen in here and things get changed. There is no sunset in there. Certainly I think that in time we would be open to look at that again to see how things are going. [LB641]

SENATOR CHRISTENSEN: Okay. And if you would like the balance of my time, I would sure yield it to you. [LB641]

SENATOR ADAMS: Oh, thank you. [LB641]

SENATOR LANGEMEIER: Senator Adams, 2, 20. [LB641]

SENATOR ADAMS: Well, the question of governance is...they are all very legitimate questions, and certainly the paid amount is wide open for discussion. We have to have some kind of governance and I believe truly that the governance needs to extend beyond the existing members of member school districts in order to give it that more universal view of what is going to be good for the entire body and to help coordinate and cooperate in the district. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Adams. Wishing to speak we have Howard, Chambers, Mines, Wightman, Ashford, and others. Senator Howard, you are recognized. [LB641]

SENATOR HOWARD: Thank you, Mr. President and members of the body. I survived LB1024 last year. I am a member of the Education Committee and have participated in the work on this bill. I join with Senator Kopplin in expressing my dismay that anyone would make the statement that either or us voted as we did to stalemate the process. That simply is not true. I say again that I experienced the entire process of LB1024 and I intend to proceed with caution. We did not know the cost of LB1024 when we passed it last year. I understand from Senator Heidemann that approximately \$25 million has been set aside to fund LB1024. I have been told that the bill that we are now working on has a projected price tag of \$40 million. The money has to come from somewhere. I would like to ask Senator Raikes a question or two regarding property tax and the tax levy. [LB641]

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SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? I don't see Senator Raikes on the floor. [LB641]

SENATOR HOWARD: Well, in that case I would like to ask Senator Adams. [LB641]

SENATOR LANGEMEIER: Senator Adams, would you yield to a question? [LB641]

SENATOR ADAMS: I will yield and I'll try. [LB641]

SENATOR HOWARD: Well, this is a critical part of this and I realize it's very complex. The last amendment that I have specifies that \$1.02 will be set aside for member districts in the learning community; also that 1 cent will go to the common building fund, 2 cents to the learning community itself, and 5 cents for capital funds for the learning centers--Senator Ashford's concept, and up to 50 percent of focus schools. Now my question, and I would like to take that information and translate it to my home valuation. And I've had my staff pull up my property assessment, which is fairly typical of those who live in my district, and right now, for Omaha Public Schools, I am paying 1.19930 in tax levy. Can you tell me how this formula will affect this figure? [LB641]

SENATOR ADAMS: Well, you know what? Now that Senator Raikes is standing right behind you and he's the guru in the numbers, I am going to defer that question to him if that's all right with you, Senator Howard. [LB641]

SENATOR HOWARD: That would be fine with me. I had hoped that you would be able to enlighten me, as well. [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? [LB641]

SENATOR RAIKES: I will. Has it already been asked? [LB641]

SENATOR HOWARD: Yes. Yes, the question has been asked. [LB641]

SENATOR RAIKES: Okay. I think what I heard you describing was a proposal that is not the one that's before us, to start with. [LB641]

SENATOR HOWARD: This was the information that was given us yesterday morning at the meeting. [LB641]

SENATOR RAIKES: Yeah. That is a similar proposal to this in that the levy cap would be reduced and the local effort rate would be reduced, bringing more state aid as a result of that. Then the difference from between the reduced levy cap and \$1.05 would be available to the learning community council to use either for a common building fund, which would be distributed to the member school districts or for money to administer the

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learning community programs and other functions that they perform. [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR RAIKES: I'm not sure I answered your question. [LB641]

SENATOR HOWARD: Actually you didn't and I appreciate your effort, but what I was asking was how this would affect the figure that I'm now paying for my property, which is fairly typical of property in District 9. The rate of tax levy for me is 1.19930. Will that amount go up or will that amount decrease, as you see it? [LB641]

SENATOR RAIKES: That's for your school levy. That's both operating levy and bond levy. It would depend upon the school board but there would be no reason under this proposal that that would go up. [LB641]

SENATOR HOWARD: What if there was a bond that was issued? [LB641]

SENATOR RAIKES: If there was a bond issued, that would be voted upon...the capital construction levy...if that...and that's, again, not a part of this proposal. If a capital construction levy were voted upon by the... [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR HOWARD: Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Howard. Senator Chambers, you are recognized. [LB641]

SENATOR CHAMBERS: Mr. President and members of the Legislature, I think the discussion has been very good. And when Senator Hudkins was mentioning how long we should debate, and she said hours, and I threw up ten fingers, she said, ten hours? I said, no, ten days. We have enough time in this session to deal with this very important issue. I think Senator Gay expressed an idea that all of us have circulating in our head, that we got a very important amendment with not a lot of lead time to read it. But since the Speaker and everybody else who is serious about this understands clearly that there will be questions and suggestions, that we're going to have to spend time on it, and by virtue of the fact that it's before us now on the floor, people know that they don't have a lot of time. They can just sit back and lollygag and say, we'll it will come out in two weeks so I'll wait ten days and then look at it. People have to start boogying right now. And if there is something that they want to find out in the bill and they read it and they don't grasp the meaning of it or how it plugs in, that's the time to ask questions as Senator Harms asked questions of me even though it's not my amendment. And there are items in it that I am examining, not with a magnifying glass like Sherlock Holmes,

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but a microscope like a bacteriologist. And I think it merits that kind of scrutiny and analysis. But here's what I had said when I first started as far as the structure, and there will be produced a graph or a chart, a flow chart, to show what each one of these entities is to do. I had pointed out that the school board will continue to exist. It will continue to do all of the things that a school board does. So look at that as the foundation; that's on the first floor. On the second floor...well, let's go up to the attic. That's where you have this...I hope I get the name right...the learning community council. That council is what will govern the learning community. The learning community consists of all 11 of the school districts in Douglas and Sarpy County. All of them are a part of the learning community. They are the stuff with which we will work, but there must be a governing body. That governing body is this community council consisting of 18 members. They will be like a board of directors or the executive board. The executive board does not enact laws. It's like a board of directors that oversees broad policy but there are some actual decisions that are taken by the executive board itself. So this council will have 18 members, and here's where they come from. The area served by this learning community will be divided into six electoral districts or subdistricts. From each of those six will come three members. Why three members? So that there is a better chance for representation by minority group members and small school districts. When you have this limited voting, the idea is to always have fewer votes that you can cast than the total number being elected. That way if you have an overwhelming majority that always gets its way, they will not be able to sweep every one of those positions by selecting three people, casting three votes, one for each of them, and will get their way. Each person can only vote for two. That will leave one seat open which, if the others who ordinarily are not represented will vote cohesively as a block, then they can always have at least one representative. So that's what the limited voting is supposed to achieve, but at any rate... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR CHAMBERS: ...each of those subdistricts will send three people to this council, and that gives us the 18. In between the cracks...I mean between the boards you can say there are programs that go beyond what each individual school board or school district can deal with, and that's where the overarching community council comes in and they deal with those things that go beyond what the individual school boards can do. And when that comes into play, we will have a situation where the council and the subdistrict that is affected by a school board's decision, they must sign off on what the school board is after if it falls within the jurisdiction of what the community council is going to deal with, like the integration program or the interdistrict transportation and some of the other items. But if that's drawn on a piece of paper it won't be too complicated; it won't be too hard to do it. The bill, as presented, is well-done, well-thought-out, well-drafted,... [LB641]

SENATOR LANGEMEIER: Time. [LB641]

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SENATOR CHAMBERS: ...but nothing is perfect. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Mines, followed by Wightman. Senator Mines, you are recognized. [LB641]

SENATOR MINES: Thank you, Mr. President, colleagues; great debate. And we are charged as a body with big picture. And too often we fall into the minutia and the details that are worked out at the committee level, and then we certainly have the right and the obligation as a body to challenge and to ask those questions. And I would like to think that I'm able to think big picture, but, ladies and gentlemen, my questions are going to be minutia, and that's what this process is about. I have several questions that I'd like to ask Senator Adams, Mr. President. [LB641]

SENATOR LANGEMEIER: Senator Adams, would you yield to a question? [LB641]

SENATOR ADAMS: Yes. [LB641]

SENATOR MINES: Thank you. And the reason I'm asking these, Senator, is...you know, as you go through the bill, you...things pop up and this is the devil in the detail. Could you help me understand...there's a 5 percent set aside capacity in each building or each school district to make accommodations for transfer of students. And that, Sir, can be problematic in a district, as an example, Bennington, who is going to grow 42 percent this next year, that's problematic. In other districts that have, that are at capacity, that's problematic. Can you help me understand the value in that 5 percent? [LB641]

SENATOR ADAMS: Well, let me...first of all, I'm going to try to answer your questions two ways. The value originally, and I underline originally because the 5 percent should not have shown up in the amendment today, that was something that the committee, working with the superintendents, decided to take out of there. Our original thinking was that building that 5 percent in there opened a pathway for a kid. There would be a seat for them. It creates issues and hence we had agreed with the... [LB641]

SENATOR MINES: That's off the table. [LB641]

SENATOR ADAMS: That's off the table, yeah. [LB641]

SENATOR MINES: Thank you. Thank you, thank you. I think that solves one of the hurdles in this bill. And I think Senator Chambers and you and others have done a great job of distinguishing the difference between the learning community council and the school districts, because they are, in fact, they have different missions, they have different purpose. There is reference in the bill to, in fact, Class V retirement board appears to be limited and almost restricted from their job. Can you explain to me what

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the committee was thinking in that action? [LB641]

SENATOR ADAMS: Well, you really have found the devil in the detail, Senator Mines. That's one of the things that is going to have to be corrected. What we discovered in the language as it's presented to you is that we have inadvertently created a closed class and we're going to have to clean that up too. [LB641]

SENATOR MINES: Between now and Select, you'll (inaudible). [LB641]

SENATOR ADAMS: Between now and Select... [LB641]

SENATOR MINES: Okay. [LB641]

SENATOR ADAMS: ...we know that we have to fix the language there so we don't have that closed class. [LB641]

SENATOR MINES: Okay. Thank you. Mr. Speaker, may I have Senator Raikes yield, please? [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR MINES: Thank you, Senator Raikes. And thank you, Senator Adams, for the great answers. Senator Raikes, the ultimate question in my mind is how much is this going to cost? And if one looks back at LB1024 from last year, we have obligations within that legislation that start at \$26 million next year. There are numbers...and I understand that we're still a moving target but I'm understanding that perhaps there is another \$20 million or \$25 million. Could you give a broad overview of what this fiscal impact might be? [LB641]

SENATOR RAIKES: I'll try, Senator. I...you mentioned another \$20 million. I... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR RAIKES: I don't know that...I don't have that sort of a number. I guess what I would tell you, that the amount of money available, you mentioned LB1024 last year and what additional would be required there, it's my understanding that whatever we do would need to fit within that amount of money. [LB641]

SENATOR MINES: So the number that is thrown out, another \$20 million to \$25 million, is not, in fact, correct? That we're dealing with a basis established in LB1024. [LB641]

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SENATOR RAIKES: I guess what I'm telling you is that whatever we do needs to be...needs to fit in that budget requirement. [LB641]

SENATOR MINES: Thank you. Thank you, Senator Raikes. Ladies and gentlemen, colleagues, in concept, in big picture, this feels pretty good. There is a lot of work yet to do and I think as we continue talking we'll identify those questions and the needs. But as so many of you said,... [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR MINES: ...this is a first step and I like the first step. Thank you, Mr. President. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Mines. Senator Wightman, you are recognized. [LB641]

SENATOR WIGHTMAN: Thank you, Mr. President and members of the Legislature. I too want to thank and applaud the efforts of the Education Committee, the efforts particularly of Senator Raikes and Senator Adams getting to the bill and AM1258, the other senators...and I've heard particularly from Senator Kopplin and Senator Chambers with regard to their willingness to compromise, and I think they've gone a long ways toward arriving at a bill that could really help and could set a pattern for maybe the whole nation and certainly other communities in Nebraska. I suppose some would wonder why a senator from outstate Nebraska would be involved in this, and I have questioned that myself a time or so, but I do have four granddaughters, two of which live in Omaha, two of which live in Lexington, and part of my interest comes from the fact that Lexington might well be the most diverse community...and of course, the person sitting in the presiding chair at this time might question that...but we are one of the most diverse communities in Nebraska. We have a lower elementary that probably has almost 85 percent minorities, and so we've dealt with some of the same problems that I know face Omaha and the Omaha metropolitan area in this bill. There are several questions I have. One obviously, as everybody seems to have, is with the governance committee and the 18 people that would make up that committee. I would ask if Senator Adams would yield to a question or two with regard to that. [LB641]

SENATOR ADAMS: Yes, I would. [LB641]

SENATOR LANGEMEIER: Senator Adams, 3 minutes. [LB641]

SENATOR WIGHTMAN: Thank you. [LB641]

SENATOR LANGEMEIER: Would you yield to a question? Excuse me. [LB641]

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SENATOR ADAMS: Yes. [LB641]

SENATOR WIGHTMAN: Was there ever any thought of making that governing board appointive rather than elective? [LB641]

SENATOR ADAMS: No, there was not. [LB641]

SENATOR WIGHTMAN: And I understand the reason for not making it, but on the other hand, and I heard the exchange with Senator Harms and yourself with regard to trying to have, or perhaps it was Senator Harms with Senator Chambers, trying to pinpoint the type of people that you would hope and the qualifications you would hope these people would have. And I see that as being a problem on an elective board as opposed to an appointive board. [LB641]

SENATOR ADAMS: And I would flip that coin around too. There may be politics involved in an appointive board that may not get us the diversity and representation that we would like to see. [LB641]

SENATOR WIGHTMAN: And I can understand that but I don't know how you control the qualifications of the people that will be elected, and I think that is going to be somewhat of a problem. I guess I also wonder about the compensation, and that's been questioned before. It seems to me that you might well get better qualified people if you had a per diem and people who could afford to be in this position and has more of an interest in it. I don't think we want to make it maybe a career position. Has any thought been give to that? [LB641]

SENATOR ADAMS: Yes, and that's one of the reasons the numbers are there. They are a moving target. We can change those numbers but you're right on the mark. [LB641]

SENATOR WIGHTMAN: And I'm wondering...and I look at the benefit package and that's always been a concern of mine. If we add, for example, \$150 a day for the days they spent, and say they had 100 days a year, two days a week throughout the year, or maybe even three, that would come to about \$15,000 but I think you could very easily... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR WIGHTMAN: ...differentiate them from other employees as far as benefit packages perhaps. [LB641]

SENATOR ADAMS: And you know what? We had that discussion in the committee and any other committee member can stand up and correct me if I'm wrong, but I think we very clearly said no to benefits. [LB641]

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SENATOR WIGHTMAN: Okay. I think that's going to be more difficult to do if they are on a regular salary basis though, and I realize we are here, but we probably are in kind of a secluded situation and I think that a per diem might make it more easy to differentiate those people from other employees. [LB641]

SENATOR ADAMS: I'm not going to argue with that; I like that idea. [LB641]

SENATOR WIGHTMAN: I have other questions but I think my time is about to run out so I will visit with some of you later. Thank you. Thank you, Mr. President and Senator Adams. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Wightman. Wishing to speak we have Ashford, Louden, Pirsch, Pahls, Kopplin, Flood, Fulton, and others. Senator Ashford, you're recognized. [LB641]

SENATOR ASHFORD: Thank you, Mr. President. I just want to go over a couple of points that were discussed. One is the salary, just to answer Senator Wightman and others. I think we had several conversations in the committee about paying some sort of salary per diem or whatever it is, and we discussed many of the issues that have been brought up here. I think the feeling was, and just to underline it again, the gravity of the problem is immense, and Senator Kopplin said it very well: caring for these children is of the utmost importance. And I think that we, the evidence that we heard, the information that we have is so overwhelmingly distressing that paying people to try to devise a way of moving...giving people an opportunity to move around the 11-district area to maximize their educational opportunity is going to be a very large job, not that school districts don't have a very large job; they do. The other point is, is there a difference between...another issue...between school boards, their superintendents, and this particular board. And the answer is that I think there are significant differences between the two. In order for this to work well, the school boards, the school superintendents, administrations of the various school districts, have to do what they're doing now and do it better even because in order to offer the opportunities to solve this problem which exists in Omaha and in the metropolitan area, but as Senator Wightman suggests, all over the state and others, it is imperative that the school boards and the superintendents continue to do what they're doing and do it better. What we're simply asking and trying to put in place here are incentives for coordination and collaboration. The other...Senator Engel brought up a great point, I thought, and that was the issue of teacher time and teacher involvement, and that was a critical issue that we discussed over and over again. And it gets back to the question of some...of the learning gap. So many of these children start out in school behind and there is another bill that will be coming to the body, LB653, that deals with assessments so that we can all be aware of how far behind some of these children in poverty are. That's something that really is not done particularly in the 11-district area on some sort of a comparison basis, and I think

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we all agree that that needs to happen. Once we have that data, once we know early on, even at the kindergarten phase, where these children are, and I think then we can step in through these subcouncils and bring resources to bear, and that's what the learning resource centers are all about. A parent can access resources across the 11-district area, whether it's reading or whatever it is to make sure that literacy, to make sure that they're ready to go on to first grade, second grade, third grade. And that gets to Senator Engel's point. It's just a critical point because we're talking about classroom teachers and how best...how do we help them do their job better. And I think this is critical and one way we help them do their job better, especially in areas of high concentration of poverty, is we find out what children need help at an early stage in their school years. By doing that there are going to be fewer and fewer problems going forward, fewer and fewer problems...one of the big problems teachers have is the children that move from school to...the mobility problem...from school to school to school during the year. And we're addressing that in this bill and we're addressing many of the other problems like truancy. One of the big problems in OPS is the fact that older children stay home to take care of younger children. That creates truancy both with the younger and the older children. If we know these children are truant,... [LB641 LB653]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR ASHFORD: ...these resource centers are available to address that, we can address it before it gets to become a big problem. That impacts teacher...the job the teachers have to do and so I appreciate Senator Engel's comments and Senator Schimek, Senator Kopplin, and Senator Howard's questions about taxes. Those are incredibly important questions. Again, thank you, Mr. President. I'm sorry, Senator Avery; I was going to give you some of my time and I didn't. I apologize. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Ashford. Senator Louden, you are recognized. [LB641]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. As I've listened this afternoon to the discussion, I think it was headlined that we're going to put OPS back together again. I think I've heard those words before. We were talking about Class I districts and Class VI districts that we were going to put them back together. Nobody said anything about putting them back together. They just shot them down and that's the way it went. I think Senator Ashford had mentioned that you can chart the course for the country with this type of school system, but what you must remember, that the Class VI system that we wrecked here a couple years ago was the envy of many school districts in many states, that when they...I had people that would come out to the western Nebraska area that were very sparsely populated and look at the way our school system was handled with your local control and your overriding high school district that had budget control, and it was the envy of all of them. But nonetheless that was all shot down through the wayside and there was never any consideration given for

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that. One thing that I do question on this AM1258 is this council, 18 members and the wages. What are we talking about? Over a half a million bucks just for administration purposes? Now, is that part of the state aid formula? Where is that going to come from? I think if you talk about improving your school system, what would that half million dollars do in just into the Omaha Public School system without putting it in the pockets of people that they're going to be sitting in an office from time to time, and are you going to hire superintendents or certified education people or are you going to hire an average person off the street or where is it going to come from? So I think there are some questions on that. I was wondering if Senator Adams would answer some questions for me, please? [LB641]

SENATOR LANGEMEIER: Senator Adams, would you yield to a question? [LB641]

SENATOR ADAMS: Yes. [LB641]

SENATOR LOUDEN: Senator Adams, on page 63 in your AM1258 there, on about line 22 through 26, you know, and it says in a sparse grouping and very sparse that at least you don't have to have 2,000 students but you can form a learning community with fewer than 2,000 students. Now, if that was done, and say there were a couple of counties out there where I live that maybe they would want to form a learning community, would they have to have an 18-member council? [LB641]

SENATOR ADAMS: You know, here's... [LB641]

SENATOR LOUDEN: And also would they be paid \$30,000-some like you're going to pay them from down in Omaha? [LB641]

SENATOR ADAMS: No. No and no. And if I could take a little bit more of your time I might explain why. [LB641]

SENATOR LOUDEN: Just my question is, is that written in the statutes here that they wouldn't have to form a...have to have a council? Is that written in this statute that they wouldn't have to have a council? [LB641]

SENATOR ADAMS: There is a point in the statute where another learning community could be formed if there are three school districts, at least three school districts that want to go together, or I believe it's 10,000 students. [LB641]

SENATOR LOUDEN: Well, I'm not talking about it. I'm talking about in this very sparse where in the amendment as it's written now it's fewer than 2,000 students but it would include at least two school districts. That's what the part that I'm reading about and I'm wondering do we have to have an 18-member council to oversee that learning community then? [LB641]

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SENATOR ADAMS: I would think that we could craft it anyway that we would want it to. [LB641]

SENATOR LOUDEN: And that is in statute here that it could be crafted differently. [LB641]

SENATOR ADAMS: I suspect, in my opinion the way that it's in the statute, they would have to have the governing council. [LB641]

SENATOR LOUDEN: Because as I read through it there, why, when it says on each learning community has to tell how they will be formed and that sort of thing. So I'm wondering, are we crafting something that's going to just... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR LOUDEN: ...work for Omaha or is this going to be something that other places in the state could use this type of learning community? In LB1024 it could be used in other parts of the state. If it's going to be crafted so it can just be used in Omaha, then we're regressing with our educational system. [LB641]

SENATOR ADAMS: And if I might respond to that as quickly as I can on the time remaining, this is crafted for Omaha. When we got into this thing, we had images of elsewhere. [LB641]

SENATOR LOUDEN: And then you had no consideration for any of the other schools in the state of Nebraska. [LB641]

SENATOR ADAMS: Well, we did, but the problem in Omaha was big enough that we needed to focus right there. But as I have told other school districts who have personally contacted me and said we're interested in what happens, I think we can do things. We can modify this concept and do things. [LB641]

SENATOR LOUDEN: Can it be modified to use for...do something with the Class I's in the other parts of the state then? [LB641]

SENATOR ADAMS: That I don't know. I mean, we can...I guess the Legislature... [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR ADAMS: ...can do what it wants to do. [LB641]

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SENATOR LANGEMEIER: Time. [LB641]

SENATOR ADAMS: We create them. [LB641]

SENATOR LOUDEN: Thank you, Mr. President. Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Louden. Senator Pirsch, you are recognized. [LB641]

SENATOR PIRSCH: Thank you, Mr. President and members of the body. As I've said before, a journey of a thousand miles begins with a single step. We have just received this amendment and I think it's a fairly complex, detailed amendment, and so I know that we'll be asking questions here today and probably looking at this amendment over the next indeterminate period. But I am going to yield the next few...or the next minute to Senator Nelson if he would care to use it. [LB641]

SENATOR LANGEMEIER: Senator Nelson, 4, 20. [LB641]

SENATOR NELSON: Thank you, Mr. President. I would ask Senator Raikes to yield to a question or two so we can give Senator Adams a rest. [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR NELSON: Senator Raikes, I'm concerned about the six districts, this numbered election districts that we're talking about, and just looking on the brief outline they are to be compact, contiguous, and substantially equal in population. Now, initially I think you said those would be drawn by the Secretary of State, but are we now over to the election commissioner, is that my understanding, that would draw those districts? [LB641]

SENATOR RAIKES: I believe that's right, Senator, initially, yes. [LB641]

SENATOR NELSON: All right. And those six districts are going to have to cover this two-county area, would that be correct? [LB641]

SENATOR RAIKES: That would be right. [LB641]

SENATOR NELSON: Okay. Are there going to be other guidelines as to where those boundaries are going to go or what would be encompassed? And they've got to cross school districts lines, I'm sure. What are your thoughts on that? [LB641]

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SENATOR RAIKES: They would. I believe you're...well, in fact, there may be...it's possible, I think, that you could have an entire district with one school district...within one school district, but by and large, you're correct. They would cross school district lines. They would follow, I think, the rules that are generally adhered to in creating election districts regarding communities of interest, natural barriers, rivers, other political...I don't know about other political subdivision lines, but applicable rules, I guess is what I'd say. [LB641]

SENATOR NELSON: All right. I think that will satisfy me for now and I'll return my time to Senator Pirsch. [LB641]

SENATOR RAIKES: Okay. [LB641]

SENATOR LANGEMEIER: Senator Pirsch, 2, 30. [LB641]

SENATOR PIRSCH: Yes. Thank you. I was wondering if Senator Raikes would yield to a question. [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR PIRSCH: Thank you, Senator. We have these goals as a community we want achieved when we're looking at the goals behind the creation of this bill. A number of choices to, as we're looking at the entity, to achieve these goals. A number of choices we have as far as setting up governance insofar as we have a finite amount of money to use to set up oversight of this. We do have a number of existing structures already in place: ESUs, school boards. I guess I would like to...you know, we've made a conscious decision here in this bill, or the amendment does, to create a new governmental entity rather than kind of piggybacking on existing structures which would perhaps, if we used existing, might be able to save on overhead costs and perhaps a greater element of simplicity. I just wanted to ask the question, why does this bill make the conscious decision to create a new governmental entity? [LB641]

SENATOR RAIKES: Senator, it's a question that the committee has struggled with. We...I think we've considered the ESU structure... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR RAIKES: ...on both occasions, last year and this year. Last year, as you may know, we ended up not doing anything with...or not using the ESU structure in terms of an organizational framework, but rather used school board members from the member districts. I think Senator Adams expressed effectively a concern with that particular

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approach, that you may well get school board...get members on the learning community councils that don't have an ecumenical view. I think that was very well-phrased. So that's one concern. The committee proposal that I mentioned earlier did, in fact, propose a combination of the ESUs in the area and then use that combined ESU as an organizational structure. Very... [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR RAIKES: Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Pirsch. Senator Pahls, followed by Senator Kopplin. Senator Pahls, you are recognized. [LB641]

SENATOR PAHLS: Mr. President and members of the body, just to give you a little bit of time to think about this, Senator Raikes, I would just like to have you look on page 72, line 18 to 21, just to read that over because I will ask you a question. One thing that I would like to do in our discussion is to make sure that we have some things on the record so when people read these transcripts in the future and if this bill passes are some of the things that we talked about that we would like to see involved in the Omaha area and possibly in the state of Nebraska. One of the things that I would like to bring up that I know that is happening although I've not been involved in it, I did bring this up a couple weeks ago, but it is called Omaha 21st Century. I'm just going to read their vision. The vision to create partnerships among business, education, and workforce development communities that ensure quality education and develop opportunities to prepare people to live and work in a vibrant community. And just one of the goals is ensure the Omaha area schools continue to improve by monitoring the progress and quality of the schools, etcetera, etcetera. I just wanted to get that in the record so when these groups do meet they'll say, well, I wonder what they were talking about there, so that's one of the reasons I want to talk about that. Now I hope I gave you enough time, Senator Raikes, to look at that, and would Senator Raikes yield? [LB641]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR PAHLS: After reading that three or four sentences, what does that mean? Can you tell me? [LB641]

SENATOR RAIKES: Senator, I think Senator Adams responded to that general question on the 5 percent capacity. That is a part of the... [LB641]

SENATOR PAHLS: No, I'm sorry. I'm talking about...let me read it. The learning community coordinating council may require member school districts to amend

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attendance center boundaries in order to equalize capacity. Would they be able to go outside a school district? In other words, will they have the power to go into another school district? That's the only question I have. [LB641]

SENATOR RAIKES: My understanding from what we've done as a committee, that was something we had in the proposal at one point and it is no longer there. [LB641]

SENATOR PAHLS: Okay. Thank you. I just needed a clarification on that. And a couple other things I would like to just get on the record because, again, when these groups do visit this transcript in the future, just a couple ideas that I've talked before. Like I say, these are not at the high end but they are what I think could really make a difference, and that's why I'm talking about. If a school district or system is having issues, you do an audit. I'm not talking about a financial audit. But you audit those schools. There are procedures out there so you can walk into a school, outside agencies come in, they look at the schools, they interview people, and they also do the districts, and that is their job and it is somebody from the outside looking at you, not you yourself looking at yourself because you may have a tendency to have some blind spots. So that's one thing I would like to have them take a look at the district level and I also perhaps at the building level. And in the meantime, of course, we would involve the most important person in the school district other than the children; that would be the teachers. I would like to hear that word be mentioned more often because they are the ones who are going to be carrying out all these grand ideas that we can sit in this body and come up with, and in the superintendent's office and even in the building administrator's office. Another thing that I would like to discuss is to build an index of every school so transparent that I could look at that and everybody throughout the district and the city would know what the budget was given to that school, whether it be in textbooks, supplies, whatever. We need to know that. We need to know the student-teacher ratio. There are so many things. Parent involvement, the test profiles, not only the achievement tests which seems to be a big issue,... [LB641]

SENATOR LANGEMEIER: One minute. [LB641]

SENATOR PAHLS: ...it would also be the classroom assessment. That is the part of the Century 21 (sic). They are looking at things such as that, looking at daily attendance, mobility, we have all that information. What I would envision that we could look at any school in this learning community and pull that up, anybody could, write it on a single sheet, and that would give you a description of that school. And the reason why I'm saying it, things like money that goes into that classroom, what special programs are in that building will tell us a lot, and that might eliminate some of these issues that confront some buildings because I have a feeling in, what, 100 elementary and secondary schools in those districts there are some buildings aren't getting what they deserve simply because there may be some relationship at the building level that does not fit the relationship at somebody in the board office. I'm being very candid about that because I

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have... [LB641]

SENATOR LANGEMEIER: Time. [LB641]

SENATOR PAHLS: Thank you. [LB641]

SENATOR LANGEMEIER: Thank you, Senator Pahls. (Visitors introduced.) Returning to discussion on AM1258, those wishing to speak. We have Kopplin, Flood, Fulton, Gay, Synowiecki, Stuthman, Avery, Janssen, Lathrop, and others. Senator Kopplin, you are recognized. [LB641]

SENATOR KOPPLIN: Thank you, Mr. President, colleagues. I would like to ask Senator Adams a question. [LB641]

SENATOR ERDMAN PRESIDING [LB641]

SENATOR ERDMAN: Senator Adams, would you yield to question from Senator Kopplin? [LB641]

SENATOR ADAMS: Yes. [LB641]

SENATOR KOPPLIN: Senator Adams, I really don't have a question for you. I had just told you before I wouldn't ask you anything you couldn't answer and I wanted to see your reaction. Actually... [LB641]

SENATOR ADAMS: You're a good guy. [LB641]

SENATOR KOPPLIN: Actually I have had a most enjoyable time on the committee working with Senator Adams. It's been delightful to talk education with you. What I wanted to talk about just a minute, it starts out on pages 1 and 2: Learning communities may levy a maximum levy of five cents per hundred dollars of taxable valuation. Now my figures are a little bit different because Senator Raikes told you it was \$20 million and I'm sure he's right, but when I do the adjusted valuation for state aid we've got about \$35.5 billion in valuation here. That nickel is going to raise around \$18 million. So then comes the questions I said I would ask: What are we going to do with the money? Are we going to have an executive director? Are we going to have a bonded treasurer? Certainly a separate bank account. Does that mean we're going to run an audit? If we do those things, we ought to have secretaries. Does that mean we're looking at a headquarters? What is the money for? Now, to raise that kind of money, you have to take the \$1.05 that school districts are allowed to have, subtract 5 cents off of that cap for the learning community and they have a cap of \$1. But they don't lose any money because if you look at page 51, I believe it is, it says school districts "shall" get five cents in state aid of taxable value, which is that \$18 million or \$20 million on top of what

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they normally get for state aid. So someone asked, does state aid pay for this? No. Property tax pays for it but we replaced lost property tax with state aid. Now, I don't have any problem with that. The money to the districts will be the same unless you consider the difference of "may levy" and "shall get." I think this commits state aid to a "shall" which says you shall give five cents in state aid each year. Again, I don't have problems with that. Finances are hard. I'm not sure where all this money is going to come if we're going to fit in the \$25 million we're being allowed. It's kind of hard for me to envision. But I really do think that you can't just talk about a learning council. I think eventually you're going to have to talk about an executive director just to tie things together and then you're going to have to talk about help because these committees are making reports, they're seeing different things. These people will have to be paid. And when you think of that \$17 million or \$18 million a year, a half million dollars to pay in salaries... [LB641]

SENATOR ERDMAN: One minute. [LB641]

SENATOR KOPPLIN: ...is probably not out of line because this is big business. I think it's necessary. I think there's great things the learning community council can do. I just think there are questions, questions that we have to answer, and I don't have the answers. Thank you, Mr. President. [LB641]

SENATOR ERDMAN: Thank you, Senator Kopplin. Senator Flood, you are recognized to speak, followed by Senator Fulton. [LB641]

SPEAKER FLOOD: Thank you, Mr. President. And I want to thank Senator Kopplin for some of his observations. You know, the original committee bill included the ESUs in Douglas and Sarpy County as the headquarters and the governing structure for the two counties. And we heard from school districts that said, no, no, no, no, we don't want that; the ESUs perform a valuable service. And so here we have the two-county learning community with the learning community council, and the point of this is that as much and as many dollars as possible from this learning community effort should be targeted at helping kids, and that's the point that I think Senator Kopplin is trying to make. We have to have governance. I recognize that. I think it's right. You know what? Paying people to step in and help is important. Here we have 100,000 kids. In Antelope County they have about 12,000 people and they have seven paid supervisors. Here we have 100,000 kids. And I want the people in the learning community to get their hands in the dirt, to work with the issues. And if ever anything is important to value by paying somebody a job to do it, it's somebody that's going to wake up in the morning, tell themselves, you know that elementary school at 41st and Cass, I need to get down there and I need to make a difference; I need to find out what the issues are and how to get resources to that area so that those kids when they get off from school can have a place to go and we can do some mentoring, we can improve their grades, we can watch their grades through a separate assessment companion bill, and we can work with the

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district as the district develops the student achievement plan; the learning community council member is aware of it, has bought into it, understands it, suggests changes where possible. Ultimately it's up to the district. A flow chart still has the districts doing the work, still has the districts carrying the load. But you've got to have a governance to be able to commingle and send assets and resources and dollars to areas of the two-county learning community that need the special aid to make good things happen so that we improve education and learning and ultimately test scores and everything else that's important to us that we talk about. Quality education is what we're working on. And one more thing I want to say before I transfer some of my time. Senator Schimek and others have asked questions about the governance and the voting. The reason this 18-member board is in here, and I know there's some that disagree with it, but under the Voting Rights Act and case law from the American South and the Federal District Court Circuit--I can get you the number here in a second--there is legal, established precedent that says if you're going to commingle different communities like this, you're going to take people apart, you just can't throw, have Bennington send a school board member and have Omaha send a school board. There's a difference between Bennington and Omaha: Omaha, 30,000-plus kids; Bennington, a much smaller-sized school. Bennington is about the size of a school you would see in my area like Battle Creek or Madison. Different issues; certainly some similar issues. But each school board member can't have the same vote when they allocate resources. You have to do it respecting the minority populations or respecting the makeup of the district and the subdistrict. And I think a lot of work has gone into this. It's a lot more complicated in the depth that it is on the surface, and I would just ask you to please work with us as we move toward Select to work on that. Mr. President, I would like to give Senator Chambers the balance of my time. [LB641]

SENATOR ERDMAN: Senator Chambers, you have 1 minute. [LB641]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, Senator Kopplin asked some good questions and if I got it correct or the thrust of what he was talking about, any school district outside of the learning community would have the General Fund levy of a dollar and a nickel. Under the learning community, the school districts would have a maximum levy of \$1; as you said, they subtracted the nickel. Then the learning community could levy that common levy of a nickel, and that money would be used for its poverty, diversity, limited English proficiency programs, and professional development issues. That's where their nickel would go to. And then the learning community would get no money under the state aid formula, but these school districts would get state aid of an additional amount equal to what they would have gotten with that nickel. So that's what is going to happen, but I think when you mention the actual implementation, these are matters that we are going to look at... [LB641]

SENATOR ERDMAN: Time. [LB641]

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SENATOR CHAMBERS: ...and we need to look at, and I want to thank you, Mr. President. [LB641]

SENATOR ERDMAN: Thank you, Senator Chambers, and thank you, Senator Flood. Senator Fulton, you're recognized to speak, followed by Senator Gay. [LB641]

SENATOR FULTON: Thank you, Mr. President and members of the body. I have questions of detail that I'm going to try to get answered off mike, but there is a question that's somewhat general that I've talked about with fellow Lincoln senators and some outstate senators. I need to ask Senator Raikes a question if he is here. [LB641]

SENATOR ERDMAN: Senator Raikes, are you available for a question from Senator Fulton? [LB641]

SENATOR FULTON: Maybe I could ask Senator Chambers. [LB641]

SENATOR ERDMAN: Senator Chambers, would you be available for a question? [LB641]

SENATOR CHAMBERS: He can ask but he may not get an answer, and that's not being coy or facetious, but if I can answer it I will. [LB641]

SENATOR FULTON: Okay. This is...it just...it occurs to me, thinking ten years down the road, maybe 15 years down the road, how this, if this amendment were to become law, how it might affect Lincoln. And I have some ignorance about how annexation occurs with respect to municipalities and school districts. So maybe you could set me straight here. [LB641]

SENATOR CHAMBERS: Senator Fulton, you are as straight as an arrow and I don't need to set you straight except to say this, as was pointed out: This bill is crafted to deal with the area, the metropolitan area or the metro area of Omaha, the two-county districts, I meant areas, and it does not affect Lincoln. So if nothing is done to change the law, I don't see where it is going to affect Lincoln at all. [LB641]

SENATOR FULTON: Would it be...would it not set up a precedent though? Let's say, for instance, there is a dispute. Ten years down the road, Lincoln annexes some land that takes a substantial property valuation out of a school district, say Norris to the south of us. And there is a dispute such that Norris says, hey, we want in on that learning community model or...and this is just an example, I don't know if this is appropriate...but would there not then need to be some precedent that is referred to and would that precedent not be what we do here today? [LB641]

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SENATOR CHAMBERS: I'm not sure to what extent this bill repeals parts of LB1024, but LB1024 has a provision where school districts in other parts of the state can agree to set up their learning community. But Lincoln and no other school district would automatically become a part of any learning community. They would have to take affirmative action in conjunction with other school districts. [LB641]

SENATOR FULTON: Okay. So would the fact that this amendment specifically delineates cities of the metropolitan class and several times throughout the amendment, that in and of itself disqualifies any future arguments by way of precedent that might affect Lincoln's growth as a city, and school district for that matter. [LB641]

SENATOR CHAMBERS: Right. This creates a hat that fits only the head of the area mentioned, and Lincoln's head is too small so they don't have to worry about it. [LB641]

SENATOR FULTON: Lincoln agrees. Okay, thank you, Senator Chambers. That does answer my question and makes some clarity in the record. If Senator Heidemann is available, he requested a little bit of time. I will yield the remainder of my time to Senator Heidemann. [LB641]

SENATOR ERDMAN: Senator Heidemann, you have 1 minute and 40 seconds. [LB641]

SENATOR HEIDEMANN: Thank you, Senator Fulton and Mr. President. I just wanted to clear something up or try to clear something up, something that I think that was said on the mike when Senator Adams was opening on his amendment. If he would be available for a question? [LB641]

SENATOR ERDMAN: Senator Adams. [LB641]

SENATOR ADAMS: Yes. [LB641]

SENATOR HEIDEMANN: I was reading through your amendment, and on page 53, starting on line 14, they start talking about the local effort rate. And I don't know if anybody else had picked it up, but you had indicated that the local effort rate would drop down to 90. And it appears on page 53, on 14 through 18, that the local effort rate would actually be 5 cents less than the maximum levy. I understand the maximum levy for the learning communities... [LB641]

SENATOR ERDMAN: One minute. [LB641]

SENATOR HEIDEMANN: ...will be \$1. So 5 cents less than that should be 95. [LB641]

SENATOR ADAMS: I stand corrected. You're right. [LB641]

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SENATOR HEIDEMANN: Okay. I just wanted to get that put into record that the local effort rate for the learning communities would be 95 and not 90. [LB641]

SENATOR ADAMS: That's correct. [LB641]

SENATOR HEIDEMANN: Okay. I have other questions but I don't think I have quite enough time so I'll just wait until later. Thank you, Mr. President. [LB641]

SENATOR ERDMAN: Thank you, Senator Heidemann. Senator Gay, you're next to speak on the amendment, followed by Senator Synowiecki. [LB641]

SENATOR GAY: Thank you, Mr. President. Back to the governance structure, page 69 at the top of the page, it says, "Members of the learning community coordinating council shall be paid an annual salary equal to the average salary paid in the most recent fiscal year to members of the city council of cities of the metropolitan class and members of the board of commissioners of counties containing cities of the metropolitan class and shall be eligible for reimbursement of reasonable expenses related to service on the learning community coordinating council." I have a real concern with this. If you look at what the Omaha City Council is making right now, \$31,304 a year, add in their benefits of \$15,055 and taxes, Social Security, FICA, the whole thing, that's...it's a benefit of \$46,359 a year. Multiplied times 18 members, that's \$834,000 annually. I assume also as I read through here, we're adding a learning community coordinator. If we just take an estimated salary of \$80,000, you throw in the benefits, we're talking \$125,000 possible. Ombudsman is \$100,000, let's say. Are we going to have a staff for reports? Let's add another \$100,000--\$1,159,462; estimated, of course. If anyone wants to check those figures, check it out because we were talking about this earlier, and we did call the Omaha City Council to see what that was--\$1,159,000. As I look around this room, I see...if I could ask, would Senator Fischer yield to a question? [LB641]

SENATOR ERDMAN: Senator Fischer, would you yield to a question from Senator Gay? [LB641]

SENATOR FISCHER: Yes. [LB641]

SENATOR GAY: Senator Fischer, you were on a school board prior to coming to the Legislature, were you not? [LB641]

SENATOR FISCHER: Yes, I was. [LB641]

SENATOR GAY: How much were you paid? [LB641]

SENATOR FISCHER: Zero. [LB641]

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SENATOR GAY: Thank you. Senator Engel, you were a county commissioner. Were you also on the school board? [LB641]

SENATOR ERDMAN: Senator Engel, would you yield to a question? [LB641]

SENATOR ENGEL: Yes, I was. I was paid two times zero. [LB641]

SENATOR GAY: Okay. But you made a little more as a county commissioner. Thank you. Looking around a little more. Senator Pankonin is sitting back there behind all those. He was Mayor Pankonin. Senator Pankonin, would you yield to a question? [LB641]

SENATOR ERDMAN: Senator Pankonin, would you yield to a question? [LB641]

SENATOR PANKONIN: Yes. [LB641]

SENATOR GAY: How much salary were you paid when you were a mayor? [LB641]

SENATOR PANKONIN: \$75 a month; \$900 a year. [LB641]

SENATOR GAY: And I think were you also, Senator, on the school board? [LB641]

SENATOR PANKONIN: I was for eight years, two terms: paid zero. [LB641]

SENATOR GAY: Paid zero. One more question, Senator, if you would. When you paid zero, would you have cared more if you were paid \$31,000 a year, when you were deciding issues of importance? [LB641]

SENATOR PANKONIN: Senator, I proved that I'm not real smart. I had that job, I moved up to \$900 a year, and then I moved down here. (Laughter) [LB641]

SENATOR GAY: Thank you, Senator. The point I'm making and Senator Wightman was making earlier, is this is a tremendous cost. Back to children and education and poverty, where could that go to create some opportunities for children and poverty? I just think this whole governance structure is more bureaucracy. Of course we need somebody to implement this program and make sure it works, but I have a hard time with those kind of numbers. And again, if I'm wrong I'd like somebody to correct me and I've been wrong before obviously. But that is just a little much to swallow. I do agree there needs to be some sort of council or coordinator or some kind of responsiveness back to the Legislature, and some impetus to get people to work together. However, when we look at those kind of dollars, that's hard to imagine that that would be something that I can support. So as we have this discussion, I would make sure we look into that. Also one more, on another matter, back through the pages we have many things to discuss.

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Senator Fulton discussed about the Lincoln option... [LB641]

SENATOR ERDMAN: One minute. [LB641]

SENATOR GAY: ...and how would this affect Lincoln? It won't affect Lincoln and I don't understand that this bill does. I think those school districts are left out of this but it affects just the metropolitan communities. Again, if we're going to have a piece of legislation that's state legislation, why are we not looking at a statewide solution? And I think that can be done. A lot of work to be done on this. So with that I would finish up and hit my light again. Thank you, Mr. President. [LB641]

SENATOR ERDMAN: Thank you, Senator Gay. Senator Synowiecki, you are next, followed by Senator Stuthman. [LB641]

SENATOR SYNOWIECKI: Thank you, Senator Erdman. Senator Adams, would you yield to a question? [LB641]

SENATOR ERDMAN: Senator Adams? [LB641]

SENATOR SYNOWIECKI: Senator Adams, there is a lot of talk relative to assuring opportunity and access to particularly kids that lie in poverty, that the sky is the limit in terms of opportunity whether you live on south 13th Street or 133rd Street. Across the landscape of the metropolitan area, we're trying to assure access and opportunity to all kids. [LB641]

SENATOR ADAMS: That's exactly right. [LB641]

SENATOR SYNOWIECKI: Is that a fair premise? [LB641]

SENATOR ADAMS: That's right. [LB641]

SENATOR SYNOWIECKI: Okay. I want to get back to the conversation you had with Senator Mines on the diversity plan relative to the 5 percent capacity reservation for outside students. And I think your conversation with Senator Mines was along the lines that some of these suburban schools are at overflow capacity now. How do we assure that access and how do we assure that...what's the alternative then if we take that 5 percent reservation capacity out for outside students? What is the alternative plan, in law, that has some teeth that if the youngster from south 13th Street wants to go to Millard West, that that opportunity and that access will be assured that youngster? [LB641]

SENATOR ADAMS: What I would tell you is that it would be my vision that, first of all, Millard has to take care of Millard. If they've got students and they're growing, they have

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got to accommodate them. We take the 5 percent out; one of the things that we would do is to say to the entire learning community that you need to develop a universal method for determining what your capacity is. So if Burke High School says, well, we don't have any room, and North High School says, well, we don't have any room, the question comes up, well, why don't you? Well, I'm using this room for computers. But do you need to be? Is there a way of making that room? And a universal methodology, learning centerwide, to determine what the capacity is, could be developed. [LB641]

SENATOR SYNOWIECKI: Well, that's a lot of words but not a lot of direction, not a lot of teeth, I mean, and it works both ways. In South High in south Omaha, a majority...a lot of those kids come from west of 72nd Street to go to that school because of the specialty programs offered at South High. And I'm sure there are instances where kids in Millard would like to go to South High. So, I mean, it works both ways. If we don't have anything that's explicit and is in black and white in a statute, I'm afraid that we're not going to get to where we need to get. And I would be very hesitant and very reluctant...I think this is a critical...my take on this is, this is a very critical component to what we're trying to do. And I would have some very serious concerns with taking this reservation for outside students on this capacity issue out because I think it's critical to what our ultimate goals are in terms of diversity and integration in our schools. I think OPS has demonstrated that particularly in the secondary level in the high school level that they can do it, and I think if you open this, the landscape of this to Douglas and Sarpy, I think the sky is the limit. But I think we need some very clear, definitive, explicit language in the bill, Senator Adams,... [LB641]

SENATOR ERDMAN: One minute. [LB641]

SENATOR SYNOWIECKI: ...that breaks that down. And I think we've got it here now and I'd be very reluctant to give that up. I would relinquish the rest of my time to Senator Ashford. [LB641]

SENATOR ERDMAN: Senator Ashford, you have 50 seconds. [LB641]

SENATOR ASHFORD: Very briefly,...thank you, Senator Synowiecki,...this is a big concern. Capacity is a big concern. The 5 percent number was taken out in our initial amendment at the request of the superintendents but we do need to address it. I just would...and I think Senator Synowiecki makes a great point and there needs to be some definition on that issue. Senator Gay, it's always great to add up those numbers and tell us how much money we're spending. I mean, remember Senator Warner used to do that and that's a great function, but I would just remind the body the cost of what poverty is to our community. That cost is so excessively high and costs our citizens so much that it's hard to even calculate. But that doesn't demean your point, Senator Gay. Thank you, Mr. President. [LB641]

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SENATOR ERDMAN: Thank you, Senator Ashford. Mr. Clerk, items for the record. [LB641]

CLERK: Thank you, Mr. President. LR131 is a new resolution by Senator Preister. It will be laid over. A series of study resolutions: LR132, Senator Kruse; LR133, Ag Committee; LR134, Senator Erdman; LR135, Senator Erdman; LR136, LR137, LR138, LR139, LR140, LR141, all study resolutions offered by Senator Erdman. A gubernatorial appointment to the Nebraska Racing Commission and a subsequent reference report, Mr. President, and that's all that I have. Thank you. (Legislative Journal pages 1486-1491.) [LR131 LR132 LR133 LR134 LR135 LR136 LR137 LR138 LR139 LR140 LR141]

SENATOR ERDMAN: Thank you, Mr. Clerk. Continuing on with discussion, those wishing to speak are Senator Stuthman, Senator Avery, Janssen, Lathrop, Dierks, Aguilar, Schimek, Carlson, Fischer, Heidemann, and others. Senator Stuthman. [LB641]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. I would like to engage in a little conversation with Senator Adams. [LB641]

SENATOR ERDMAN: Senator Adams, would you yield? [LB641]

SENATOR ADAMS: Yes. [LB641]

SENATOR STUTHMAN: Senator Adams, there's been very little discussion as far as the boundaries are concerned, and when you...in your opening comments you said that boundaries would be frozen. Are boundaries frozen only in a learning community? [LB641]

SENATOR ADAMS: Yes. [LB641]

SENATOR STUTHMAN: Community? [LB641]

SENATOR ADAMS: Yes. [LB641]

SENATOR STUTHMAN: That's the only situation. Okay. And there...is there a need for a governance body in any other situation than the Omaha situation, school district? [LB641]

SENATOR ADAMS: I guess I'm not quite sure what you're asking, Senator. [LB641]

SENATOR STUTHMAN: What I'm asking is, will this governance council, is this just one that will be set up for the Omaha school district (inaudible)? [LB641]

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SENATOR ADAMS: Yes, just this learning community. That's it. [LB641]

SENATOR STUTHMAN: Just the learning community and it won't bleed over to another area... [LB641]

SENATOR ADAMS: No. [LB641]

SENATOR STUTHMAN: ...or anything like that. [LB641]

SENATOR ADAMS: No. [LB641]

SENATOR STUTHMAN: So, okay, that's all the questions that I have and I would give the balance of my time to Senator Heidemann. [LB641]

SENATOR ERDMAN: Senator Heidemann, you have 4 minutes. [LB641]

SENATOR HEIDEMANN: Thank you, Senator Stuthman; thank you, Mr. President. I was wondering if Senator Raikes was available for a couple questions? [LB641]

SENATOR ERDMAN: Senator Raikes, would you yield to questions? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR HEIDEMANN: On page 51 of AM1258, it talks about giving, in addition to state aid, they're going to give an amount equal to 5 cents per \$100 of taxable valuation. How much does that paragraph cost us? [LB641]

SENATOR RAIKES: I think Senator Kopplin presented some information on that. If you...and I think what he said was roughly \$18 million. And when you say cost us, you're talking about the state in terms of funding that provision, and I think \$18 million would be a ballpark figure for that. [LB641]

SENATOR HEIDEMANN: And that's outside, and I think that's a good word to use for me anyway, is outside the state aid formula. [LB641]

SENATOR RAIKES: That's the way that's written; yes. [LB641]

SENATOR HEIDEMANN: Do you remember a couple of years ago I brought a bill, or a couple of bills actually, to the Education Committee, and it would have, outside of the state aid calculation, give some more money to some small K-12 districts that I was worried about. And those bills were shot down and I think one of the comments that you had made, that you didn't want to go there because there is equity concerns and we could maybe set ourselves up for a lawsuit because one of the things you can be sued

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for is equity. And I accepted that at that time. Do you feel that this paragraph here, this language here, could be setting us up for the same thing? [LB641]

SENATOR RAIKES: Yes. I don't agree with that. I don't think that's a good approach. I think we should go about that differently. In your vernacular, I think that should be inside the state aid formula rather than outside. It should be part of the equity distribution in the state aid formula. [LB641]

SENATOR HEIDEMANN: So you actually agree with me. (Laughter) [LB641]

SENATOR RAIKES: Let me think about that. [LB641]

SENATOR HEIDEMANN: I did want to point that out because when you talk about in addition to or outside the state aid formula, you will be given...and Senator Raikes, correct me if I'm wrong...you will be giving state aid to nonequalized districts; is that correct? [LB641]

SENATOR RAIKES: Well, you might give to a, or you provide aid, state money, to a nonequalized district, or you would provide it to a district even if they're equalized but on a nonequalized basis. So you might have an equalized district that has a high valuation per student, another one that has a low valuation per student. [LB641]

SENATOR ERDMAN: One minute. [LB641]

SENATOR RAIKES: The distribution would be inequitable in that regard. [LB641]

SENATOR HEIDEMANN: Setting us up for equity concerns; is that correct? [LB641]

SENATOR RAIKES: In my view, that's an equity issue. I don't know whether there's any legal resolve, but I think the policy issue is...I don't agree with that sort of a policy approach, is what I'm telling you. [LB641]

SENATOR HEIDEMANN: Okay. Thank you, Senator Raikes. Thank you, Mr. President. [LB641]

SENATOR ERDMAN: Thank you, Senator Heidemann and Senator Raikes. Senator Avery, you're recognized to speak on the amendment, followed by Senator Janssen. [LB641]

SENATOR AVERY: Thank you, Mr. President. This debate is all about change and I realize that change is not easy. Many of you in this body may remember Jack Cavanaugh, who spent 20 years on the Omaha county...or the Douglas County Commission. They called him Black Jack, I think. He had two cardinal rules of politics:

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one, we've always done it this way; number two, we've never done it that way. Well, having served on this committee for awhile, I have run into a lot of people who say we've always done it this way and we've never done it that way, and there is a lot of resistance to change. I'm finding that there's a lot of resistance to change among public school administrators. I can understand that. They are predisposed to making small-scale changes, incremental change rather than large, broad-scope changes. Most administrators I think want stability in their environment, and I share that desire to a degree. We want schools that open on time. We want the predictability that teachers will be paid, and we want teachers to be able to count on some job security. Parents want to know their children will be cared for in a nurturing school environment. But stability cannot and must not be pursued at all costs. The world of education today is very complex. It's fast-changing. It requires educational leaders who can embrace change. And the legislation we're talking about today is most definitely change and some would say radical change. I would classify it as innovative change. We need schools that provide our children with the tools they need to succeed in today's world, and that requires change. One of the problems that the Education Committee faced from the very start was how to deal with the resistance to change. In a sense, I sometimes felt like that the school system we were talking about was similar to an office building designed to withstand an earthquake. It had multiple independent structural supports that flex and bend, dissipating pressure to allow the structure to stand, but the structure remains largely unchanged. That's what happens when you build structures that way. To solve the problem in OPS we have to be willing to make some changes and I think this legislation sets us on that path and I would hope that we can get it on General File...or on Select File. I know that the committee is willing to look at some amendments that we'd be happy to bring to this body, but I think we need to advance this and I ask you to do so. Thank you. [LB641]

SENATOR ERDMAN: Thank you, Senator Avery. Senator Janssen, you're recognized, followed by Senator Lathrop. [LB641]

SENATOR JANSSEN: Thank you, Senator Erdman, members of the Legislature. First of all, I want to thank the Education Committee for all the hard work they have done on this proposal. Several years ago I was on the Education Committee and I know the hard work and the hard decisions they have to make, and especially trying to come to some agreement within that committee before they advance it to the floor. It's hard work. It's probably one of the toughest committees I ever served on. I remember several years ago I introduced a bill that would have allowed one school district per county. That would have given us 93 school districts in the state, 1 per county. And I wonder if we're starting to go down the path right now with this proposal. You know, if this is good for one county, why isn't it good for the rest of the state? Maybe we should look at that again. You know, what a great way to figure state aid. You'd have 93 school districts and the amount of students in those school districts is the way the state aid is formulated. And, you know, I just believe that this is something we should be looking at

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and possibly learn something from this discussion today. By the way, West Virginia does have this type of a school system. They have one school district per county. The state of Hawaii has one district for the whole state. That's a little different, but it still works well in Hawaii. Option enrollment: Senator Chambers, can I ask you a question? [LB641]

SENATOR ERDMAN: Senator Chambers, would you yield to a question? [LB641]

SENATOR CHAMBERS: Certainly. [LB641]

SENATOR JANSSEN: Does OPS have an option enrollment position right now? [LB641]

SENATOR CHAMBERS: They say... [LB641]

SENATOR JANSSEN: Can you option enroll from one school to the other? [LB641]

SENATOR CHAMBERS: They say they do, but under that program, and it is voluntary, the schools have become more segregated now by race than they ever have been before. And if I understand what they say is their goal, they will...a child has to change the racial or the socioeconomic makeup of the school system. They admit that it's not working at all in the elementary schools, because those children are attending neighborhood schools, so they are tightly segregated on the basis of race. They tell us that in the middle schools and the high schools there's a bit more integration because the kids have more freedom of movement, but keep in mind that most of the high schools in Omaha are majority minority, and many of the elementary schools are heavily minority. So there is not an integration program, as such, that's working even though they say they have option enrollment or whatever they want to call it. [LB641]

SENATOR JANSSEN: Well, if that's the case, Senator, if it's good for the rest of the state, I know that in the particular district that I pay taxes in, we have children opting in and opting out. If they're closer to another district, they opt out into that district if the educational needs fit them...that particular child better. And there's no problem there. I mean they work back and forth. [LB641]

SENATOR CHAMBERS: Well, here's what's been happening. [LB641]

SENATOR JANSSEN: And why can't that happen in OPS? [LB641]

SENATOR CHAMBERS: A lot of the white people don't want their children attending school with black children, so those white children are being moved out of the OPS schools,... [LB641]

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SENATOR ERDMAN: One minute. [LB641]

SENATOR CHAMBERS: ...notably into Westside, and the money follows the student,... [LB641]

SENATOR JANSSEN: Absolutely. [LB641]

SENATOR CHAMBERS: ...so the race...the segregation is being subsidized by the state money following that student, and Westside is using that money for operational purposes, and they know that the white kids are influxing to Westside and outfluxing from OPS, so it is working to increase segregation rather than integration. [LB641]

SENATOR JANSSEN: Okay. With that, though, what do you think about the one school district per county? Do you think that could work? [LB641]

SENATOR CHAMBERS: Oh, no. No, I got some information, and if anybody wants it I can share it with them, where in Utah they're complaining about school districts that are far too large. And it's not a racial issue with them. They're just unwieldy, there's too much anonymity, there is too much of a distance between the patrons of the school and the administration. [LB641]

SENATOR ERDMAN: Time. [LB641]

SENATOR CHAMBERS: So what they have concluded is the larger the district the worse it is for the patrons. [LB641]

SENATOR JANSSEN: Thank you, Senator Chambers. Thank you, Mr. Speaker. [LB641]

SENATOR ERDMAN: Thank you, Senator Janssen. Senator Lathrop, you're recognized to speak, followed by 17 others. [LB641]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I rise today in support of LB641 and I'm in a bit of a unique situation. I grew up in north Omaha and much of the areas that we talk about now are familiar to me because I grew up in that area. I also, representing District 12, have an opportunity to represent people that reside in the Millard School District, in the Ralston School District, and in the Westside or District 66, and so I have a bit of a different perspective perhaps. But I'll tell you, having my roots in Omaha, I share Senator Ashford's passion for the city of Omaha. I also share his concern for what's going on in education in Omaha. I think there is a real need and today our debate is about the need and the solution. I want to commend the members of the committee for their work, and not just the members who voted to get LB641 to the floor, but the two folks on that committee who dissented. I know that they have offered

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comments that have been incorporated into this solution. This is the Legislature at its best. Today the debate on LB641 is not unlike the debate on water. We have been asked today to take a big picture view of this issue on General File. We could find, when water was before us just a month ago, a million reasons on General File why that would not work. Senator Flood invited us to take a big picture view of the water bill and come to the table between General and Select File, and that's the same invitation he's extended this time. I did come to the table on the water bill. I had concerns. But rather than vote against it or try to kill it on General File, I came to the meeting that Senator Flood sponsored with suggestions which were incorporated into that bill, which then passed, of course. And it was not just me, but several of the senators. There were a lot of senators there whose concerns were listened to and incorporated into what became the final version. I tell you that because, while we can talk about LB641 and some of the concerns that we have, I think it's important today to see LB641 in the big picture, at least at this point in time. You will all have an opportunity between General and Select File to express your concerns, to have some of your concerns incorporated into what will be an amendment offered on Select. There have been concerns expressed. I don't think that means that we should not express our concerns and I can tell you that after visiting with the superintendents who are...represent the school districts in my district, they do have concerns about the governance. They are the details and not the big picture. And one of the concerns that has been expressed about the governance is, of course, Senator Gay has talked about the cost of it. I hear Senator Adams has told us a willingness to work with respect to what those folks get paid. The superintendents have expressed some concern to me relative to whether or not the people in those folks that serve on this learning community council will interfere with the day-to-day operations or involve themselves in the day-to-day operations of these schools districts in the learning community. And I'd like to ask Senator Adams to yield to a question, if he wouldn't mind. [LB641]

SENATOR ERDMAN: Senator Lathrop, you have 1 minute. Senator Adams, will you yield? [LB641]

SENATOR ADAMS: Yes. [LB641]

SENATOR LATHROP: Senator Adams, I'll be happy to yield the balance of my time so that you can answer the concern, which is what would be the involvement of this council or the achievement council, for that matter, in the day-to-day operations? Will they interfere with the superintendents' duties and functions, as well as the respective school boards? [LB641]

SENATOR ADAMS: That was never the intention of this amendment. It's never been the intention of the committee, the bill, the discussion to interfere with the day-to-day operations, the curriculum, the hiring of those schools, the day-to-day operation of it, never was, shouldn't be. It should not be. The purpose of this overriding governing body

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is to provide some structure and some coordination to all of these metro school districts and to work on the issues of integration, to work on the issues of dealing with poverty... [LB641]

SENATOR ERDMAN: Time. [LB641]

SENATOR ADAMS: ...and...thank you, Mr. President. [LB641]

SENATOR ERDMAN: Thank you, Senator Adams and Senator Lathrop. Senator Aguilar, you're next to speak, followed by Senator Schimek. [LB641]

SENATOR AGUILAR: Thank you, Mr. President, members. I'll have a question for Senator Adams here in just a little bit, but before I do, I need to comment on something, something Senator Carlson said that stirred up some memories in me. He said students shouldn't have to go to school and live in fear, especially the fear of their parents not picking them up after school that day. I'll share with you that back in December in Grand Island we had a little event called an immigration raid, and we have students all throughout the Grand Island School District that still haven't been picked up from school; many never will be. But that's another fight for another day. I thank God for the teachers and the Grand Island school staff that stayed late that evening with children, making sure they got a ride somewhere, where many of them took some of the children to their relatives. Many teachers took children home with them to assure they had a place to stay. But as I said, that's another fight for another day. My question for Senator Adams is this: We are, you know, not without our problems in Grand Island, in spite of our great teachers. We have boundary issues, racial imbalance issues, tax levy issues, poverty issues, and an education gap--many of the same and similar problems that the metro area has experienced. So people like Senator Dubas and myself have been waiting anxiously and patiently to see what transpired, what come out of the committee and how we could possibly utilize that. From that I've seen, there's some things there that could work, but there's also some roadblocks. I would ask you to expand and take the rest of my time and talk a little bit about how we could possibly utilize this in our area, how we could make it work, and if indeed the Education Committee has any intentions of trying to craft something that will work for us. You may have the rest of my time, Senator Adams. [LB641]

SENATOR ERDMAN: Senator Adams, you have 3 minutes. [LB641]

SENATOR ADAMS: Thank you, Senator Aguilar. I really appreciate that question because I know that our focus in the committee was on Omaha, our focus today is on Omaha, but the reality of it is if we do this right--and I've said from the beginning today I know that there's places we need to fix things here, but we're off and running, we've got something to talk about--if we do this right I think we establish a model, a model that can be used statewide, not imposed statewide, but can be used, an option, a tool that

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can be used. And let's use the case of Grand Island. As you know and Senator Dubas knows, the Grand Island folks have been here watching this process. They were there in the committee hearings when we discussed this and the thing that's kind of exciting about that is you see, rather than a we want to fight this it's a we want to use this attitude. There may be something here we can do because, in essence, and you know your own town better than I do, the problems are very, very similar, just in a different place. And they've been ongoing for a long time. With Grand Island High there or Grand Island Public in the middle and Northwest around, there are boundary issues, nowhere to go; ELL issues; poverty issues. And what I have said before, and I would continue to say it, that I would hope that Grand Island, Grand Island Northwest people and people, for that matter, from one end of the state to the other, whether they completely agree with the plan that's laid out in front of us now or not, if they'd keep their eye on the ball and see if there's something here that you support and potentially at least one of two things could happen. Maybe the two school districts that you're interested in primarily, and Senator Dubas is interested in, they may look at the work we've done and say... [LB641]

SENATOR ERDMAN: One minute. [LB641]

SENATOR ADAMS: ...hey, we're going to grab this chunk of it and this chunk of it and this chunk of it, we like it and we're going to create our own contractual agreement between those two school districts. And we're off and running in an environment of cooperation. Or they may come back to us and say, would you consider crafting some kind of legislation for our area using some of the concepts that you did for the metropolitan area? So I think it's a very valid question and not just in Grand Island, but potentially in a lot of places if people have the interest. Thank you, Senator Aguilar, for the opportunity to answer that. [LB641]

SENATOR ERDMAN: Thank you, Senator Aguilar and Senator Adams. Senator Schimek, you're next to speak on the Adams amendment, followed by Senator Carlson. [LB641]

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. There have been so many comments here today that have been so good and so instructive, but I have to respond to one made by my good friend Senator Avery when he was talking about innovation. I remember being a teacher out in the Hastings Public Schools back in the late sixties, and we had these out-of-state experts come to town and sell the administration and the teachers on modular scheduling. It was the latest thing in education, and I was very nervous about it. And guess what--it lasted a couple of years and we got rid of it because it didn't work for the kids and it didn't work for the educational process. And I think we do need to listen to the superintendents. Incidentally, one of them, I'm sure, was in the public school system out in Hastings at that time. But you've got to listen to them. They're the ones who live it, they're the ones

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who have the education in that area, and they're the ones who work with the students and the teachers every day of their lives. So I don't want us to dismiss their ideas or their values, and I don't really think that that's been happening, but innovation for innovation's sake isn't always good. I'd like to get back to the discussion that Senator Adams and I started a little bit earlier. And that reminds me, I better get my light on faster this time, Senator Adams. I had just mentioned to you, I think, that I don't see any provision in there for a primary at all, and you acknowledged that. [LB641]

SENATOR ERDMAN: Senator Adams, would you yield? [LB641]

SENATOR ADAMS: Yes. [LB641]

SENATOR SCHIMEK: And I'm not asking him to yet, but I would like him to, so thank you, Mr. President. I also noticed that there's no term of office mentioned in here, I don't think there is anyway. [LB641]

SENATOR ADAMS: Yeah, there is. It's a four-year term. [LB641]

SENATOR SCHIMEK: It is a four-year term. [LB641]

SENATOR ADAMS: Right. [LB641]

SENATOR SCHIMEK: Is it in the section with the rest of the... [LB641]

SENATOR ADAMS: Oh, I'm not sure exactly where it's at, but it is in there. [LB641]

SENATOR SCHIMEK: That's okay. That's okay. All right. [LB641]

SENATOR ADAMS: Yeah, it's a four-year term. [LB641]

SENATOR SCHIMEK: I did notice that there is language that sets forth that decisions of the U.S. Supreme Court and applicable state and federal statutes, including, but not limited to, the federal Voting Rights Act, need to be employed in the drawing of these lines, and I'm thinking that there's another place that we may need to use that language. But I have a question about once these lines are drawn it says we submit them to the applicable county boards and the Executive Board of the Legislature for review, and then each county board and the Exec Board shall hold a timely public hearing on the proposed electoral districts. Is that...is that kind of weird to be having the county boards involved in this and maybe even the Exec Board involved in this? [LB641]

SENATOR ADAMS: I think it may be cumbersome. [LB641]

SENATOR SCHIMEK: And I'm not suggesting they shouldn't be. I'm just saying that

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maybe the election commissioner who draws the lines should be the one having that, or maybe the Secretary of State's Office, something like that. [LB641]

SENATOR ADAMS: I think you make a valid point. [LB641]

SENATOR SCHIMEK: That's a thought. [LB641]

SENATOR ADAMS: By the way, I'm going to stand corrected. It's a six-year term. [LB641]

SENATOR SCHIMEK: Sure. Six-year term? [LB641]

SENATOR ADAMS: Uh-huh. [LB641]

SENATOR SCHIMEK: Thank you. And can you serve a second six-year term? [LB641]

SENATOR ADAMS: Yes. [LB641]

SENATOR SCHIMEK: Okay. Indefinitely. [LB641]

SENATOR ADAMS: I believe that's right. [LB641]

SENATOR SCHIMEK: Okay. Also, it says that following the drawing of initial districts...of initial districts, pursuant to this section, additional redistricting thereafter shall be undertaken by the learning community coordinating council, but I don't think it says when. [LB641]

SENATOR ADAMS: To redraw the boundaries? [LB641]

SENATOR ERDMAN: One minute. [LB641]

SENATOR SCHIMEK: Right. I'm just raising these as possible issues. [LB641]

SENATOR ADAMS: No, I think it's a good question and I don't have it... [LB641]

SENATOR SCHIMEK: And you don't have to answer now. [LB641]

SENATOR ADAMS: I can't answer it. [LB641]

SENATOR SCHIMEK: Yeah. And it also leaves it up to the Secretary of State and the election commissioners to set a date for the election, and I presume that's the initial election... [LB641]

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SENATOR ADAMS: Right. Correct. [LB641]

SENATOR SCHIMEK: ...of the members. Okay. Last thing, and I know I don't have much time left, is that salary issue, and I have filed an amendment to the committee amendment--if we ever get this one adopted and then get back to the committee amendment--which would look at a per diem. [LB641]

SENATOR ERDMAN: Time. [LB641]

SENATOR SCHIMEK: Thank you. [LB641]

SENATOR ERDMAN: Thank you, Senator Schimek and Senator Adams. Senator Carlson, you're next to speak on the Adams amendment, followed by Senator Fischer. [LB641]

SENATOR CARLSON: Mr. President, members of the Legislature, I would indicate, before I make comments here, that I do intend to vote this bill forward to Select File, and my comment that when you try and think outside of the box, which is certainly what I believe this proposal is, you put up with a lot of questions and a lot of interrogation and a lot of us that don't understand, and that's simply part of the deal, I believe. And, Senator Raikes and Senator Adams, you're in a marathon race here and you're doing very well. I was going to ask some questions that kind of nitpicked a little bit, and I think I won't do that. I would say that I do have a concern about an 18-member paid community council that sounds like it's a fairly good level of payment. And from a practical standpoint, if I were 1 of those 18 people, I think...and being paid some decent money, I'd want to make sure that I was earning my keep. And if all 18 want to make sure they're earning their keep, I think there's a risk that they're going to stick their nose under every tent that they can find, and pretty soon superintendents and principals and teachers may be tripping over them. And I would have a real concern about that, from a practical standpoint. But Senator Lathrop brought up the water bill in talking, in his turn to talk, and I'd like to bring that up a little bit because that was a cooperative effort. One of the things that was true in the water bill is that this body asked for a significant financial commitment from the people in the Republican Basin before the state committed any dollars to that bill, and the Republican Basin stepped up. And it seems to me like perhaps the step-up opportunity for the learning community situation is the 5-cent tax levy that would fund this learning community, the extras, which according to Senator Kopplin it looks like it's about \$18 million in that 5-cent extra. That looks to be like a good way to make an investment, to think outside the box, to prove that it's going to work and be a good example for others in the rest of the state. And in talking to Senator Raikes, one of the reasons I'm going to vote to take this to Select File is because he's indicated there's more work to do in terms of addressing this levy situation and the impact that that's going to have, and so I want to look at that and hopefully we do come up with a good, workable bill. Thank you. [LB641]

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SENATOR ERDMAN: Thank you, Senator Carlson. Senator Fischer. you're recognized to speak, followed by Senator Chambers. [LB641]

SENATOR FISCHER: Thank you, Mr. President and members of the body. Earlier this afternoon we heard that this bill and this idea with the learning communities will be a model for the entire country; that we needed to think outside of the box and use that model. I guess I have questions on how can we use that model across the state of Nebraska because, if you read this amendment, the learning communities would and could happen in other areas of the state. On page 63 of the amendment--Senator Loudon brought this up a couple hours ago--learning communities can be established for one or more counties at the request of the school boards, and you have to have a minimum combined total of at least 2,000 students. That can happen in rural Nebraska. It certainly can happen in our cities, in Lincoln, in Grand Island, in Hastings, in Norfolk, in Fremont, and it can happen in the 43rd District. So I guess I have some questions on that since, if this amendment would pass, my district could have learning communities. On page 65 there's language about a common levy, that a learning community coordinating council shall have the authority to levy and distribute a common levy. What does that mean? Where...how much is that going to cost in addition to what property taxpayers are currently paying? And if we lower the levy from \$1.05 to \$1.00 for districts that are within learning communities, what is that going to cost the state of Nebraska? When you can have a council with 18 members that are elected and they're going to be paid \$31,000 a year, that's not just the learning community in the metro area and for OPS. We can have those all across the state. What's that going to cost? We haven't gotten a fiscal note on this bill and we won't until we advance something to Select File. But to make statements and say this doesn't affect other districts, I think that's...I think that's incorrect. And even if we don't, even if we don't establish learning communities anywhere else in the state except Omaha and the metro area, we all need to remember that this bill affects every other area of the state because of the school finance formula. If we're going to be seeing the learning community districts able to lower their levy to \$1.00 or \$1.02 and then levy extra for their learning community in that 5 cents or 3 cents, and we don't put more money into the state aid formula, where is it going to come from? I submit to you it's going to come from the school districts in my legislative district, and I submit to you that all of you better look at your school districts in your legislative district. Thank you, Mr. President. [LB641]

SENATOR ERDMAN: Thank you, Senator Fischer. Senator Chambers, you're recognized to speak, and this will be your third time. [LB641]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, if people look at pages 70 and 71 of this bill, you will see something that is of great significance and importance to me. It relates to the elementary schools. I have before discussed on other bills where attention is given to preschool, they call it early childhood

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development or whatever, then they jump to middle school and high school, but the critical part of this system is the elementary school. Without taking care of the elementary school component it's like constructing a body. You have the feet and the ankles, then you jump up to the shoulders, the neck and the head, but the torso is missing. You need something to join what's up here to what's below. If the kids don't get what they need by third grade, they are virtually lost, there is no hope whatsoever, sometimes even before then but if by third grade they don't have it, it's over. OPS acknowledges that there is great segregation in the elementary schools. The World-Herald has gotten figures which demonstrate that. The children in reading, math, and language, achieving at the 22 percentile; white kids, 77 or higher percentile. When we have children failing like this in the elementary schools, in segregated schools, segregated pursuant to deliberate policies of OPS, they are not the ones to entrust with correcting this problem. What you have in this bill is the requirement that this learning community council, this learning community council would set up these elementary school centers. It would be a situation where there would be one of these for every 25 elementary schools in an area where at least half of the children are poverty stricken. And there would have to be certain services offered at those centers and some of them would be...and this is...it includes these things but are not limited to them: summer school; extended school day; extended school year programs; literacy centers for elementary-age students and parents of the elementary-age students to enhance reading skills outside of the school day; childcare for parents working with students or on their own educational skills; nutritional services; transportation for participating families; mentoring; tutoring; computer and technology labs; services for transient students, meaning those who move frequently; attendance advocates and transportation for truant students; and it mentions others, adult English classes, health services, and so forth. When you start to provide those services which go right to the kinds of problems that are existing, you are now doing something for the children which we all say we're interested in. There's been much discussion about the governance, discussion about the salary, but scarcely anything about what is actually going to be provided that will benefit the children. I told you all I was going to be conciliatory and civil--if I didn't throw that in, I'll throw it in now--and that's what I've been, unless the discussion took a turn that made me take a turn. But I don't have to be uncivil. I just want to underscore the fact that we have things in this bill which meet some of the... [LB641]

SENATOR ERDMAN: One minute. [LB641]

SENATOR CHAMBERS: ...deep concerns that I have. I have seen nothing in OPS that addresses the problems in elementary school. I handed out a couple of articles which show you that the teachers with lesser experience wind up in the area where our children attend. Whenever people with OPS try to alibi and say, well, experience isn't that important, why then does it happen that the most experienced teachers are always where the white kids go to school, the least experienced are where our children go?

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When we talk about the need for textbooks, when they say textbooks aren't really that essential because teachers can put together little pamphlets, they don't have pamphlets in the white schools. They have textbooks. They have computers. So what we have to focus on, those who are interested in the children that I have great concern about and where much is needed is where the work ought to be done. The ones who are sick need the physician. Provisions such as the... [LB641]

SENATOR ERDMAN: Time. [LB641]

SENATOR CHAMBERS: ...ones that I've touched on are what we ought to be emphasizing. Thank you, Mr. President. [LB641]

SENATOR ERDMAN: Thank you, Senator Chambers. And again, that was your third time. Senator Nelson, you're recognized to speak on the Adams amendment, followed by Senator Wightman. [LB641]

SENATOR NELSON: Thank you, Mr. President and colleagues. I'd like to direct some questions to Senator Adams, if he would yield. [LB641]

SENATOR ERDMAN: Senator Adams. [LB641]

SENATOR ADAMS: Yes. [LB641]

SENATOR NELSON: Senator, I was interested in Senator Lathrop's questions about the possibility of the learning community, the LCCs, if we want to call them that, infringing on the duties of the individual school districts, and you got cut off of on that. Could you expand just a little more on that, why you don't feel that that would happen? [LB641]

SENATOR ADAMS: Well, it was just...it was never the intention to infringe on the autonomy of these individual school districts. They have their mission--educate students. The learning community council has the same mission to educate students, but it's to create...it's really to create more of an opportunity at an education; to make it easier for the school districts to do their job; to make it easier for kids that have had trouble getting access to opportunities to get those opportunities. The amendment talks specifically about the duties being to supervise the elementary resource centers, and those are separate from the school; to develop and approve a diversity plan and a poverty plan; and to hear complaints that citizens have and to try to address those complaints within those areas. Beyond that, it's left up to the individual schools to run their school district. [LB641]

SENATOR NELSON: Oh, all right. That's good. And I'm kind of on the same page here where Senator Chambers was, and that's on page 70 where we're talking about each

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learning community shall operate at least one elementary learning center for every 25 elementary schools, and it's concentrated in areas of poverty. Well,...and then it talks about I think each subcouncil shall...each elementary learning center shall be operated by, I think, the subcouncil of...and I'm reading, but my point is this; is this the same thing that Senator Raikes was talking about a resource center? You... [LB641]

SENATOR ADAMS: Yes. Yes. [LB641]

SENATOR NELSON: Same thing. Is that just during the summer or is that during the entire school year? [LB641]

SENATOR ADAMS: Year-round. [LB641]

SENATOR NELSON: Well, who's going to do the actual operation? Is it the learning community or is it going to be that school district operating that? [LB641]

SENATOR ADAMS: The learning community. [LB641]

SENATOR NELSON: How are they going to do that? Are they going to employ their own teachers? I mean we're talking about 18 people and then subdivisions of 3. [LB641]

SENATOR ADAMS: Those three are going to be the administrators of those elementary resource centers, and there will be...there will be a funding mechanism for the learning community, and those dollars can also be used to help operate these resource centers. [LB641]

SENATOR NELSON: So the learning community is going to hire the teachers for those and actually operate those? [LB641]

SENATOR ADAMS: Right. [LB641]

SENATOR NELSON: That's the same thing as a big staff, but you say the money will be available to do that, to fund all that. [LB641]

SENATOR ADAMS: Yes, part of the intention of the formula is to provide that money to that group. [LB641]

SENATOR NELSON: And do you know about how many there would be on the basis of what the requirements are here as... [LB641]

SENATOR ADAMS: You know, I don't. [LB641]

SENATOR NELSON: Don't. [LB641]

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SENATOR ADAMS: I don't, Senator. I'm sorry. [LB641]

SENATOR NELSON: Whether it be three or four or five? [LB641]

SENATOR ADAMS: I... [LB641]

SENATOR NELSON: Just no idea. [LB641]

SENATOR ADAMS: I don't know. [LB641]

SENATOR NELSON: That would have to be figured out, I guess. [LB641]

SENATOR ADAMS: Right. [LB641]

SENATOR NELSON: Okay. Well, that seems to me...and, you know, we're just asking questions today, probably an area of infringement and impingement. I guess that would work and I think it's maybe necessary to achieve some of the things we want to do, but I think there are a lot of details that are going to have to be worked out as to how that would work. And I really thank you for your answers. [LB641]

SENATOR ADAMS: Thank you. [LB641]

SENATOR NELSON: Thank you, Mr. President. [LB641]

SENATOR ERDMAN: Thank you, Senator Nelson and Senator Adams. Senator Wightman, you're recognized to speak, followed by Senator Pirsch. [LB641]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. I, too, have a lot of questions with regard to the finances of this, but I think they can be worked out and I probably am in the position of Senator Carlson in that I probably would like to see this go forward to Select File and see if some of these things can be worked out at that point. So I probably will support it. I do have some questions. A question was asked of Senator Raikes, I don't think he's in right now, but... [LB641]

SENATOR ERDMAN: Senator Raikes, are you available for a question? [LB641]

SENATOR WIGHTMAN: I can perhaps direct that to Senator Adams. [LB641]

SENATOR ERDMAN: Senator Adams, would you yield to a question? [LB641]

SENATOR ADAMS: Yes. [LB641]

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SENATOR WIGHTMAN: I know you've been on your feet a lot and you've done a great job. I know Senator Raikes said that he felt there might be problems with having the 5 cents that would be replaced by...5 cents per \$100 of valuation that would be replaced through state aid, having it outside the formula. Was that a discussion within the committee itself? [LB641]

SENATOR ADAMS: Yes, it was. We've had those. We've discussed every angle of finance on this thing that's been before us. [LB641]

SENATOR WIGHTMAN: And I know he said that he felt it probably should be within the formula. Do you think there would be any thought on the part of the committee that that should come under the formula (inaudible)? [LB641]

SENATOR ADAMS: No, I think the committee would be more than willing to bring that under the formula. [LB641]

SENATOR WIGHTMAN: And then I would wonder how you would handle it if it were part of the...within the formula. Would there be an additional element added to the TEEOSA formula that maybe would accommodate that? Because it's not going to help very much, obviously, if you're just replacing money you were already getting. [LB641]

SENATOR ADAMS: I think there would have to be something over and above, if that's what you're referring to. [LB641]

SENATOR WIGHTMAN: So that you would probably have to create a different element within the formula. [LB641]

SENATOR ADAMS: That's a possibility. [LB641]

SENATOR WIGHTMAN: I know that Senator Gay passed out a handout and indicated his concern over the cost, and of course I have a concern that if these people...these committee members become full-time members, that they're probably going to need a staff and I don't know that that's accounted for in here. But, you know, my fear would be that down the road this committee itself, the governance committee could have a budget of \$5 million or \$10 million. I hope that's not the case and I'm wondering if there would be any possibility of putting some kind of limit within the legislation itself that maybe could be increased for inflation. [LB641]

SENATOR ADAMS: You know, I think that the committee and...myself and the committee, I'm continually speaking on behalf of the committee and I shouldn't do that, but I think you're right. We don't want this thing to grow either and I can't believe but what we can't find some language that puts some limits in there. [LB641]

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SENATOR WIGHTMAN: Would this governance committee and the execution of whatever they would provide or determine, would that be part of the state aid, the 5 cents, the replacement of the 5 cents per \$100 of valuation, or do you know that? [LB641]

SENATOR ADAMS: I don't know that. If Senator Raikes was here, he could probably answer that better than I. [LB641]

SENATOR WIGHTMAN: I know it was mentioned, and I think by Senator Carlson, that maybe this could be kind of related to the water bill and that maybe Omaha ought to step up. I do see there being a major problem to this in that it seems to me there was a more common interest in the water bill because you were trying to save a whole area and everybody was... [LB641]

SENATOR ERDMAN: One minute. [LB641]

SENATOR WIGHTMAN: ...somewhat equally affected by it. I think that perhaps that's not the case here. You're trying to work out compromises and it might be very difficult to get the entire group to step up with a contribution similar to what they made, or the Republican Basin made, under the water bill. But I do see where this could possibly be used--I'm certainly not proposing that now in Dawson and Buffalo County--or some of the tools provided by this, and I do look upon it as a tool rather than imposition of what may be precedence down the line. Thank you, Senator Adams. Thank you, Mr. President. [LB641]

SENATOR ERDMAN: Thank you, Senator Wightman and Senator Adams. Senator Pirsch, you're next to speak, and this will be your third time. [LB641]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I think I'd like to keep the focus centered on the topic we had discussed the last few minutes, elementary learning centers that are in Section 40 on page 70 of the amendment. I wonder if Senator Adams, I guess, might yield for a series of questions. [LB641]

SENATOR ERDMAN: Senator Adams. [LB641]

SENATOR ADAMS: Yes. [LB641]

SENATOR PIRSCH: Oh. Or Senator Ashford, if you'd like. [LB641]

SENATOR ADAMS: Yeah, let...wait on Ashford awhile. (Laughter) [LB641]

SENATOR ERDMAN: Senator Ashford, would you yield to questions from Senator Pirsch? [LB641]

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SENATOR ASHFORD: Excuse me for...yes, I will. [LB641]

SENATOR PIRSCH: Well, very good, and I think that's very appropriate. I think that's a concept that you helped develop. [LB641]

SENATOR ASHFORD: Well, I think either that or Senator Adams is going to, unfortunately, fall down and have to be relieved, but thank you. [LB641]

SENATOR PIRSCH: (Laugh) Well, very good. Now with respects to the elementary learning centers, are we envisioning, via this amendment, a bricks and mortar type of building? [LB641]

SENATOR ASHFORD: Yes. [LB641]

SENATOR PIRSCH: Okay. And how would...what would be the funding mechanism for...I guess that would be included in all types of expenses for the elementary learning centers. [LB641]

SENATOR ASHFORD: Correct. Correct, and it would not...it's very important to us, Senator Pirsch, and the committee, I believe I'm correct in stating, that the learning center be a building that is not in part of any school district. This is a...should be independent, but it doesn't matter...doesn't have to be a new building or newly built. It can be in any other building,... [LB641]

SENATOR PIRSCH: Uh-huh. [LB641]

SENATOR ASHFORD: ...but we, I think, feel strongly that it should be independent of any school district, but you'd be working in concert with the school districts. [LB641]

SENATOR PIRSCH: Very good. And with respect to the bill, it says each learning community shall operate at least...at least one elementary learning center for every 25 elementary schools at which one-half of the students who live in the attendance area, attend the school, are poverty students. So it sets a minimum threshold, at least one, that does infer then that...and that you can have an unlimited number, correct, if you feel. Who would make that determination if that's correct, and on what basis would that be determined? [LB641]

SENATOR ASHFORD: It would be determined...fairly easily determined, I guess, by how many students are free and...free and reduced lunch students. That's the...it's an economic indicator and that data is readily available. And I think if they were in OPS, I know OPS has identified those buildings. They're fairly easy to identify and so that would be fairly straightforward. [LB641]

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SENATOR PIRSCH: You mean potential acquisitions as far as buildings that would be centered in an area of poverty? [LB641]

SENATOR ASHFORD: Oh, I'm sorry, you mean for the center itself? [LB641]

SENATOR PIRSCH: Yeah. I'm sorry. Yes, that's correct, the learning center itself. [LB641]

SENATOR ASHFORD: Okay, our vision would be, for example, if it were in south Omaha, it could be at Metro possibly, it could be at the Kroc Center, it could be on 24th Street. [LB641]

SENATOR PIRSCH: Uh-huh. So it could be within existing structures... [LB641]

SENATOR ASHFORD: Sure. [LB641]

SENATOR PIRSCH: ...and it could be in conjunction through an interlocal agreement with Metro. [LB641]

SENATOR ASHFORD: Or could be in a city or county building, yeah. [LB641]

SENATOR PIRSCH: Okay. And how would it be determined, since it sits...you have to have at least one of these centers for every 25 elementary schools where the poverty is, but it doesn't say you can't have more. It says there has to at least be one. So how is the...who is going to make that determination of how many ultimately that get built? You could have 20, 100 if you...I mean technically, according to the bill. [LB641]

SENATOR ASHFORD: Well, that's a good...thank you, Senator Pirsch...is a question I... [LB641]

SENATOR ERDMAN: One minute. [LB641]

SENATOR ASHFORD: The intent clearly is, is that there would one learning center for each 20...group of 25 schools that have 50 percent or more poverty students. I suppose by agreement they could do more. My guess would be that that would be enough. [LB641]

SENATOR PIRSCH: Who... [LB641]

SENATOR ASHFORD: I mean that's... [LB641]

SENATOR PIRSCH: Oh, I'm sorry to interrupt. [LB641]

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SENATOR ASHFORD: Well, the learning community council would determine how many. [LB641]

SENATOR PIRSCH: Okay. [LB641]

SENATOR ASHFORD: But... [LB641]

SENATOR PIRSCH: Okay. [LB641]

SENATOR ASHFORD: ...we felt that one was sufficient for 25 schools. [LB641]

SENATOR PIRSCH: Okay, very good. And, let's see, I guess if one is being envisioned for presumably that amount of (inaudible), there may be long distance or some significant distances then involved with people who might use those centers and the actual center itself then? [LB641]

SENATOR ASHFORD: There could be distances involved. [LB641]

SENATOR PIRSCH: Okay, and that would be... [LB641]

SENATOR ASHFORD: But again, it would be in a geographic area but, sure, there would be...and for some moms who live in the projects that might be an issue, but I think my sense would be... [LB641]

SENATOR ERDMAN: Time. [LB641]

SENATOR ASHFORD: ...not a significant one. [LB641]

SENATOR PIRSCH: Thank you very much. [LB641]

SENATOR ERDMAN: Thank you, Senator Pirsch and Senator Ashford. Senator Louden. Senator Louden, you're next to speak. Senator Louden, you're recognized to speak, followed by Senator Kopplin. [LB641]

SENATOR LOUDEN: Thank you, Mr. President and members. As I've listened to the discussion this afternoon, I was still concerned about the council and I kind of wondered how come this council couldn't be appointed out of the local school boards. That would cut down a whole bunch of elections and save a lot of money. Save a lot of money if they was appointed out of the school boards. Wouldn't be any different than if you formed an interlocal agreement. That's usually how members on those interlocal agency boards are formed, is by appointment like that. So there's other ways to do that rather than put out...I see this one paper was circulating around you're talking about a million

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bucks or more. So as the afternoon goes on, why, the money is getting to be a little bit more money all the time. You want to remember whatever you spend for administration is not education. You've got to keep control of your administration. The idea was Texas got into trouble because they were spending more than 65 or more than 35 percent of their total budget on administration and finally the judge decreed that they had to spend at least 65 percent of their money on education. So this is something to look at, to see where this money is coming from and where you do it and how much the state has to pay, and where it's going to come from. I think there's a lot of work that needs to be done on this bill. I don't think, as somebody has mentioned, we're going to fix it up on Select File. I've been to that rodeo before. I don't think that's an answer. I think if you're going to work on this thing it can be done on General File. We can take our time. I'm like Senator Chambers, I'm not going anyplace. We can stay here and work on this thing. It wouldn't be that hard to work on it another day. You can always quit earlier this afternoon or evening, and you guys that are into this thing, hammer the thing out, straighten it out. There's no reason why it can't be done ahead of time. It doesn't have to be moved and then so that we can try and fix it later. I would like to see something a little bit more what we know what we're talking about and what we're doing. This is very significant legislation. Because the way you've done this amendment now, you've set it down so that it's mostly an Omaha bill. Before LB1024, although it broke up Omaha or the school district into three districts, it also had some significant legislation in there that could be used in the rest of the part of the state. This is what you have to recognize on, what do you call it, in the armed services they call it collateral damage, and I think you got to be very careful that you don't come up with collateral damage on this bill here. As the way I read it, I think there is some in there. I think it needs to be more clear on what is being professed and what is being brought forwards. This is something that I'm sure affects a lot of people, affects the city of Omaha. At the present time it's been mostly because of the Omaha situation, the reason you brought it forwards. These were the people who weren't satisfied with what happened on LB1024, and if I remember we discussed LB1024, I think, last year for a day or so and then all of a sudden I think the amendment was made to break it up in three districts and, bang, it was done and it was over and done with and away the thing went. So then they've been fighting over it ever since. So I would like to see something that would be workable rather than wait and go through this whole process again, because you've had a whole year, you've been in court and everything else trying to straighten out what was done a year ago. Personally, I was satisfied with LB1024. Unlike some of the people when they voted down our Class I's--they all stood around and said, oh well, I don't have any of them in my district so... [LB641]

SENATOR ERDMAN: One minute. [LB641]

SENATOR STUTHMAN: ...it don't matter--personally, I don't have any school district in my district that's got 25,000 people so this is where I come from on this. But I am willing to try and do something that works for all of Nebraska and I think that's where we should

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go. Thank you, Mr. President. [LB641]

SENATOR ERDMAN: Thank you, Senator Loudon. Senator Kopplin, you're next to speak, followed by Senator Fulton. [LB641]

SENATOR KOPPLIN: Thank you, Mr. President. My I ask Senator Pahls a question, please? [LB641]

SENATOR ERDMAN: Senator Pahls, would you yield to a question from Senator Kopplin? [LB641]

SENATOR PAHLS: Yes. [LB641]

SENATOR KOPPLIN: Senator Pahls made a point with me that I had created a little social error before, so I don't really have a question for you, Senator, but it has been a pleasure working with you these last three years. [LB641]

SENATOR PAHLS: Thank you. (Laugh) I appreciate that. [LB641]

SENATOR KOPPLIN: I wanted to just expand a little bit on what Senator Chambers brought up on pages 70 and 71 of this, because this was the meat of what the committee agreed on. I mean, we argued about and disagreed about boundaries, we disagreed about governance, the whole thing that we've been talking about all afternoon, and yet we kept saying that we're focused on the children, and we were. There is so much good in this part of this bill. I don't find the superintendents ever disagreed with that. We didn't disagree in the committee. Senator Ashford has a vision of centers away from the school, and I understand his reason for them. I look at this and say, well, they could be in schools. We ought to be having our school buildings open year-round. We ought to have them open late at night. Doesn't have to be just Omaha. We ought to be doing this in Nebraska because sometimes that's when children are available, and so we ought to be doing it. Now the learning centers have things like nutritional services, transportation, mentoring, tutoring. We talked about who's going to pay for the summer schools. Well, maybe the learning center doesn't do any more than say, you know what, you need help and there's a school that's offering classes over here somewhere and we can find a place for you. Maybe it's best to offer their own. I don't know. I would...if we're going to get into those kinds of programs then, you know, space is an issue and the schools would become a factor again. But there is so much in here and I have been asked about, well, some of this has to do with adults providing some day care while they happen to go to a conference or something, well, of course it does, but situations in Omaha are different than situations in Gretna. These kinds of things may be needed, but let's concentrate on them. We can solve...we can solve the money issue. I mean that's what Senator Raikes loves to do. Let him spend the weekend now doing it while we're out fishing or something. The governance we can

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solve. You know, this is the one big point that I have left in this. I don't like the governance setup, but if it works then we ought to do it. Children need help. We're all adults. We're all citizens. It's time we give them that help and we can do it through this. We can get by the things we don't happen to agree on and get down to the meat of the program, which you'll find clear back in the book, 70 and 71 and so on. Thank you, Mr. President. [LB641]

SENATOR ERDMAN: Thank you, Senator Kopplin. Senator Fulton, you're next to speak, followed by Senators Gay, Ashford, and Langemeier, and others. Senator Fulton. [LB641]

SENATOR FULTON: Thank you, Mr. President, members of the body. I'm apprehensive about voting this forward because of the lack of knowledge, but also because that which I have derived some knowledge about I'm not comfortable with either. I'm going to go into that here. But I think that I will be able to vote this forward to General File. I spoke with Speaker Flood and he has some ideas as to the process, how this can work, and Senator Raikes, of course, is going to be driving the bus here. So I think I can move it forward, but when we get to Select File one thing that is really troublesome to me, as I'm going to explicate that now, we all agreed that local control is good. In fact, that has been the rallying cry for many a bill having to do with education--local control. I'm with Senator Harms. I'm going to need to see a picture or something because I don't understand how this governing council, which is another layer of bureaucracy that is overarching over the other separate layers of bureaucracy, how that contributes to local control. I do not understand that. The...further complicating that issue we're going to have individuals on this council that will be paid \$31,000 a year and there will actually be benefits associated with that, I'm now learning, while those on school boards aren't getting paid anything. Now Senator Chambers has made some excellent points in the past about senators needing to step forward and having enough self-pride to request what they believe they are worth, and the premise there is that a laborer is worth his due. If we have a governing council that's paid \$31,000 a year and a school board that's paid zero, it seems to me that the governing council is going to have a bigger stick than what the school boards will have. Now maybe I'm wrong about that, maybe there will be a cooperative spirit within those two levels of bureaucracy, but my experience with human nature is that's probably not the way it's going to fly. So again, if we're going to get back to local control, it seems the school board is the most local and if they are at a treated...at a disadvantage, if they're not treated in the same way as the governing council, then it seems to me that that local control is going to be mitigated. Now if you know me, I'm not suggesting that we therefore jack the school board salaries up to \$31,000. I'd probably suggest the other way. But regardless, there seems to be at least a recognized inequity there. I don't see how that contributes to local control. So these are principles. Maybe there are details that I'm missing. I'm willing to hear that. I'm willing to move this forward to Select File, but on Select File that's problematic, so hopefully we can get at that. Mr. President, I'd like to yield the remainder of my time to

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Senator Langemeier. [LB641]

SENATOR ERDMAN: Senator Langemeier, you have 1 minute and 45 seconds. [LB641]

SENATOR LANGEMEIER: Mr. President, members of the body, I better talk quick. There was some reference to the water bill and moving that on, and I too am going to support this on to Select File because I think there can be things can be done. When we worked on LB701, the request to us was, Chris, you got to make a list and you got to write down every concern everybody has and you got to address every concern. So I would like to ask Senator Adams a question, if he would yield. [LB641 LB701]

SENATOR ERDMAN: Senator Adams. [LB641]

SENATOR ADAMS: Yes. [LB641]

SENATOR LANGEMEIER: Senator Adams, have you been making a list of the concerns that we've expressed? [LB641]

SENATOR ADAMS: Yes, we are. [LB641]

SENATOR LANGEMEIER: And on that is the governance council and the amount of money they can spend, a percent of their budget for administration, is that on that list? [LB641]

SENATOR ADAMS: Yes, it is. [LB641]

SENATOR LANGEMEIER: And reducing the amount the board members make, this projected pay, is that on there? [LB641]

SENATOR ADAMS: It's there for consideration,... [LB641]

SENATOR ERDMAN: One minute. [LB641]

SENATOR ADAMS: ...you bet. [LB641]

SENATOR LANGEMEIER: Thank you very much. I always want to make sure that we are making this list. And I, again, I support this moving to Select File and I'm looking forward to those adjustments, as we did in LB701. We incorporated everything on that list of concerns in that bill. Whether we liked them or not, we incorporated them because we were told, to move that, we made a list and they were going to be incorporated. And I look forward to the incorporation of each and every one of these. Thank you, Mr. President. [LB641 LB701]

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SENATOR ERDMAN: Thank you, Senator Langemeier and Senator Fulton. Senator Gay, you're recognized to speak. [LB641]

SENATOR GAY: Thank you, Mr. President. I just handed out a article that appeared in the Omaha World-Herald on Sunday, April 22. It discusses the measures that are taking place or may take place in Omaha, and it's an initiative to help kids. And the reason I bring this up, I wanted to save it, I was very intrigued and...with the program. I read it and discussed it. And as I see this bill, Senator Chambers pointed out on page 70 and 71, it caught my eye, too, and I highlighted much of this and I looked at it, and many of these things, when it comes to childcare for parents working for students...who are working with students or on their own educational skills; nutritional services; transportation for participating families; services for transient students; attendance advocates; health services; distribution of clothes, backpacks, school supplies; information or other resources for participating families, interpreter services, many of these...many of these are needed. I agree with him and I agree with Senator Ashford; had some information he gave--what is the cost if we don't do something? And I agree with him the cost could be kids in prison or lower paying jobs. Just there's a whole host of social costs that, if we don't get something done here, that we're going to be paying for in the long run, plus just the personal lives of people that we could change. I'm not so sure that the government is the source. I think we are part of the source and some of this bill could address some of that. I think there's too much in this bill that the private sector or foundations or other community money can help with, and I think they're willing to step up to the plate. I'm familiar with what goes on in Sarpy County and Omaha. My wife works at a foundation, does some great things. I'm amazed, when I look in the Omaha community, of the generosity of people. And I'm sure...Senator Aguilar mentioned in Grand Island some of the issues they face, I'm sure there are people in Grand Island who would help out. So we can't ignore that fact. But as I was looking through this article, and the reason I say that, there was another thing that really stood out, and this is John Langan, and he was a former OPS School Board member, and this is on very small print for those of us are in glasses: Sustaining funding for such a major push will be difficult, he said, and no outside group can control the biggest void behind youths who fail--their home life. What do you do when parents aren't there, he said. You can't regulate that stuff. I agree wholeheartedly, and I think many of you do, conversations we've had. But we can help and we can ask the community to help and step up, and I think they will. And that's a component, as we discuss this, that I would like to clear out some of these issues that if this is a statewide proposal and you would want to implement this in your community or your county or whatever you want to do, that you can do some of these things. But what are the key things we need to keep in here? What do...what is gravy, I guess? What was thrown in here to help bring someone along a little further down the path? I don't know and, again, I don't question people why they're doing this. I think we all want the same solution. But as we look at opportunities here, I think we need to keep that in mind, that there are people in the

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community who step up and who do provide things for kids, and that goes on all the time and we don't want to overlook that. Another...so I just wanted to throw that out there for discussion. I would encourage you to read this article. Another question, though, I heard Senator Aguilar mention to Senator Adams about, well, if people wanted to get together in my community how could they do that? I think they can do that now and I'd like more information on this and I will seek it out. Through interlocal agreements I think people can get together and get things done, and maybe that might help them with their levies or reencouraging... [LB641]

SENATOR ERDMAN: One minute. [LB641]

SENATOR GAY: ...those types of behavior. So I would encourage that as well. Senator Chambers pointed this out and he made an excellent analogy. I'm not so sure I should bring this up, but he talked, when we were talking taxes, about the little pebble in the backpack. That was one of the greatest analogies I thought of how taxes break somebody and then it just buckles them at the knees. This is a lot of little pebbles being thrown in there. What I'm saying, let's watch what we throw in there. Some maybe should be included, but I'm just not sure all this is. So as we have more discussion, I'd like to hear more reasons why a lot of these things should be in there. Thank you, Mr. President. [LB641]

SENATOR ERDMAN: Thank you, Senator Gay, and that was your third time. Senator Langemeier, you're recognized. [LB641]

SENATOR LANGEMEIER: Question. [LB641]

SENATOR ERDMAN: Members, the question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Senator Langemeier, for what purpose do you rise? [LB641]

SENATOR LANGEMEIER: I'd request a call of the house. [LB641]

SENATOR ERDMAN: Members, the question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB641]

CLERK: 20 ayes, 0 nays, Mr. President, to place the house under call. [LB641]

SENATOR ERDMAN: The house is under call. Would all unauthorized guests please leave the floor. Unexcused senators please report to the Chamber. The house is under call. Senator Mines, would you check in, please? Senator Synowiecki, would you please check in? Senator Engel, would you please check in? Senator Preister, Senator Schimek, Senator Dierks, the house is under call. Senator Preister, the house is under call. Senator Langemeier, Senator Preister has now arrived. All members are present or

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accounted for. How would you like to proceed? [LB641]

SENATOR LANGEMEIER: Call-in votes. [LB641]

SENATOR ERDMAN: Senator Langemeier has requested or authorized call-in votes. Members, the question before you is, shall debate cease? Mr. Clerk. [LB641]

CLERK: Senator Ashford voting yes. Senator Synowiecki, you had voted yes, Senator Synowiecki. Senator McDonald voting yes. Senator Mines voting...you had voted yes, Senator Mines. Senator Wightman voting yes. Senator Preister voting yes. Senator Lathrop voting yes. Senator McGill voting yes. Senator Hansen voting yes. Senator Dierks voting yes. Senator Johnson voting yes. Senator Engel voting yes. Senator Christensen voting yes. Senator Carlson voting yes. [LB641]

SENATOR ERDMAN: Record please, Mr. Clerk. [LB641]

CLERK: 27 ayes, 4 nays, Mr. President, to cease debate. [LB641]

SENATOR ERDMAN: The motion is successful. Senator Adams, you're recognized to close on your amendment. [LB641]

SENATOR ADAMS: Thank you, Mr. President. Fellow senators, it has been a long afternoon and I suspect we're still not done. There has been a host of concerns and a host of questions, and I want you to know that my staff has been over here writing every one of them down and we're going to try the best we can, all of us in the Education Committee, to try to address each one of those concerns between now and Select File, if you're gracious enough to let this move. We're not going to please everybody. This is too big. It's too complex. But we'll give it our best shot. It's a little like the water bill. Remember the conversations then? This is big. There's a lot to it on General File. Give us a chance to move things on to Select File and make some changes. That's all we're asking here. When you create a bill that's this complex, unfortunately you create a lot of nails that people can hang negative things on, or hang questions on and good questions at that, and we've got them and we'll try to respond to them. What I'm most pleased with, though, is throughout this debate today there is no doubt in my mind that regardless what direction we go there are 49 people in here who are genuinely concerned about education in the metropolitan area and the issues that are inherent there. And I'm also pleased to see that there's some interest in the potential of this learning community beyond the scope of the metropolitan area. We can do that. A lot of things have been brought up--benefits, salaries. We never talked about benefits. Salary can be adjusted. Just like with water bills, it's all open for discussion. The finance is open for adjustment. We need to adjust that. The governing board, there's no question but what you can find things there that you may not like, and the thing that I heard over and over again, more bureaucracy, you want more bureaucracy. I don't think a learning

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community, as a cooperative effort, will survive without some kind of overarching representation, elected representation, representation from all segments of the metropolitan community as well. Boundaries, we've discussed them. I honestly think in this we can put a lot to rest with the language on boundaries. Poverty plan, diversity plan, transportation--great things have been raised. Senator Synowiecki brought up the issue of the 5 percent and I'm glad that's on the record because we talked long and hard about that in the Education Committee, that 5 percent, and the fact that it's back on the record again and it's been brought up, we can talk about it some more. But now the time has come. I'm not going to take up more of your time. We need to vote. And you can vote on salary or you can vote on benefits or you can vote on too much bureaucracy. I'd ask you to be visionary. I'd ask you to think about the kids, and you should, but some of you would claim,... [LB641]

SENATOR ERDMAN: One minute. [LB641]

SENATOR ADAMS: ...oh, Adams, you're just playing the emotion card. Well, if that's the case, then all of our time was wasted in the Education Committee in the last three months because that's what we were doing. You know, there's a difference between politics and statesmanship. Making good policy or dealing with political realities, we all have to do both. This requires some real statesmanship on the part of all of us to think beyond, try to get our questions answered, try to come up with a good policy, try to come up with a good bill and do the right thing, do something that's different and make it work. Thank you, Mr. President. [LB641]

SENATOR ERDMAN: Thank you, Senator Adams. Members, you've heard the closing on AM1258, an amendment to the Education Committee amendments. All those in favor vote aye; all those opposed vote nay. Have you all voted who wish to? Record please, Mr. Clerk. [LB641]

CLERK: 42 ayes, 0 nays, Mr. President, on the adoption of Senator Adams' amendment to the Education Committee amendments. [LB641]

SENATOR ERDMAN: The amendment is adopted. The call is raised. Mr. Clerk, items for the record? [LB641]

CLERK: Mr. President, I do have a few, thank you. Your Committee on Enrollment and Review reports LB274, LB316, LB316A, LB373, LB540, LB540A, LB629, LB629A as correctly engrossed. Senator Dierks, an amendment to LB334 to be printed. Two new study resolutions: Senator Friend, LR142 and LR143; both will be referred to the Executive Board. (Legislative Journal pages 1492-1494.) [LB274 LB316 LB316A LB373 LB540 LB540A LB629 LB629A LB334 LR142 LR143]

Mr. President, with respect to the Education Committee amendments, I have no

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additional amendments pending at this time other than, Senator Kopplin, I understand you'd like to withdraw AM1291, Senator. [LB641]

SENATOR ERDMAN: It is withdrawn. [LB641]

CLERK: Mr. President, I have nothing further pending to the Education Committee amendments. [LB641]

SENATOR ERDMAN: We will now continue discussion on the Education Committee amendments, as amended. Those wishing to speak are as follows: Flood, Howard, Wallman, Schimek, Synowiecki, Avery, Chambers, Pirsch. Senator Flood, you're recognized to speak. [LB641]

SPEAKER FLOOD: Thank you, Mr. President, members. I want to first say how impressed I have been with the tenor, the tone, the thoughtfulness, and the progress that we're making this afternoon on this issue. I credit the Education Committee. I credit our senior member. I credit the members of our Legislature that come from Omaha who to this issue is very personal because it's their area. And I want to be on the record as saying, you know, I'm not from the metro area, but I am working, you know, in a world where many of you are, many of you have interests that aren't from the area, and we have to work towards Select File to address the concerns that have been raised and to do what we can to bring about an amendment that adopts those while still respecting the Education Committee's work and some of the folks in here that have really contributed to this discussion behind the scenes, and to those that this issue is very personal. If you're planning to have continuing discussions, I wanted to lay out for you what I see as a plan to take us from General to Select. We want to respect the committee's work. We want to have them to continue to meet and process these issues. And I know that Senator Raikes is very busy. I'm going to hopefully lay out a plan where we can start meeting often over the next couple of days to get input, to talk about ideas and shuttle it back and forth to the committee. And I think what Senator Adams said is good. Not everybody is going to walk away with this with exactly what they want, but that's not a compromise. It's about walking away with it...from this with your input having been listened to and with your ideas having been considered, and where possible where your ideas are in the mix. And I will lay out, hopefully Senator Raikes will give me a chance during his closing at some point, to tell you how that's actually going to work. I want to talk to him about it before I do. But I just want to say how good I think this has been for the Legislature and guys like Senator Ashford, who have really devoted hours and hours and days to this issue, I think their work today is reflected, with the clear message that there are more issues to be handled. So thank you, Mr. President. [LB641]

SENATOR AGUILAR PRESIDING [LB641]

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SENATOR AGUILAR: Thank you, Senator Flood. Senator Howard, you are next. You are recognized. [LB641]

SENATOR HOWARD: Thank you, Mr. President and members of the body. Last year, as we concluded the debate on LB1024, the message that went out was that this bill was passed to get the superintendents together at the table. Well, the superintendents did set their differences aside and I'm sure that wasn't always as easy as it sounds. They did work together and they did offer a plan that they felt would work. I hope that we are not now sending the message that we do not...that we...that they do not understand education issues as well as we do as state senators. I appreciate the work of these educators, as well as the teachers, all the teachers who choose the field of education because they wanted to commit themselves to helping children learn. When I was doing social work, I worked with many foster and adoptive parents throughout the Omaha area. When their foster or adopted child succeeded in school despite the difficulties they began with, the credit was given to their teacher. Without exception, the teachers I talked with who were instructing these children wanted nothing less than each child be successful in school. I would also be remiss if I did not comment on the hard work and the time given by the school board members, none of whom are offered any type of salary. I am grateful these individuals have provided untold hours of excellent service to the children, especially the children of the Omaha Public School System. Thank you. [LB641]

SENATOR AGUILAR: Thank you, Senator Howard. Senator Wallman, you are next. You are recognized. [LB641]

SENATOR WALLMAN: Thank you, Mr. President. Members of the body, I want to know how many teachers are in this body, former teachers. And how many administrators? I found out in a school, if you want a good school, it's not administrators, it's not principals, superintendents. It's the teachers. And I think that's where we let Senator Chambers' school district down--teachers. My brother practice taught in north Omaha and he loved those children. Why do you think he left? Administration. That's why my brother left north Omaha. He went to Minnesota. It paid better. My goodness, folks, we should have had a lot of teacher input here, a lot of teacher input, and that's what scares me. More administration doesn't necessarily fix the problem, and that scares me. Another bureaucracy--I've heard that talk by Mr. Gay, Senator Gay, and the more you get, the deeper you get, the more cost per student. It's not teachers. It's not teachers, folks. It's administration. It's their secretaries. It's their cars they drive around in. They got all the toys. The teachers are down at the bottom of the post. What do they get paid? What does a teacher get paid, folks? Anybody know? Less than \$30,000 a year to start out--five years of education, dedicated people, teach your young little children, you trust them day by day, they're there more than they are at home almost, and I want to say God bless the teachers. So whatever we do in this education bill remember the teachers. If we want good teachers we have to pay good teachers. And guess what.

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Iowa upped their teacher pay and they just told me, my son...my son-in-law and daughter who live in Iowa, they said we're going to rob your best teachers from Omaha, border cities. I bet it's going to happen. How are we going to keep them? Not more administration, folks, no. Better pay and give them the toys that everybody needs to have good education nowadays, run the machines, which I barely can do. Steve helps me down there. So let's remember the teachers. That's where it's at. Thank you, Mr. President. [LB641]

SENATOR AGUILAR: Thank you, Senator Wallman. Senator Synowiecki, you are next. You are recognized. [LB641]

SENATOR SYNOWIECKI: Thank you, Senator Aguilar. That was a little quicker than I thought. Senator Aguilar, I'd like to...if Senator Ashford or Senator Adams...Senator Ashford is available. [LB641]

SENATOR AGUILAR: Senator Ashford, would you yield to a question from Senator Synowiecki? [LB641]

SENATOR SYNOWIECKI: Senator Ashford, I was talking a little bit with Senator Adams and actually talking to you a little bit off the mike. A learning community council is assigned the task of developing a diversity plan, an English proficiency plan, a professional development plan. [LB641]

SENATOR ASHFORD: Correct. [LB641]

SENATOR SYNOWIECKI: And we're trying to do this planning and implementation of all this, which I think is fantastic, and yet we're attempting to preserve the autonomy and decision-making processes of the individual school districts. Is that a fair summation? [LB641]

SENATOR ASHFORD: Right. [LB641]

SENATOR SYNOWIECKI: Now when you look at Section 40 on the...particularly as it relates to the diversity plan,... [LB641]

SENATOR ASHFORD: Uh-huh. [LB641]

SENATOR SYNOWIECKI: ...right now we have that 5 percent reservation for outside students. [LB641]

SENATOR ASHFORD: Correct. [LB641]

SENATOR SYNOWIECKI: And there is, in all fairness, there's also a provision under

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subsection (6) that preference at each school building shall be given to students that bring the diversity of enrollment at each building closer to the average diversity of the entire enrollment of the learning community. So there is a preference given, but yet, given that we let the school boards maintain that level of autonomy and jurisdiction over their own schools, and I'm not saying that they would do this, but if they put up no-vacancy signs, we're not going to get the...the diversity, the diversity plan will fail on its face if we run into no-vacancy signs at a lot of the schools that currently, particularly the western fringes of the learning community, are at capacity now. How are we going to reserve slots for these poverty kids, and it works both ways and I understand that and so...and it should work both ways, but I am quite fearful, Senator Ashford, I have legitimate concerns that we start getting no-vacancy signs up at grade schools and high schools that this diversity plan, no matter how well-thought-out it is, will fail. [LB641]

SENATOR ASHFORD: Senator Synowiecki, I think you've hit the essence of the problem. If business as usual continues and children from poverty do not move into the suburban districts when they want to for educational opportunity reasons, then we've failed. And it's an issue that we have to continue to talk about. It's an issue that we talked about in the committee over and over again, and if we don't collectively solve it someday...the 5 percent was an effort to try to come to a minimum amount of space that would be available and it's a critical issue that we must discuss between now and Select File, or there is a chance that this whole thing would implode. [LB641]

SENATOR SYNOWIECKI: Yeah, I think I agree. It is particularly critical that we reserve some slots, and from what I understand, though, during the dialogue of the debate, is that this is...there's been kind of a decision already to remove that provision. You know, that's fine. I trust the committee. But what I'm pushing for here is an alternative... [LB641]

SENATOR ASHFORD: Right. [LB641]

SENATOR SYNOWIECKI: ...that while I agree, Senator Ashford, we ought to provide for the autonomy and the decision-making of individual school districts, I agree with that and I think we could have a parallel relationship here with the learning community council. But the fact remains is that we've got schools that are at capacity and we will not achieve any level of diversity... [LB641]

SENATOR AGUILAR: One minute. [LB641]

SENATOR SYNOWIECKI: ...if we don't have any teeth in it and if we do not reserve slots for kids that improve the diversity of individual school buildings. [LB641]

SENATOR ASHFORD: That's absolutely right, Senator Synowiecki, and the whole...one of the motivating factors behind having the overriding...this commission, this committee,

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was to bring the school districts together as never before to come together on that very, very issue. We can't...the boundaries between school districts, when it comes to diversity, have to come down. If they don't come down to that 30 percent level, which is the countywide, two-countywide area, we will have not succeeded. We will...we can declare failure in my view, Senator Synowiecki. [LB641]

SENATOR SYNOWIECKI: Well, I appreciate that, Senator Ashford, and I'm glad that the committee will continue to look at the issue. I just...I want the diversity and the integration part of this to be successful ultimately, and I think that the 5 percent reservation clause is critical... [LB641]

SENATOR AGUILAR: Time. [LB641]

SENATOR SYNOWIECKI: ...to that success. Thank you. [LB641]

SENATOR AGUILAR: Thank you, Senator Synowiecki. Senator Chambers, you are next. You are recognized. [LB641]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'm going to reveal something that I don't think I ever have on the floor before. My brother was a counselor and he was a teacher. He was a guidance counselor at Tech High, which is the school I graduated from. And they fired him. Let me tell you why they fired him; because they had a white female assistant principal, or maybe she was the principal. And when a child was in trouble in one of those classes--and trouble for them meant the child asked too many questions--they'd send him to my brother. And my brother was supposed to suspend the child and he never would. He'd say, what is the problem you're having class, if it's math, English, or whatever, because he was also trained as a teacher, and he would help the child in school. You know why they fired him? Insubordination, because his job was to get rid of those kids. That's what happens when you see a black assistant principal in OPS, a black almost anything. The principal at North High, Gene Haynes, is so afraid of those people that when those white teachers put together an insulting parody ridiculing Martin Luther King's "I Have a Dream" speech, ridiculed me, and I've talked briefly about that, he was afraid to do anything. I called and called and called because up to two months into the school year they had no textbooks at all in some of the classes. He never did anything about it. Then a teacher in journalism assigned that parody to the students. And one woman wrote me a letter complaining. She said, my child was not aware of all this because she was out of town, then when she came back she heard word of it, now it's in my house because she was assigned by the teacher to do this. And this was a white parent and she was irate. I contacted Mackiel, the superintendent. I contacted Gene Haynes. I didn't hear anything. Then I find out that teacher was transferred to Benson and she was involved in that use of the N word in the newspaper at Benson. You all wonder why I don't like OPS, why I'm disgusted with them? But my brother was fired. Guess who hired him? Westside. My

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brother taught at Westside until he retired and my brother used to invite me to his classes to read to little white children. And I'd go out there and read to these little white children. And when they had a classroom of little white kids who were bad kids, there are no bad kids to me. There are children who are rambunctious. And the other teacher would be looking because there would be more than one group of kids and my brother knows how I am. And he would go tell them, just be cool, Ernie will deal with this. And there was one little boy, I don't know what was the matter with him but he was just moving everywhere. And I was in a rocking chair. So I said, come here. So he looked and then he came. And I sat him on my lap and that little boy didn't do anything disturbing again. Then other little kids came, why didn't you let me sit on your lap? I said, well, I only got one lap. But anyway, a lot of photographs were taken. I keep those things but I don't always mention them. People have no idea how much time I spend in these classrooms, how much respect I get from these children because I respect them. My life exemplifies what I'm talking about here and I know what children need. I know what children need to be made to understand that they are respected and that somebody cares about them because I deal with children that way. If you bring a bunch of kids here, let all the other senators talk to those kids and then let me talk to them, and then you make a judgment for yourself. And I am worried about what's going to happen to these children and this bill offers the wherewithal to make some changes. And there are provisions that will deal with local control and I've heard the Governor's echo in the comments of some of my colleagues who talk about certain things over and over and over. Because I know some of the scurrilous things... [LB641]

SENATOR AGUILAR: One minute. [LB641]

SENATOR CHAMBERS: ...the Governor said about me at a meeting which the Speaker had attended, Senator Langemeier was there. They left and then the Governor said some very scurrilous things against me, Senator Raikes, and he's going to ram this bill down Senator Brashear's throat. And some of the education people were so upset that they told me what he said and some of them were rocked back on their heels because they had never seen him act like that before. And he does that behind my back. When he talks to me on the phone, oh, it's the sweetest cream and honey. But that's the kind of person we're dealing with and we need to handle this as a Legislature. That's what we're doing so far. And for once, I can say I'm very pleased and proud of the way the Legislature as a whole conducted itself. But our work is not completed. The groundwork has been laid and I hope we push this thing all the way across the finish line. Thank you, Mr. President. [LB641]

SENATOR AGUILAR: Thank you, Senator Chambers. Senator Pirsch, you are next. You are recognized. [LB641]

SENATOR PIRSCH: I'm sorry, did you say Senator Pirsch, Senator Aguilar? [LB641]

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SENATOR AGUILAR: Yes, I did. [LB641]

SENATOR PIRSCH: Very good. Thank you, Mr. President, members of the body. I was wondering if Senator Chambers might yield for a question or two. [LB641]

SENATOR AGUILAR: Senator Chambers, would you yield? [LB641]

SENATOR CHAMBERS: Yes, I will. [LB641]

SENATOR PIRSCH: Thank you, Senator. Now I had, I think, spoke last time with respect to those elementary learning centers. However, I'd like to talk about a different facet of the amendment, and that is the focus schools. Are you familiar with the passages in the bill with respect to that or is there a different senator who might be able to better address that particular topic? [LB641]

SENATOR CHAMBERS: Perhaps Senator Raikes, and here's why I say that, Senator. I don't want the members to think that I am evading. Focus schools, magnet schools, and other things were discussed in LB1024 and I don't know how this bill impacted on LB1024. And I don't want to discuss what was in that bill and be mistaken about the approach that may be taken in this one. So that's why I don't want to hazard guesses. But Senator Raikes is at his mike now. [LB641]

SENATOR PIRSCH: Oh, okay. Very good. Thank you. [LB641]

SENATOR AGUILAR: Senator Raikes, would you yield? [LB641]

SENATOR RAIKES: Yes. [LB641]

SENATOR PIRSCH: And I'm not sure if you heard the question, I apologize. [LB641]

SENATOR RAIKES: I didn't. I'm sorry, Senator. [LB641]

SENATOR PIRSCH: Okay. Let me repeat it then. A facet that was encapsulated in LB1024 which is carried over, I understand, into this, was amended into this AM1141, deals with the focus school concept. Is that correct? [LB641]

SENATOR RAIKES: That's correct. [LB641]

SENATOR PIRSCH: Okay. Could you just briefly give an overview of the concept of focus school and do you know what part of the bill that is? Is it spelled out the way the learning centers were spelled out in the particular amendment? [LB641]

SENATOR RAIKES: I'll check on that, Senator. But part of that, I think, was in LB1024.

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And I'm not sure we changed the part that's in LB1024. But I'll find for you as quick as I can where that is in the materials that are before us now. But to explain a little bit what the idea was, the focus school concept was really to serve two important needs: one was educational opportunity to provide a specialized program or an advanced program that was of interest to students throughout the metro area; and the second thing is, the second objective with that effort was to achieve diversity. And the way we went about that in LB1024 was to, and also in this approach, is to establish the focus schools and then populate those focus schools by giving priority according to the diversity in the community as a whole. So the effort would be to have a student body in such a school that reflected the diversity of the entire metro area. So if you happen to have 35 percent free and reduced students and 65 not, that would be the population that would be sought in that focus program. [LB641]

SENATOR PIRSCH: Okay. And just, explain that a little further. Suppose in a certain area you had a school that was 65 percent not poverty, 35 percent determined to be poverty, so overall consider... [LB641]

SENATOR RAIKES: Actually, Senator, I was trying to describe the characteristics, the demographic characteristics of the metro area as a whole and describing them as 35 percent free and reduced students, 65 percent non. So that if that's the case, then the student...your aim in populating... [LB641]

SENATOR AGUILAR: One minute. [LB641]

SENATOR RAIKES: ...the focus school would be to have that breakdown demographically of the students attending. [LB641]

SENATOR PIRSCH: I see. And who would, how would the process, or who would determine whether and where to locate a focus school? [LB641]

SENATOR RAIKES: It would be a combination of an individual school board, school district, and the learning community council. The school board, the proposal would need to originate from an individual school board, school district. It would get approval as a focus school from the learning community council. [LB641]

SENATOR PIRSCH: Okay. And I take it there's specialized funding that kicks in at that point in time? [LB641]

SENATOR RAIKES: There is. There would be, under the current proposal there would be funding available at the learning community to support such efforts. There also, under LB1024, is a weighting put in the aid formula to... [LB641]

SENATOR AGUILAR: Time. [LB641]

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SENATOR RAIKES: Thank you. [LB641]

SENATOR AGUILAR: Thank you, Senator Raikes and Senator Pirsch. Senator Gay, you are next and you are recognized, followed by Senators Kopplin and Langemeier. [LB641]

SENATOR GAY: Thank you, Mr. President. I rise again. I want to follow up a little bit on the joint responsibilities of some of these. On page 71, where we do have, line 9, child care for parents working with students or on their own education skills, nutritional services, some of the health services. Just real quickly, I'm going to, in the process that we're working on here, go check and see what...some of these may already be provided. In the Health and Human Services Committee, there are opportunities for a lot of this things, I think, are taking place at this point. So if we're already providing some of these services and they're not being utilized or they're underutilized or they need to be placed where somebody can utilize these, then we need to do that. Instead of creating the schools, now doing what the Department of Health and Human Services may already be providing. Because we dealt with child care for working parents, we discussed that. Nutritional services, I think, are provided in schools already. You know, what do some of these things mean? So I think what I'm going to do between now and Select File is look and see what programs are already being provided by the state that we are maybe duplicating here because I think that's important. So I just wanted to bring that out and make sure that we do our homework and look and make sure we don't have duplication. Also back to this private sector funding, again, I think that's something as well. An article in the paper does not translate into money. I've heard several times, well, if we get this done it's going to open up a lot of private sector money. Well, that's fine but I haven't seen anything written. An article is great and I don't question, again, what's happening here. But I'd like to hear some more on that. So I will do some research into that and find out some more information of what's going on there. So Senator Ashford, would you yield to one question? [LB641]

SENATOR AGUILAR: Senator Ashford, would you yield to a question? [LB641]

SENATOR ASHFORD: Yes, sir. [LB641]

SENATOR GAY: I had a note to myself about the resource centers... [LB641]

SENATOR ASHFORD: Yeah. [LB641]

SENATOR GAY: ...and I'm not familiar with every program, but Boys and Girls Clubs, YMCAs, some of these things are already out there. How would this differ? [LB641]

SENATOR ASHFORD: That's a great question. And one of the reasons, and I thank you

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for asking. How much time do I have left? (Laughter) [LB641]

SENATOR AGUILAR: Two minutes, twenty-five seconds. [LB641]

SENATOR ASHFORD: One of the reasons, and someone graciously indicated that the learning center was sort of my...I guess Senator Adams said that. I don't think that's true. But I think what the idea came from was essentially sort of my experience in working in north Omaha. And what I found was that there are numbers of nonprofits, the Boys Club, Girls Club, Girls Inc., the YWCA, YMCA, do fantastic work. I mean, they are absolutely great. But we don't match...I had 9,000 children in poverty I took care of everyday. We couldn't match those children up with those nonprofits in an effective way. The reason that the learning centers, the idea behind the learning centers to start with was the idea of coordinating, taking those children and matching them up with the nonprofits and others. So that's really the reason why, that's how it started, the discussion started, was the nonprofits. [LB641]

SENATOR GAY: Okay. Another question, you're a man in the know from your previous job and you've done a lot of things, expand a little bit on this. You're familiar with the program, what is it called, Building Bright Futures, do you know about that? Can you expand on that? [LB641]

SENATOR ASHFORD: I do know about that, I know about that. [LB641]

SENATOR GAY: Can you expand on that and how... [LB641]

SENATOR AGUILAR: One minute. [LB641]

SENATOR GAY: ...coordinated... [LB641]

SENATOR ASHFORD: That... [LB641]

SENATOR GAY: ...would that help coordinate... [LB641]

SENATOR ASHFORD: ...Building Bright Futures is one of the most significant ideas that has come to Omaha in my lifetime. And to have the people who will give hundreds of millions of dollars to helping these children is absolutely revolutionary. And to me, the learning center again is an idea where these people can go, we can give them information about what children are in need, what kind of needs they have, where they are in the process, information schools have. But that's not really their job. The learning resource center is a resource center, not only for parents and children but also for these people like Dick Holland, like Mike Yanney, whomever it is that are willing to give hundreds of millions of dollars to make this work. And the learning resource centers, in my view, are integral to that process. [LB641]

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SENATOR AGUILAR: Time. [LB641]

SENATOR ASHFORD: Thank you. [LB641]

SENATOR GAY: Thank you. Thank you. [LB641]

SENATOR AGUILAR: Thank you, Senator Ashford and Senator Gay. Next to speak is Senator Kopplin, followed by Langemeier, Pirsch, Erdman, Gay, and Friend. Senator Kopplin, you are recognized. [LB641]

SENATOR KOPPLIN: Thank you, Mr. President, colleagues. I want to respond a little bit to the discussion that was held on the 5 percent space. I oppose the inclusion of a 5 percent requirement on schools to hold space for diversity, not because I wanted to see no vacancy signs hung up. In fact, I'm a little bit offended by that. No one is trying to stop diversity. But when you have a high school of 2,400 kids, 5 percent is 120 spots that you're supposed to leave open. What do you do, go down the steps of the school and say, you, you, you, down to 120 of you go somewhere else? You cannot do that. When we see school buildings built as rapidly as we do in some districts, at times there is all kinds of space because if the superintendent is doing his job, he's going to build a building that's much bigger in his immediate care. So there's space, no problem. But when it reaches capacity and there has to be a way of being fair about capacity so everybody knows what it is, when you reach that, the building is full. The only way to make 5 percent space is to tell 5 percent of the kids, go away, we're bringing someone else in. Now with the development of focus schools, magnet pathways, magnet schools, maybe we can get that exchange that has to be there to make diversity work. I agree, we have to get diversity in our schools. But do we want to go to the point where we're telling kids, we will bus you somewhere else but give up your seat because I've got to save 5 percent? That's not right. I don't have the complete answer on it because it's going to take time to get focus schools and so on to the point where there is this movement. And there will be movement. I talked to a parent not long ago who was all in favor of this because they wanted their child to go to Omaha North. And you know why? Because they have a Chinese language instruction program. That's the way diversity should work. The school districts have programs that attract kids. But to just down and out and say 5 percent of you must go so we can make 5 percent others come in, it's disruptive, it's distasteful to the parents, and it's not necessary. We must find a better way to do that than sticking in a particular percentage that you must keep open. We have to do it on a way that's fair to all and I will work hard to do that. But I will continue to oppose 5 percent mandatory space. Thank you. [LB641]

SENATOR AGUILAR: Thank you, Senator Kopplin. Senator Erdman, you are next and recognized. [LB641]

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SENATOR ERDMAN: Mr. President, would Senator Ashford yield to some questions, please? [LB641]

SENATOR AGUILAR: Senator Ashford, would you yield? [LB641]

SENATOR ASHFORD: Yes. [LB641]

SENATOR ERDMAN: Senator Ashford, I'm trying to compare what the committee amendment was to what it currently is as amended. And it specifically goes to the area that you've been asking questions about, on the elementary learning centers. Under the description that was distributed to us at the briefing by Senator Raikes, it said that the elementary learning center facility could not be owned by a school district but would need to be located in the high concentration area of poverty. As I look at AM1258, I don't see that prohibition. And I'm wondering if that is intentionally done or if that was an oversight, so that I can...because that was an area that I had a question about how that would be applied. [LB641]

SENATOR ASHFORD: You know, I don't, it is not in the amendment, I couldn't find it in the amendment either, Senator. I think it's a discussion we can have. I feel that it should be an independent entity but that's sort of a philosophical question. [LB641]

SENATOR ERDMAN: Okay, but I just, that was one... [LB641]

SENATOR ASHFORD: I don't believe it's in the amendment. [LB641]

SENATOR ERDMAN: Right, and I didn't find it either, Senator Ashford. As we look through the amendment, AM1258, and again, this is now that's been amended into this, Section 36 outlines the responsibilities of the Learning Community Coordinating Council. And it says that they'll have the authority to do a number of things. You get down to number 9, which is on line 13 of page 66, and it says "Together with the achievement subcouncils as set forth in Section 39 of this act" the learning community council shall "approve the diversity plan, poverty plan, limited English proficiency plan, and professional development plan" pursuant to the sections. Talk to me about the achievement subcouncils. And the reference goes over on page 69. Are those individuals who are on the achievement subcouncil members of the learning community council or are they different? [LB641]

SENATOR ASHFORD: They are the members of the learning community council. [LB641]

SENATOR ERDMAN: So if that is the case... [LB641]

SENATOR ASHFORD: May I...I think I can clear that...I understand your... [LB641]

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SENATOR ERDMAN: Go ahead. [LB641]

SENATOR ASHFORD: ...confusion. Where were you, 66, 9? Together with the achievement subcouncils as set forth in (inaudible) approve the diversity plan...well, help me with your question again. [LB641]

SENATOR ERDMAN: Okay, let's go to page 69, Senator Ashford, Section 39. "Each learning community encompassing the territory of a city of the metropolitan class shall designate the three members from each electoral district as the achievement subcouncil for such electoral district." My question is, are those the members of the council that are being designated or are those members of that district who would be appointed to be a part of that subcommittee? [LB641]

SENATOR ASHFORD: They are 3 of 18 of the council. [LB641]

SENATOR ERDMAN: So it would be the three that were elected? [LB641]

SENATOR ASHFORD: Correct. [LB641]

SENATOR ERDMAN: And then those members shall meet as necessary and shall conduct a public hearing with its electoral district at least once each school year. [LB641]

SENATOR ASHFORD: Correct. [LB641]

SENATOR ERDMAN: So in addition to their responsibilities on the council of the 18, the 3 who were elected that have the responsibility of being on the achievement subcouncil will also have meetings that the public in that area would be able to attend and to be a part of? [LB641]

SENATOR ASHFORD: Correct. And I would advocate for more meetings, more than once a year. But yes, that's the intent, Senator Erdman. [LB641]

SENATOR ERDMAN: And I think the language says at least one, so I don't think there's anything that limits that. If you go further down then in that section, Section 39, in sub (b) on line 10 of page 70, it says they'll "operate and manage any elementary learning centers within the achievement subcouncils electoral district." We're not...maybe I should ask it this way. Are we envisioning... [LB641]

SENATOR AGUILAR: One minute. [LB641]

SENATOR ERDMAN: ...the individuals who get elected to the learning community

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council and then those three become part of the achievement subcouncil, are we envisioning those three people running the centers or are they the administrators of the centers or are they simply the board that would oversee the staff? [LB641]

SENATOR ASHFORD: My vision of that, Senator Erdman, that's a great question. The answer is, my vision would be that they would decide that amongst themselves. But I would foresee them running that center. And that would be a very distinct possibility though, that it's not required. My vision of this would be that one or two or all three would be involved in running it. [LB641]

SENATOR ERDMAN: So you would not necessarily be a board member per se... [LB641]

SENATOR ASHFORD: Correct. [LB641]

SENATOR ERDMAN: ...but you would rather be both a council member of the learning community, a member of the achievement subcommittee, and under your... [LB641]

SENATOR AGUILAR: Time. [LB641]

SENATOR ERDMAN: (Laugh) Thank you. [LB641]

SENATOR AGUILAR: Thank you, Senator Erdman and Senator Ashford. Next to speak, Senator Gay, followed by Langemeier. [LB641]

SENATOR GAY: Senator Ashford, would you yield to a question? [LB641]

SENATOR AGUILAR: Senator Ashford, would you yield? [LB641]

SENATOR ASHFORD: Yes. [LB641]

SENATOR GAY: If you want to continue to answer that... [LB641]

SENATOR ASHFORD: Well, just very briefly... [LB641]

SENATOR GAY: ...question, I was going to lead there, too. [LB641]

SENATOR ASHFORD: ...I think Senator... [LB641]

SENATOR GAY: Go ahead and finish that, thanks. [LB641]

SENATOR ASHFORD: ...yeah, thank you, Senator Gay. Thank you, Mr. President. The answer is that it would be up to the subcommittee. But I would, do believe that we're,

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those people who are elected to this achievement subcouncil, especially in areas of high poverty, would have, could have and, I would foresee, would have a very active role in those learning centers. And so that would be my vision. Sorry. [LB641]

SENATOR GAY: Well, to follow up on that, so the learning center versus the resource center and talking, sorry, the learning center and the resource center again, real quick, what's the difference... [LB641]

SENATOR ASHFORD: Same thing, in my... [LB641]

SENATOR GAY: They're the same thing? [LB641]

SENATOR ASHFORD: Yes. And if they appear differently, Senator Gay, we can go look at it later. But I believe it's the (laugh) same thing, at least without looking at it. [LB641]

SENATOR GAY: Okay. I want to go back to our discussion we had about the clearinghouse or what you envision as a clearinghouse between what we're already providing or not providing because people don't understand what is all provided. There are many of these programs. But do you think, could there be an opportunity, or where is this opportunity that someone could, is not utilizing an existing program that may already be offered in Health and Human Services or Boys and Girls Club or any other one of hundreds of mechanisms out there to deliver this that we're adding into this? Is there a simpler way to do it is all what I'm saying. [LB641]

SENATOR ASHFORD: You know, I've struggled with that, Senator Gay, for the ten years I was involved with working with very high concentrations of poverty. And I think it's a unique problem. It's distinct from other kinds of social problems. And I think my answer to your question is, I don't think there is another way that I, and I've thought of lots of them, and we've created some within the Housing Authority to try to deal with it. I don't...unless you connect the dots between education where the learning gap...that's the outcome. The outcome of all this poverty with kids is the learning gap. The only way that I can see to do it is to have some centrally administered resource center, coordination center that's going to address the needs of those students early on in the process. I don't know of any other way to do it. It's not that these other groups are not well-intentioned, it's just that they're not focused particularly on that particular education piece. And I think that has to be done. I don't know of any other way to do it, in my experience. [LB641]

SENATOR GAY: Okay. And the point that I want to get to as I have this discussion, and you're very informative, is I believe that those private sources that are doing this, that we should not recreate them. And I'm worried we're recreating something... [LB641]

SENATOR ASHFORD: I don't think so, though. [LB641]

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SENATOR GAY: Well, we differ on that, I guess. [LB641]

SENATOR ASHFORD: Okay. [LB641]

SENATOR GAY: That's where we agree to disagree because I do believe, when I turn to page 71 and read some of these things, that they're being done. And as I said earlier, I'll do some checking into this. And if we find duplication where, well, we already provide that under program XYZ, I don't want to provide it again in this, especially if statewide we have a program that's doing that. [LB641]

SENATOR ASHFORD: Right. [LB641]

SENATOR GAY: Now if funding needs to be funded or we find that this is a good program that has some good outcomes, let's go fund that but let's don't create a new program in this. That is my main worry with this. [LB641]

SENATOR ASHFORD: Okay. [LB641]

SENATOR GAY: And I talked to you earlier in the year, we talked about some welfare reform things... [LB641]

SENATOR ASHFORD: It's a genuine concern, Senator Gay. [LB641]

SENATOR GAY: Exactly. So I do believe, like I say, I just want to make sure that we're fully utilizing the resources from the private sector to help because I know they want to help and you're very much more familiar with that with me. Because the generosity out there is very...so that's all I'm getting to as we move along and discuss this more. I'm looking forward to finding... [LB641]

SENATOR AGUILAR: One minute. [LB641]

SENATOR GAY: ...out where those duplications may exist. And maybe they don't exist. So thank you very much, Senator Ashford, I appreciate it. [LB641]

SENATOR ASHFORD: Thank you, Senator Gay. [LB641]

SENATOR GAY: Thank you, Mr. President. [LB641]

SENATOR AGUILAR: Thank you, Senator Gay, Senator Ashford. Next up is Senator Langemeier. [LB641]

SENATOR LANGEMEIER: Mr. President, I'd like to yield my time to Senator Erdman.

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[LB641]

SENATOR AGUILAR: Senator Erdman, you have 4, 55. [LB641]

SENATOR ERDMAN: Thank you, Mr. President. Thank you, Senator Langemeier. If Senator Ashford would continue to yield so that we can continue our conversation about the questions I had earlier. [LB641]

SENATOR AGUILAR: Senator Ashford, would you yield? [LB641]

SENATOR ASHFORD: Yes. [LB641]

SENATOR ERDMAN: So to come full circle then, based on what you said earlier, the members of the achievement subcouncil would essentially be the same people who got elected in those districts. There are 6 districts in Omaha and Sarpy County, I believe, so in the community there are 6 districts that these 18 people get elected to. You said that you would envision that those individuals would become the folks who would operate these learning centers, the resource centers, whatever, the same terminology--Senator Gay calls them resource centers, I think the bill calls them learning centers--so who has oversight over those individuals when they're operating the facility? Because if you are, to give you the analogy of the school board, you have a school board that oversees the administration. Here you have the people who are the elected officials essentially overseeing themselves or... [LB641]

SENATOR ASHFORD: I think that's correct, Senator Erdman. I think that the point of this is that, what I'm trying to tell you is that these are extremely difficult significant problems, especially in high poverty areas. I'm not suggesting to you that the elected representative would, this would be a full-time job for them. But what I am suggesting is that we would try to hopefully look for people who would want to spend significant periods of time trying to find out, find solutions to these problems. And I think it's going to be more than just a school board--and they spend a lot of time, too, but I'm talking about, you know, not maybe daily, but certainly frequent instances of involvement with these children, in my view. [LB641]

SENATOR ERDMAN: And I guess to go back to a question that's been brought up is, if these individuals are going to be involved in more day-to-day type of activities, I think that needs to be pointed out. Because at least from the conversations that I've heard--and again, I was presiding for most of the afternoon so all I was likely to hear was what was being discussed--the question about what the reimbursement should be for these individual services I think has to be fleshed out then. If you're telling me that these individuals possibly could be operating these centers, I think that's a different understanding than maybe what some people are assuming their job to be. Some people may be assuming that we're going to elect people to this learning council or this

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community council and it's going to be like a school board. But according to our conversation, I'm getting the opinion that it's going to be more involved than that, possibly to the extent that they're actually operating these elementary learning centers. And if that's the case, I just wanted to make sure that we're clear that that's what you're envisioning or maybe what you're envisioning and that's something that the committee or whoever can work out between now and Select File. Because I'm not sure anyone else out here had that opinion and I wanted to make sure that I understood what your intentions were in the way that this bill was drafted currently. [LB641]

SENATOR ASHFORD: Thank you, Senator Erdman. That's...my vision is that these people, we don't need any more, in my view, any more boards and commissions and other people sitting around looking at this problem. We need people who are going to roll up their sleeves and get involved. That may not mean day-to-day running of the center but it means people who are going to be very active in finding solutions. So you're right, Senator Erdman. My vision would be that it would be a very hands-on type of person and process. And that's my vision of these learning centers. [LB641]

SENATOR ERDMAN: Okay. Thank you, Senator Ashford. Members, I want to point out one other thing. And according to Senator Adams, there's a list being kept (laugh) Janet. If you read on page 68, the... [LB641]

SENATOR AGUILAR: One minute. [LB641]

SENATOR ERDMAN: ...proposed initial electoral districts shall be drawn jointly by the election commissioners or county clerks as applicable of the applicable counties and submitted to those county boards and the Executive Board of the Legislature for review. Each county board and the Executive Board of the Legislative Council shall hold timely public hearings on the proposed electoral districts. Then what? We hold a hearing, the county boards...you've got Sarpy County, you've got Douglas County, you've got the Legislature. We all hold public hearings. I'm trying to follow through here, then we go to sub (3) and it says that they'll set the date for the election. Which one of those councils or which one of those boards? Is it all their recommendations? And then who sorts that out at the end? I'm not aware of any other time where the Executive Board is required to approve those district lines, whether it's another school board, we don't get to vote on whether or not Lincoln Public Schools gets to take more of Norris out or vice versa. I'm trying to think how... [LB641]

SENATOR AGUILAR: Time. [LB641]

SENATOR ERDMAN: ...that fits in there or, more importantly, why that's in there the way that is... [LB641]

SENATOR AGUILAR: Thank you, Senator Erdman. [LB641]

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SENATOR ERDMAN: ...and hopefully there will be additional clarification. Thank you, Mr. President. [LB641]

SENATOR AGUILAR: I would recognize Speaker Flood. [LB641]

SPEAKER FLOOD: Thank you, Mr. President, members. There's been a lot of questions tonight, when are we adjourning, where are we going. I think we have done a lot of work today and there have been some folks that have worked very hard. And for that reason, it's my opinion and it shall be the decision, I think, of the Legislature that we adjourn after we move this bill. Let's get out of here early tonight. We've got a lot of work tomorrow on Final Reading to do and beyond that we have more debate tomorrow afternoon that we will be working on. So it'll be a little earlier night than I had originally anticipated but I wanted to get that word out to the senators so that they could begin at least remaking evening plans, if that's the case. So as soon as we move this bill, we'll be done. Thank you, Mr. President. [LB641]

SENATOR AGUILAR: Thank you, Speaker Flood. Next up to speak is Senator Ashford. You are recognized. [LB641]

SENATOR ASHFORD: Question, question, question. (Laughter) [LB641]

SENATOR AGUILAR: The question has been called. Do I see five hands? I do see five hands. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? [LB641]

SENATOR ASHFORD: Mr. President. [LB641]

SENATOR AGUILAR: Senator Ashford, for what purpose do you rise? [LB641]

SENATOR ASHFORD: Uh, nothing. [LB641]

SENATOR AGUILAR: That's what I thought. Record, Mr. Clerk. [LB641]

CLERK: 26 ayes, 4 nays, Mr. President, to cease debate. [LB641]

SENATOR AGUILAR: Debate does cease. Senator Raikes, you are recognized to close on your amendment. [LB641]

SENATOR RAIKES: Thank you, Mr. President, members. Thank you for the discussion. I want to particularly commend Senator Adams for his introduction and handling of his amendment. That amendment is now the bill. We have, as he mentioned, carefully tried to catalogue your comments and concerns. We will continue to receive those so we can

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continue to work on this effort. With that, I urge your support of the amendment as amended. Thank you. [LB641]

SENATOR AGUILAR: You've heard the closing on AM1141. The question is, shall the amendment be adopted? All those in favor vote aye; all those opposed vote nay. Have you all voted that care to? Record, Mr. Clerk. [LB641]

CLERK: 41 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB641]

SENATOR AGUILAR: The amendment is adopted. [LB641]

CLERK: I have nothing further on the bill at this time, Mr. President. [LB641]

SENATOR AGUILAR: Senator Erdman, you are recognized. Senator Erdman waives. Senator Raikes, you are recognized to close on LB641. [LB641]

SENATOR RAIKES: Thank you, Mr. President, members. It seems that the interest in discussion has waned some here. But I do much appreciate all that you've done. Again, we're going to continue to work on this issue with your help and input. With that, I'd yield some time to Speaker Flood. [LB641]

SENATOR AGUILAR: Speaker Flood, you are recognized. [LB641]

SPEAKER FLOOD: I told somebody, you just have to go to midnight once and they know you're serious, so we let out early. This is an important first step in a process that is going to be very intense between General and Select File. A number of concerns have been raised. I think the committee is well-aware of those concerns and a list has been made. The committee is going to continue to meet. And I guess as Speaker, I see one of my jobs as trying to facilitate the discussion between the rest of the body and the committee during this time between General and Select File. Beginning Tuesday, and until the bill comes back, I will be in the senators lounge each morning at 7:30. And from 7:30 to 8:00, I'd like--and later as time permits and your schedules permit--I'd like to go through the issues. If you want to be a part of this working group, would you please have your office or yourself e-mail Jeanette in my office so that I know that you want to be at the table. We can work through the issues that have been presented. If you come to the process late, just let us know and you'll be included. But beginning Tuesday, and I'll send this out to all senators, I'll be in the senators lounge and we will go through this day by day, find out what's going on. And at the same time, I'll update you on where the committee is at as we work through the issues that have been presented, primarily right now with governance, the compensation for governance, and the learning community itself. And I want to thank Senator Gay, who I know has had a number of concerns. He's worked very constructively today, I think, to try and find common ground and

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compromise, as have several others. And there's several of you that I know have kind of backed off of what are very serious concerns in hopes of working it out. And this process has to be open and fair and it will. I'll send out an e-mail to all offices confirming this. But thank you, Mr. President. [LB641]

SENATOR AGUILAR: Thank you, Speaker Flood. Senator Raikes, do you wish to close yet? Senator Raikes waives closing. The question is, shall LB641 be advanced to E&R Initial? All those in favor vote aye; those opposed, nay. Have you all voted that care to? Record, Mr. Clerk. [LB641]

CLERK: 42 ayes, 0 nays, Mr. President, on the advancement of LB641. [LB641]

SENATOR AGUILAR: LB641 advances. Items for the record, Mr. Clerk? [LB641]

CLERK: Mr. President, but one item. Senator Schimek would like to print an amendment to LB39. Mr. President, I have a priority motion. Senator Flood would move to adjourn until Thursday morning, May 10, at 9:00 a.m. (Legislative Journal pages 1494-1497.) [LB39]

SENATOR AGUILAR: We have a motion to adjourn. There's been board vote requested. All those in favor vote aye; those opposed, nay. Record, Mr. Clerk. []

CLERK: 42 ayes, 0 nays to adjourn, Mr. President. []

SENATOR AGUILAR: We are adjourned. []