

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

Floor Debate
May 31, 2007

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PRESIDENT SHEEHY PRESIDING []

PRESIDENT SHEEHY: Good morning, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber for the ninetieth day of the One Hundredth Legislature, First Session. Our chaplain for today is Pastor Robert Hayward from the Seventh-Day Adventist Church in Alliance, Nebraska, Senator Louden's district. Would you all please rise. []

PASTOR HAYWARD: (Prayer offered.) []

PRESIDENT SHEEHY: Thank you, Pastor Hayward. I call to order the ninetieth day of the One Hundredth Legislature, First Session. Senators, please record your presence by roll call. Please record, Mr. Clerk. []

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

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Any corrections for the Journal? []

ASSISTANT CLERK: I have no corrections this morning. []

PRESIDENT SHEEHY: Messages, reports, or announcements? []

ASSISTANT CLERK: Your Committee on Enrollment and Review reports LB246 to Select File, and reports LR10 and LR39 as correctly enrolled. And we have received a report from the Investment Finance Authority that will be on file in our office. That's all that I have. (Legislative Journal pages 1875-1877.) [LB246 LR10 LR39]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR10 and LR39. Mr. Clerk, we will now move to Final Reading. Members should return to their seats in preparation for Final Reading. Mr. Clerk, the first bill is LB265. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Mr. Clerk, please record. [LR10 LR39 LB265]

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ASSISTANT CLERK: 37 ayes, 5 nays to dispense with the at-large reading, Mr. President. [LB265]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB265]

ASSISTANT CLERK: (Read title of LB265.) [LB265]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB265 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. (Doctor of the day introduced.) Mr. Clerk, please record. [LB265]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1878-1879.) Vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB265]

PRESIDENT SHEEHY: LB265 passes with the emergency clause attached. We will now proceed to LB351. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Mr. Clerk, please record. [LB265 LB351]

ASSISTANT CLERK: 40 ayes, 3 nays to dispense with the at-large reading, Mr. President. [LB351]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB351]

ASSISTANT CLERK: (Read title of LB351.) [LB351]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB351 pass? All those in favor vote yea; opposed, nay. Mr. Clerk, please record. [LB351]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1879.) Vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB351]

PRESIDENT SHEEHY: LB351 passes. We will now proceed to LB351A. [LB351 LB351A]

ASSISTANT CLERK: (Read LB351A on Final Reading.) [LB351A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB351A pass? All those in favor vote yea; opposed, nay. Mr.

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Clerk, please record. [LB351A]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1880.) Vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB351A]

PRESIDENT SHEEHY: LB351A passes. We will now proceed to LB530. [LB351A LB530]

ASSISTANT CLERK: (Read LB530 on Final Reading.) [LB530]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB530 pass? All those in favor vote yea; opposed, nay. Mr. Clerk, please record. [LB530]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1880-1881.) Vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB530]

PRESIDENT SHEEHY: LB530 passes. We will now proceed to LB570. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Mr. Clerk, please record. [LB530 LB570]

ASSISTANT CLERK: 35 ayes, 6 nays to dispense with the at-large reading, Mr. President. [LB570]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB570]

ASSISTANT CLERK: (Read title of LB570.) [LB570]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB570 pass? All those in favor vote yea; opposed, nay. Mr. Clerk, please record. [LB570]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1881-1882.) Vote is 47 ayes, 1 nay, 1 excused and not voting. [LB570]

PRESIDENT SHEEHY: LB570 passes. We will now proceed to LB646. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Mr. Clerk, please record. [LB570 LB646]

ASSISTANT CLERK: Vote is 37 ayes, 5 nays to dispense with the at-large reading, Mr. President. [LB646]

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PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB646]

ASSISTANT CLERK: (Read title of LB646.) [LB646]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB646 pass? All those in favor vote yea; opposed, nay. Mr. Clerk, please record. [LB646]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1882-1883.) Vote is 48 ayes, 0 nays, 1 excused and not voting. [LB646]

PRESIDENT SHEEHY: LB646 passes. We will now proceed to LB653. [LB646 LB653]

ASSISTANT CLERK: (Read LB653 on Final Reading.) [LB653]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB653 pass? All those in favor vote yea; opposed, nay. Mr. Clerk, please record. [LB653]

ASSISTANT CLERK (Record vote read, Legislative Journal pages 1883-1884.) Vote is 30 ayes, 13 nays, 5 present and not voting, 1 excused and no voting, Mr. President. [LB653]

PRESIDENT SHEEHY LB653 passes. We will now proceed to LB653A. [LB653 LB653A]

ASSISTANT CLERK (Read LB653A on Final Reading.) [LB653A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB653A pass? All those in favor vote yea; opposed, nay. Mr. Clerk, please record. [LB653A]

ASSISTANT CLERK (Record vote read, Legislative Journal page 1884.) Vote is 31 ayes, 8 nays, 9 present and not voting, 1 excused and not voting, Mr. President. [LB653A]

PRESIDENT SHEEHY LB653A passes. Mr. Clerk, do you have items for the record? [LB653A]

CLERK Mr. President, I do. A communication from the Governor. (Read re LB97, LB142, LB247, LB247A, LB358, LB456, LB551, LB551A, LB554, LB554A, LB573.) A second communication, Mr. President. (Read re LB658.) Mr. President, pursuant to that

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offering, I have a motion from Senator Raikes that LB658 become law notwithstanding the objections of the Governor. (Legislative Journal pages 1885-1886.) [LB97 LB142 LB247 LB247A LB358 LB456 LB551 LB551A LB554 LB554A LB573 LB658]

PRESIDENT SHEEHY Speaker Flood, you are recognized. []

SPEAKER FLOOD Thank you, Mr. President, members. In light of the Governor's veto, it's my intention to take that up at 1:30 this afternoon. We'll begin straight up at 1:30. I would like to move these legislative resolutions prior to adjournment at noon today, and then after lunch take up the veto and resume the rest of our agenda. That's the plan of attack at this time. I appreciate your willingness to stick it out today and we'll finish up later this afternoon. Thank you, Mr. President. []

PRESIDENT SHEEHY: Thank you, Mr. Speaker. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB265, LB351, LB351A, LB530, LB570, LB646, LB653, and LB653A. Mr. Clerk, we will move to the first legislative resolution. [LB265 LB351 LB351A LB530 LB570 LB646 LB653 LB653A]

CLERK: Mr. President, LR216 was a resolution offered by Senator Engel. Was introduced on May 24, congratulates the Newcastle Lady Raiders girls' track team and their coaches for a successful track season. [LR216]

PRESIDENT SHEEHY: Senator Engel, you are recognized to open on LR216. [LR216]

SENATOR ENGEL: Mr. President, members of the body, whereas the Newcastle Lady Raiders won the 2007 Class D Girls' State Track Championship and the win marked the first time the Raiders have won the championship, and throughout the year the Newcastle Lady Raiders girls' track team has demonstrated that hard work, dedication, and discipline produces remarkable results, and such an achievement is made possible not only by the players' performance and the coaching guidance but also through the support of parents, teachers, administrators, and the community, now, therefore, be it resolved by the members of the One Hundredth Legislature of Nebraska, First Session, that the Legislature congratulates the Newcastle Lady Raiders girls' track team and its coaches, and that a copy of this resolution be sent to the Newcastle Lady Raiders girls' track team and head coach Robin Mohr. With that, I'd appreciate your passing this. Thank you. [LR216]

PRESIDENT SHEEHY: Thank you, Senator Engel. You have heard the opening to LR216. Are there members wishing to speak on this item? Seeing none, Senator Engel, you're recognized to close. Senator Engel waives closing. The question before the body is, shall LR216 be adopted? All those in favor vote yea; opposed, nay. Mr. Clerk, please record. [LR216]

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CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of LR216. [LR216]

PRESIDENT SHEEHY: LR216 is adopted. (Visitors introduced.) Next item under legislative resolutions. [LR216 LR217]

CLERK: Mr. President, LR217 by Senator Pahls congratulates and recognizes Lindsey Fridrich for her winning essay and declares August 27 as Teaching Day. [LR217]

PRESIDENT SHEEHY: Senator Pahls, you are recognized to open on LR217. [LR217]

SENATOR PAHLS: Mr. President, members of the body, I wish to congratulate Lindsey Fridrich. She won a contest where there were over 10,000 entries, and the purpose of this contest was to find a holiday that would be a good new holiday and she chose the holiday called the Teaching holiday, which would be August 27. Thank you. [LR217]

PRESIDENT SHEEHY: Thank you, Senator Pahls. You have heard the opening to LR217. Any additional members wishing to speak on this item? Seeing none, Senator Pahls, you're recognized to close. Senator Pahls waives closing. The question before the body is, shall LR217 be adopted? All those in favor vote yea; opposed, nay. Mr. Clerk, please record. [LR217]

CLERK: 31 ayes, 0 nays, Mr. President, on the adoption of LR217. [LR217]

PRESIDENT SHEEHY: Legislative resolution is adopted. Next legislative resolution. [LR217]

CLERK: Mr. President, LR218, offered by Senator Pahls, congratulates the Millard West Wildcats on the girls' state soccer tournament title. [LR218]

PRESIDENT SHEEHY: Senator Pahls, you're recognized to open on LR218. [LR218]

SENATOR PAHLS: Mr. President, members of the body, I wish to congratulate the Millard West Wildcats. This is their first championship, state, for the girls at Millard West and would like to congratulate them. And this is the last resolution of the session. Thank you. [LR218]

PRESIDENT SHEEHY: Thank you, Senator Pahls. You've heard the opening to LR218. Are there members requesting to speak? Seeing none, Senator Pahls, you're recognized to close. Senator Pahls waives closing. The question is, shall LR218 be adopted? All those in favor vote yea; opposed, nay. Mr. Clerk, please record. [LR218]

CLERK: 30 ayes, 0 nays, Mr. President, on the adoption of LR218. [LR218]

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PRESIDENT SHEEHY: LR218 is adopted. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR216, LR217, and LR218. Any items on your desk, Mr. Clerk? [LR218 LR216 LR217]

CLERK: I have nothing at this time, Mr. President. I do have a priority motion. Senator Dierks would move to recess until 1:30 p.m. []

PRESIDENT SHEEHY: You have heard the motion to recess until 1:30 p.m. All those in favor say aye. Opposed, nay. We are in recess till 1:30. []

RECESS []

SENATOR LANGEMEIER PRESIDING []

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

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

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

CLERK: One item. Bills read on Final Reading this morning were presented to the Governor at 11:52 (re LB265, LB351, LB351A, LB530, LB570, LB646, LB653, and LB653A). That's the only item I have, Mr. President. (Legislative Journal page 1887.) [LB265 LB351 LB351A LB530 LB570 LB646 LB653 LB653A]

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

CLERK: Mr. President, Senator Raikes would move that LB658 become law notwithstanding the objections of the Governor. [LB658]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Raikes, you are recognized to open on your motion to override the Governor's veto. [LB658]

SENATOR RAIKES: Thank you, Mr. President and members of the Legislature. It must seem that there's been a strange reversal of roles here. I am certainly an unlikely champion of Class I school districts. I introduced LB126 and, for that matter, LB1048 before it. I did my best to convince my colleagues in the Legislature at the time, as many of you know, that we should combine the then 480-plus elementary only, high

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school only, and K-12 school districts into about 260 K-12 districts. In the long and difficult negotiations on LB126, I was offered, quote, help, by many opponents of LB126 that at the time I didn't want. For example, even though there was never a requirement by the law that any school building be closed, some Class I supporters thought there ought to be specific prohibitions on closure of buildings. I agreed, and the Legislature decided to include building protections in the proposal. The same was true of provisions to replace refunding and provide help for elementary school building construction in districts serving high-needs students. I agreed to these provisions without getting a commitment by the senators proposing them to support the bill, which was dumb. But in that respect I am glad...or in retrospect, rather, I am glad these provisions were included because they made LB126 a better bill. I remain convinced that LB126 was a good state policy proposal and that it worked very well. During the time LB126 was operative, the vast majority of former Class I school buildings remained open, especially those in sparsely populated areas of the state. Even though there was substantial change, parents, students, and teachers made the adjustments. Certainly there was controversy and litigation, but LB126 survived every legal challenge in both state and federal courts. It is maybe obvious that I have not been an advocate of changing policy direction to avoid a threatened lawsuit. We make the best policy we can. If we allow ourselves to be stampeded, we will always be on the run. This has made me a popular person with the bar association but not so popular with the Governor. He has mentioned a time or two that my attitude might be different if it were me listed as the defendant rather than him. As you know, the string of unsuccessful court challenges intermixed with successful and unsuccessful petition drives culminated in a vote to repeal LB126 last November. I did not, as a result, become a sudden champion of Class I school districts, but I did consider it my obligation to consider carefully what the voters had said and to bring you a proposal to implement their wishes. That's the reason I introduced LB658. As amended, it provides a clear path for the formation of Class I school districts, given our current organization as K-12 districts. Provisions that have been there since the green copy version included a requirement for a vote by those in the affected K-12 district and consistency with our constitution's closed class provision. Since the green copy, there have been a slew of amendments, mostly all aimed at making implementation easier for those wishing to form Class I districts and making it easier for K-12 districts to maintain remote elementary attendance centers. LB658 provides an important element of certainty for students, parents, teachers, and taxpayers. It also provides K-12 boards a framework in which they can operate. LB658 is, however, a problem for those who make a good living by litigating. Now I'll go back to the role reversal. The Governor, who would like to be viewed as the champion of Class I schools, and certainly, compared to me, should be, is proposing with this veto that we have no Class I school districts. And in spite of his often-stated distaste for spending taxpayer money on lawsuits, the Governor is inviting unending litigation. If this veto is sustained, we retain the current statute, which is nowhere near as generous in allowing formation of Class I school districts as LB658. Sustaining this veto, however, would protect the interests of the litigators who have not only fleeced but misled the public on this issue. These attorneys

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have compiled a record of approximately 0 and 170 in their Class I litigation. It is time we remove them from the public trough. We have an opportunity, with the override of this veto, to head off further destructive litigation without sacrificing good state policy. We would at the same time honor the wishes of voters and the interests of parents, students, and taxpayers. Most important, we would protect former Class I buildings for use by those who wish to create Class I districts. It's time we move forward and implement LB658. If Class I supporters want to change provisions of LB658, they should and certainly could bring litigation...or legislation, rather, next year in the context of the reality we face. Please join me in voting to override this veto. Thank you. [LB658]

SENATOR LANGEMEIER: Thank you, Senator Raikes. You have heard the opening on the motion to override the Governor's veto notwithstanding the objection of the Governor. The floor is now open for discussion. Senator Erdman, followed by Dierks, Dubas, Karpisek, and Kruse. Senator Erdman, you are recognized. [LB658]

SENATOR ERDMAN: Mr. President and members of the Legislature, I rise in opposition to the motion to override the veto of the Governor on LB658. I, first of all, however, want to state, as I have repeatedly on this floor on different bills that we have had before us, that this isn't a disagreement about whether or not someone is undermined in what they're doing or their attempts in what they believe is the right public policy; this is simply a disagreement on the way that we should go forward. And Senator Raikes and the Education Committee, I believe, have worked hard to try to come up with what they believe is a reasonable solution. I simply disagree. None of you that represent Omaha or Sarpy County, and I recognize some of you in Sarpy County didn't vote for LB641, but none of you would have voted for a bill that put OPS back together but said to the school board of OPS, you cannot hire a teacher and you cannot spend a dime unless the learning community council approves. That's in LB658. I appreciate the handout that Senator Raikes gave us from the Omaha World-Herald's editorial board. They believe that LB658 should be signed into law. It presumes, based on last fall's vote, that Nebraskans still want the option to form and operate reasonably autonomous country school districts. That's not autonomy. If you're a Class I organized under the provisions of this bill, you are simply an advisory council to run a facility. That's not autonomy. Senator Raikes further talks about the fleecing of the taxpayers or the fleecing of the individuals in regards to attorneys' fees. You know what happened for the last two and a half years? Every school district in Omaha was using taxpayer dollars to be fleecing or to fleece from them those dollars so that they could further their interests. I don't agree with the tactics that have been taken by some of the supporters of Class I schools, and in fact if we go back to the debate on LB646 (sic), we had an amendment that would have retroactively put the Class I's back as they existed before the vote on LB126. I had it drafted. I had it in my hand. I didn't offer it. And to stand on this floor and say that the efforts that have been made by the Class I supporters to concede that points and the opportunity to file further litigation and lawsuits is somehow a nonissue, to me, is lost. We gave OPS the benefit of the doubt and, by golly, if anyone deserves the benefit of

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the doubt and we gave it to them, why on earth can't we recognize that we have an opportunity to do this better? There are things in LB658 that make the bill acceptable--one thing mainly. That's the provision in Section 5. It says if you would like to reorganize a Class I district in the state of Nebraska, you have until June 30 of this year to send a letter to that K-12 district, assuming you meet the qualifications of three resident students, 20 square miles, and that your district will be contiguously held in one existing school district. Send a letter. You have a chance. If you don't meet those, you don't. But if you do meet those and you go through the efforts of getting it approved by the reorganization committee, getting it put before the county clerk in the proper form to be a petition and getting the signatures to put it on the ballot, congratulations, you've formed an advisory council--not a school board and not a school district. I appreciate greatly the insight and the wisdom that Senator Raikes brings to any educational issue, and I, first and foremost, want to thank him for the courtesy that he extended me this last weekend, as we visited about possible alternatives. I think there was a better way to do it. [LB658 LB641]

SENATOR LANGEMEIER: One minute. [LB658]

SENATOR ERDMAN: I find myself in somewhat of a difficult situation, recognizing that if this bill passes, that you lose those protections, those minimal protections that are there in place to at least give people a chance to reorganize their Class I. But even if you read what the World-Herald would tell you that the people of Nebraska want, not what I have said or what others have said, but even if you believe what they tell you, that they want an autonomous, a reasonably autonomous district, there is no way that you can make that objective analysis and come to that conclusion under this bill. As we ended the session last year, Senator Schimek, I don't think anybody's mind is going to be changed. I think people have been threatened in the lobby. I think people have had their arms twisted on both sides. Let's vote. Let's see where we're at. And then maybe next year, whatever happens, we can at least provide an opportunity to have a process in which we put the same respect on these rural districts that we have given those in the metro districts. Thank you, Mr. President. [LB658]

SENATOR LANGEMEIER: Thank you, Senator Erdman. Senator Dierks, you are recognized. [LB658]

SENATOR DIERKS: Thank you, Mr. President, members of the Legislature. I'm asking for your support to sustain the veto of Governor Heineman. I am very grateful to the Governor for his willingness to honor the vote of the majority last November. I think that says a lot about statesmanship. LB658 is not what the voters asked for when they voted to repeal LB126. Do you know that LB658 has, like, 44 of the same provisions in it as LB126 had? That's not a change. I'm handing out a copy of research on the number of initiative petitions and referendums that were found on the general election ballots during the past 20 years. As you can see, Referendum 422 was the first referendum

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that appeared on a general election ballot since 1990. That's 16 years since the voters were asked whether or not to retain or repeal a bill passed by the Legislature. It is not often that the voters go to the trouble of starting a petition drive, gathering votes, placing an issue before the voters. That is a lot of work and one must feel very strongly about it before they go to the all the trouble and expense of an initiative and referendum drive. During the petition drive for Initiative Referendum 422, over 1,100 people carried petitions and collected signatures. Of that 1,100, only 5 people were paid to collect signatures, and those 5 people collected roughly 1,000 names. As you can see, this was a grass-roots effort on the part of the people to save their schools and their way of life. That's a populist position, which is very honorable in my book. I have talked on this issue many times this year and feel so strongly that something must be done to honor the vote. LB658 is not the answer and is not what the citizens have told us they wanted. I asked for your help on behalf of the majority of voters last November to please support the veto of LB658. And while I have the floor, I would like to also mention something to inform you that the litigators, the attorneys who are working for Class I's United, are not at the public trough. They have received absolutely no financial reward from anybody for their work on this issue. This has all been pro bono. So let's stop that nonsense about all the dollars they're getting from the public trough. It just isn't happening. Thank you, Mr. President. [LB658]

SENATOR LANGEMEIER: Thank you, Senator Dierks. Senator Dubas, you are recognized. [LB658]

SENATOR DUBAS: Thank you, Mr. President, members of the body. I rise also to ask you to sustain the Governor's veto. The Governor asked me to help spearhead this debate and it is my pleasure to be able to accommodate that request. The results of the election last fall clearly established that the majority of Nebraskans wanted the opportunity for Class I schools to exist, and that vote is a very, very important part of our democratic process, especially here in Nebraska and especially here with the Unicameral. This body does not earn good faith with the public when we ignore the direction that they so soundly give to us. Class I school advocates view the provisions of this bill as very difficult, as putting many roadblocks in place to help them allow the re-creation of Class I districts. We owe it to the citizens of this state to honor the vote, and I know there are people on this floor who feel that LB658 does honor the vote, but the people who are most impacted by this legislation do not feel that way. They are the ones we should be listening to, and if you're not impacted by this vote, if you don't have the passion for the schools, the Class I schools, that these people have, you can't fully understand where they're coming from. This is where they live. This is where their heart and soul is. This is what they believe in. And they've put their money where their mouth is and they want to support their schools, and they do it. And when we had the opportunity to vote and that vote sent us the message, and this body essentially in their opinion is ignoring that vote, we are, in my estimation, showing a great deal of disrespect to the people that this legislation impacts the most. It was an incredible

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process and an opportunity for me to watch what unfolded with the OPS debate. We worked long and hard, some people on this floor a lot longer and a lot harder than the rest of us, and to bring everybody to the table to help craft a solution that, while not everybody was totally happy with, everybody felt they could live with. They were afforded the time to work out the differences and the things that people didn't agree with on LB1024. LB126 did not have that luxury and these people have been forced to work long and hard to stop a train that's going full speed ahead down the tracks. In my mind, the OPS situation is how the process should work. LB658 and LB126 is the way the process shouldn't work. I understand concerns of the teachers and fair compensation and benefits for the work that they do, and I want to assure you that I hear and I understand those concerns. And should we have the opportunity to continue to work on this issue, I will be at the table and I will be fighting hard to make sure that those teachers' concerns are addressed. Because if we have teachers who are well-compensated and respected, it only pays dividends to our students. We've been assured by small school representatives that they would not file further lawsuits on this issue and they would not continue to demand automatic restoration of the districts as they existed prior to the dissolution, and that they are very willing to come to the table in a cooperative spirit to work with policymakers throughout the summer and the fall... [LB658]

SENATOR LANGEMEIER: One minute. [LB658]

SENATOR DUBAS: ...to help come up with a more reasonable solution to this problem--a solution that, again, those who are most impacted by can live with and feel good about. I beg you to listen to the discussion that we're having today, listen hard, take these people's feelings, thoughts, and life experiences into consideration, and please sustain this veto. Thank you. [LB658]

SENATOR LANGEMEIER: Thank you, Senator Dubas. Senator Karpisek, you are recognized. [LB658]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. As Senator Dubas said, some people feel that this is an adequate way for our Class I's to be able to reorganize. I do not share those thoughts. I'm just going to go through how this would work, how they would have to go about the hoops to jump through. As Senator Erdman stated, send a letter of intent by June 30, 2007. Any individual or group of individuals residing in a Class II, III, or IV district may propose a plan to create a new Class I school district. The plan shall contain a legal description and map of the proposed district, which must consist of contiguous territory of at least 20 square miles, only territory within a single Class II, III, or IV school district, and territory that does not divide a precinct; a list of at least three resident students who will enroll in such district, as attested to in writing by a parent or legal guardian; a facilities plan, which includes the location of the building, whether an existing building will be transferred from the Class II,

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III, or IV district, and the cost of any proposed facility purchase, construction, or renovation. If the facilities plan would require a capital facility bond, the plan shall include a proposal for a bond issue to be voted upon concurrently with the plan. They would need a staffing plan, an estimated budget, a proposed method for dividing assets and liabilities between the Class II, III, or IV school district and the proposed Class I district. The plan shall be filed with the school board of the affected Class II, III, or IV school district and the State Committee for the Reorganization of School Districts on or before January 15 of any even-numbered year. The state committee shall approve the plan if the minimum requirements of subsection (1) are met. If they are not met, the state committee shall reject the plan with an explanation of the unmet requirements. Such approval or rejection shall be made on or before April 1 of such year. Subsection (3): If the state committee approves the plan, it shall submit the plan within five days after such approval to the election commissioner or county clerk of the county in which the Class II, III, or IV school district is headquartered. Number (4): If the state committee rejects the plan, the individual or group initiating the plan may appeal the rejection to the State Board of Education on or before April 15. The state board shall consider the appeal at a meeting on or before June 15 and determine if the minimum requirements have been met. The individual or group appealing the decision shall have an opportunity to testify at such meeting. If the state board reserves (sic) the decision of the state committee and approves the plan, the state board shall submit the plan to the election commissioner or county clerk within five days after such approval. To me, that does not seem like a simple process. Who is going to do this? Are they going to have to hire people? I suppose. Get into that public trough of money that they're not in now. I've said before on this issue, I'll say it again, I do not think this is what the people intended when they voted to let Class I districts reorganize. We can argue on this floor that people didn't know what they were voting on. Of course we can argue that. Half of us wouldn't be here maybe. I probably wouldn't be here if people knew what they were voting on. That is not the point. They vote...(laugh)...I know it's true, but they vote... [LB658]

SENATOR LANGEMEIER: One minute. [LB658]

SENATOR KARPSEK: ...and if we want to go back to every vote that's been cast and say they didn't know what they were voting on, what in the world are we doing? It seems ludicrous to me. We had a vote. It turned out. And just because somebody doesn't like how it turned out, they're going to make it as difficult as they can for them to come back. Remember, folks, it was this body that decided to start this in the first place. It wasn't the Class I's, it wasn't the K-12s. It was this body. Please help us fix this mess. Do not override the veto. Help the kids. The kids are the bottom line in this. And as Senator Erdman said, we sat here, the rural senators, and tried to help the OPS situation. Please help us back. [LB658]

SENATOR LANGEMEIER: Time. [LB658]

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SENATOR KARPISEK: Thank you, Mr. President. [LB658]

SENATOR LANGEMEIER: Thank you, Senator Karpisek. Senator Kruse, you are recognized. [LB658]

SENATOR KRUSE: Thank you, Mr. President and colleagues. As a graduate of Class I and as a supporter of Class I, I will be voting for the override. I think we need to recognize that we can debate all day about how good it is and it certainly is not all that it should be in many eyes, but it's all Class I's got at this point. To refer to this as something else as a fix is strange language indeed. If we do not override, Class I's come out with nothing. Either way, we can come in with legislation next winter and do what we please, but today's vote doesn't have any real relationship to that action. It may sound strange to some that I am a supporter of Class I. I have considered myself that all the way, even while I was voting for LB126. I asked only one thing, that is what I call local control. I would wish that my parents had some option to vote for the school board where I went to high school. They were completely shut out, and that's not the way we ought to do business. That was my only objection, and what we're talking about here helps in that. There could be more done but at least there is help in having persons, full participants in the K-12 system, and that I'm sure is what my constituents want within this...within any kind of a system, that everybody be able to participate. Because of these concerns and because I don't see a viable option anyplace else at this point on behalf of Class I's, I'll be voting to override. Thank you. [LB658]

SENATOR LANGEMEIER: Thank you, Senator Kruse. Wishing to speak, we have Louden, Carlson, Dierks, Hansen, Wallman, Avery, and others. Senator Louden, you are recognized. [LB658]

SENATOR LOUDEN: Thank you, Mr. President and members. LB658 was supposed to be legislation to allow Class I's a chance to form if they...that were disbanded by LB126. As LB658 worked through the process, it became clear that it was crafted in such a way that it was not a way that was going to be easy for a Class I to be formed. As you mentioned, if you weren't forming a Class I, you were actually forming an attendance center under LB658 because you have a common mill levy and you also have the budget authority over your overriding K-12 district. So in order to, when you do form if you want to call it a Class I there, it's actually an attendance center, and you have an advisory school board out there that would probably decide on some type of a budget, they would have the authority to perhaps hire a teacher. But when the rubber hit the road, why, your K-12 district had the control over the budget and they had control over how things were done. Wasn't anything different than what your Class VI districts are that were in effect up until then. The difference was, with a Class VI district, you had one high school district and several Class I's or attendance centers scattered around the area, and they were able to work together more efficiently, and it was actually a K-12 district. But that all got wrecked in the process. I agree that LB658 is not the

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answer and I think a new and honest attempt should be made to satisfy the problem that has been going on. It's been going on for years. I was on a school board for 30 years, and from the time I got on that school board until I left it and since I've been in the Legislature, there is nothing but turmoil been in trying to get rid of the Class I districts. Whether it was unions that were trying to get rid of the districts, I would not debate that one way or the other, but it has always been a push to get rid of the Class I's districts. Yet we would have teachers and specialists come in from other states and agree that some of the systems set up in Nebraska with their local control on their elementary schools was some of the better situations in the United States. I think a more open mind has to be done by our Education Committee if we do override this veto and start again. I was at many of the LB126 hearings. They weren't LB126 at that time. They were called, I think, 180s or something like that, or 150s, whatever the name was. But they had hearings in Mullen, probably 190 people were there, and as far as I know there wasn't a single one testified in favor of it. They had a meeting, a hearing, in Broken Bow; about the same number there. I wasn't at that one so I don't know how many testified for or against. I went to the one in Wahoo. There was probably way over 300 people there to testify. At that meeting those that were conducting the hearing decided that only a certain number of people would testify and there was a specialist brought in from, I think, New York State or someplace to testify, and they had a devil of a time allowing to get that person to testify at that hearing. So it was not always a hearing that was conducive to having input in from all aspects of the education community. I think if we...I think this should be over. I think we need to get rid of this LB658. I don't think it does anything. I'm voting to sustain the Governor's veto. [LB658]

SENATOR LANGEMEIER: One minute. [LB658]

SENATOR LOUDEN: I think that as time goes on we can surely do better with this. As it's been stated already, that this is not what the people had in mind when they voted to get rid of LB126. We literally turned ourselves wrong side out to pacify the Omaha school district and the Omaha school systems. We worked on that for two years before anything was done. They operated as they had always been for the two years while this was all in the Legislature and litigation, but yet when it come to the Class I's, although there was petitions on the ballot, they went ahead and closed many of those facilities out there notwithstanding. So with that, I certainly will not vote to override the Governor's veto. Thank you, Mr. President. [LB658]

SENATOR LANGEMEIER: Thank you, Senator Louden. Senator Carlson, you are recognized. [LB658]

SENATOR CARLSON: Mr. President and members of the Legislature, we're here this afternoon, and I believe this is an indictment. I think it's an indictment on the Governor. I think it's an indictment on the Education Committee. I think it's an indictment on the Legislature. I think it's an indictment on Class I schools. There is plenty of blame to go

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around for us being in this position this afternoon. I represent a district with Class I schools. I went eight years to a Class I school and I appreciate the education I received. I have people in my district that are contacting me that are for LB658. I have people in my district contacting me that are against LB658. Now, interestingly enough, some of those in my district that are contacting me that are for LB658 include K-12 residents, and they include Class I proponents who have changed their minds. And why did they change their minds? I'm not sure. Part of it is they may have given up. I know part of it is they're tired of fighting. Some of them have changed their minds because they've come to realize that the legal counsel of Class I schools have is less than excellent. And these people are contacting me and saying, stop. Now, Class I proponents that are still Class I proponents aren't satisfied. I've come to understand that, generally speaking, in a piece of final legislation no one is totally satisfied. If LB658 becomes law, I believe that the Class I proponents feel like it impedes their ability to sue and pursue legal avenues. So I have had them tell me, we'd rather not have anything. Is this a good reason to not have a policy in place? I don't think so. We have a problem. We have a problem here this afternoon. Why? Why in the eleventh hour? Why in the last minute? Now, I believe we need a law in place. We are a nation, we are a state that functions most effectively when there is law and order. Good questions are coming out this afternoon, a lot better questions than came out earlier in the testimony that we had. Why today? Why not a month ago? I think it's because too much is last minute, and this is not right. Senator Karpisek says that we need to help the kids, and he's right on. Well, how does no law help the kids? [LB658]

SENATOR LANGEMEIER: One minute. [LB658]

SENATOR CARLSON: It doesn't. And I feel so strongly about this, if LB658 isn't acceptable, let's stay here until it is. The easy way out is to not override and go home. Let's get it right. [LB658]

SENATOR LANGEMEIER: Thank you, Senator Carlson. Senator Dierks, you are recognized. [LB658]

SENATOR DIERKS: Thank you, Mr. President and members of the Legislature. I just wanted to make a few points. In the Governor's letter that he wrote to you, he indicated a willingness to work with both sides of this issue during the summer and during the interim to come with some sort of solution to the problem, and he's very sincere about that. Class I supporters know that things, really know that things are not ever going to be the same as they were. They understand that and they're willing to work toward what they think is a just way of running their schools. LB658, if it was remotely acceptable to Class I supporters, you can bet that they would be right on board, but it's not and they're not. So I would just like to go back to one of the issues that...I forget who said it, but somebody talked about local control--Senator Kruse, I think. If this Legislature over the years would have allowed for local control to do the decision making in their local school

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districts we wouldn't be here today. But we've systematically taken local control away. We've done that in this legislative body. I was here and saw it happen for 16 years. But it was going to happen. Most of the time it was a financial reason. They brought a bill one time that said it was going to be the school finance legislation. I don't remember the numbers so I can't tell you what number it was. It wasn't school finance legislation; it was school reorganization legislation, pure and simple. They closed a bunch of schools with that. That's the year they developed the sparse and very sparse thing. We had a filibuster going. We had 19 people on our side to keep that bill from passing. They came with an amendment one day and took nine of them away with a "very sparse" amendment. They came back a couple days later and got two more with the "sparse" amendment, and they got the bill passed. We had nine people voted against it. So you see we've done things in this Legislature on a momentary basis, like you've said, Senator Carlson, about last-minute stuff. It does this. This is the way that it happens here. We do these things at the last minute, trying to come to a resolve, and it is unfortunate. I can't support the override mission that the people want to do here today. I think that the Governor is absolutely right. I think that he has his constituents in mind. The vote was overwhelming in November that they wanted a change, and the change that we've got in this LB658 is not a change at all. It's just a thing for the worse. And if we don't have anything, we're better off with nothing. Thank you. [LB658]

SENATOR LANGEMEIER: Thank you, Senator Dierks. Wishing to speak we have Hansen, Wallman, Avery, Lathrop, Flood, Karpisek, Adams, and others. Senator Hansen, you are recognized. [LB658]

SENATOR HANSEN: Thank you, Mr. President and members of the body. I went to a Class I school, my kids went to a Class I school, and I have grandkids in a former Class I school. And this situation with LB658 is quite bothersome to me; it is to my children and much of the community in my district. LB658, as Senator Karpisek said, is cumbersome, but it's workable. I voted against LB658 until the last time. We voted on Select File and I voted for it. And I said, we need something workable, we need something that Class I's can form under if they really, really wanted to do it. I've asked several people, what do we do for law? What law do we go to? What law do we look at to form a Class I school if we do away with LB658? And I haven't gotten a good answer yet. Now, I don't want to hang those people out to dry. My e-mails and telephone calls have been about 30-1 in favor of against LB658 or, in other words, to support the Governor and his veto. I remind people, and I think that it was important, what we learned in LB641, to listen to the people and not necessarily to the superintendents. When you talk to the superintendents, they always bring up valuation, valuation, the dollars, let's look at the valuation that we're going to combine and make this a better school district, not necessarily what's going to be best for the kids but what...we look at that valuation or the superintendents look at that valuation and see what difference that's going to make. Senator Raikes did compromise. When we talked about this on General File, he made several compromises and we voted for the compromise and we

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thought we were doing the right way, and then all at once that evening he said that's enough, no more compromises, let's vote on it. So we voted on it and I didn't think we had had enough compromises either. Now the Class I's are split and we've got Class I's against other Class I's. What's that going to do? Somebody is going to shoot themselves in the foot, and we don't know who it is yet, but somebody is going to do it and they may have a lawyer helping. I think that we need more time. We need more compromise. And Senator Raikes just said that the Class I's say it's better off not having anything that having LB658. I don't agree with that. I think that LB658 could have been workable. There's too many Class I schools out there that have contacted me and said that, you know, we'd rather have nothing than LB658. If that's right, I guess stand back because somebody is going to shoot themselves in the foot. Thank you, Mr. President. [LB658 LB641]

SENATOR LANGEMEIER: Thank you, Senator Hansen. Senator Wallman, you are recognized. [LB658]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. Thank you, Senator Karpisek, Senator Dubas, for their comments, Senator Erdman. I belong to a K-12 district and we closed two one-room schools. A couple of meetings we discussed it. They had option...you know how it was with option enrollment students. Senator Hansen, you know, if you had too many option enrollment, you closed the school, you could close the school, so many students, even though they were right close into the town. Because they had split up between, like, Lincoln, Waverly, Norris, some of the other schools. And it was an awkward situation so it was not a friendly deal to a one-room school. So I think that should have been looked at. And, plus, you know, I'm not proud of what we do, and then we buy more property because we have more valuation and more money. And we set on a quarter section. I'm going to let the school boards have it a little. I'm a former school board member. We did not pay attention to details, you know, school boards, corporate boards, elevator boards. I used to look at those financial sheets with a fine-tooth comb. But as you get older and older...Senator Chambers, sometimes term limits are okay...you just think everything is okay. But everything is not okay. And I appreciate Cap Dierks and I think we might be mad at the Governor; how dare he overturn something we worked on so hard; you know, why is he doing this. And I voted to overturn lots of those other bills, as you know. But maybe he has a closer pulse with the people than we think. Have you ever thought about that, people? He's the Governor. We are state senators in our, you know, certain regions we have, and we're supposed to be state senators. And so if they're not satisfied with the Class I bill, maybe we shouldn't be either, so that's something to ponder about. And thank you, Mr. President. [LB658]

SENATOR LANGEMEIER: Senator Avery, you are recognized. [LB658]

SENATOR AVERY: Thank you, Mr. President. I believe it was Senator Dierks that

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characterized LB658 as not honoring the vote of the people. Actually, I think it does. What it does is provide a lawful means to restore Class I schools. And if we fail to override this veto, the Class I supporters will have no legal means to restore those schools. Please remember that LB126 was repealed after it had gone into force. Supporters of repeal did not get enough signatures to prevent the law from taking effect. So Nebraska is now, like it or not, entirely a K-12 state by lawful action of this Legislature. The U.S. District Court stipulated last July that there is no state statute or state constitutional provision that requires any state or local official to recreate Class I school districts as a result of the repeal of LB126. I submit to you that Class I supporters are better off with LB658 than they are without it. This view is shared by the Nebraska Rural Community School Association, which has 180-plus K-12 rural school districts represented in it. You all received an e-mail from them, but in case you haven't looked at it let me read a couple of lines: The better public policy is to enact the protections provided to the former Class I districts and the rural K-12 districts rather than to have another year of indecisiveness and instability as to the future structure of rural school districts. Without the safeguards provided by LB658, students, teachers, parents, and rural communities will have to wait another year or an indefinite period of time before they can make plans for the future or focus on the educational needs of their children. We continue to believe that the safeguards provided in LB658 provide a foundation for Class I supporters and K-12 districts can build on. Without those safeguards, the likelihood of litigation being filed against K-12 rural districts is extremely likely. I think that's true. I believe that LB658 is a good bill. I believe it was constructed in good faith in the Education Committee. I believe that we had a full and open debate here on the floor to advance it. I believe that the veto was wrong and I urge you to vote to override. Thank you. [LB658]

SENATOR LANGEMEIER: Thank you, Senator Avery. Senator Lathrop, you are recognized. [LB658]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I rise in support of the motion to override the veto and I've talked about this issue before. I had an occasion to visit with the attorney for the Class I school united group, and when I talked to him, this was during Select File, I said, gosh, what can we do? What middle ground, what compromise can we reach? And the answer is none. There is no middle ground here. These Class I people, and I don't blame them...I'm not critical; I understand why they want to go back to where they were. But that's...it's all or nothing for them. And so today we stand with a couple hours left in the session, and this question: Is LB658 better than nothing? LB658 does provide protections. It does afford a procedure for establishing these remote learning centers or these Class I's. But the people who have spoken this morning, friends of mine, people I respect, have stood up and said it's better that we have nothing than LB658, and then they sit down. They sit down. They say it's better to have nothing and then they sit down, and no one, no one has answered this question, and we should have an answer to this, if we can, before we decide and that is, why do

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you think it's better to have nothing than this? Because if your promise to the Governor that you're not going to litigate is true, then you're not going to get it through the courthouse. Why are you better off with nothing than to have the protections in LB658 and come back next year and try to improve on them? It doesn't make sense. In some sense today I feel like a parent. I hear the people who are most interested in the Class I issues saying we're better off with nothing, and I'm voting to override the veto because I think, until somebody tells me why it's better, I feel like I know more about it than they do. It just doesn't make sense to say I'd rather have nothing than LB658. If there is a reason for it, if there's a secret about this or some strategy, tell us; otherwise, I intend to vote for the override. Thank you. [LB658]

SENATOR LANGEMEIER: Thank you, Senator Lathrop. Senator Flood, you're recognized. [LB658]

SENATOR FLOOD: Thank you, Mr. President and members. This is a very difficult issue. And unlike a lot of you, when I started as a state senator, I had 350 kids attending Class I schools in Madison County, which comprises all of District 19. And I have been a supporter of LB658 for two reasons: number one, the elementary allowance through the state aid formula I felt would benefit my district; and number two, it had a process where a K-12 would have to vote to put back together a district that no longer exists. The problem, and I have to be very honest about this, after a second reading and asking some more questions, is that all of my Class I, former Class I rural attendance centers are very close to the communities of Norfolk and Madison. The bill that we are talking about now requires a seven-mile distance between the elementary education centers, between the K-12 and the rural attendance center. And as I look at this, Madison, Nebraska, public schools would not receive any of the elementary allowance. That's the reason I have been behind LB658. Should I have done a better job at amending that? Yes. But I want to make sure that I'm on the record with what I know to be the case after really carefully reading the bill. I'm going to vote no to sustain this...and I will sustain this veto. I'm doing that with a heavy heart because I recognize the Class I rural attendance centers that exist now will get no protections. There is no chance to file a letter. There is no chance to state their intent to reform a Class I school. They don't have a way to protect those buildings. The reality is, those buildings can be bulldozed in a week. And I feel like the people that want this veto sustained understand that. As I understand it, Class I's United and different groups have pledged no lawsuits. They have pledged not to demand automatic restoration of all former Class I districts and they have pledged to work in good faith with the Legislature. I'm not doing this for the Governor. I'm doing this because I called superintendents in my district before and after lunch, and I asked them what we should do as we look at the big picture, and talked to Class I supporters. I spoke with the superintendents in Norfolk and Madison. I explained to them that the elementary attendance allocation adjustment would not be available to them. I also made myself clear that next year and here on out I will not vote to automatically restore districts without a vote of the K-12, not because I have it out for

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the Class I schools, but because those assets have been mixed and all the taxpayers now in a K-12 district have the right to vote on splitting off a section of that school district and restoring a Class I school district. Doing this by sustaining the veto, Class I supporters should not be surprised when schools across this state are closed down and even bulldozed. I find it ironic that in my opinion Senator Raikes is, in a way, a champion for Class I schools. I think this proposal has merit, but at the same time it doesn't do what I sold earlier to my school districts in Madison County. This is very difficult. I recognize how hard Senator Dierks and others have worked, and I think his intentions are ultimately very pure and I join him today in the vote to sustain the veto... [LB658]

SENATOR LANGEMEIER: One minute. [LB658]

SENATOR FLOOD: ...but I do so because I've done my homework on my district and I'm satisfied with my decision. And I want the Class I school supporters to know the vote to sustain the Governor's veto doesn't paint a brighter picture tomorrow. Had we kept this in place, they could have building protections, but my K-12 districts will never get, under this bill, the elementary allowance that I had hoped they would because of the seven-mile limitation. So with that, Mr. President, I thank you and I will vote to sustain the veto. [LB658]

SENATOR LANGEMEIER: Thank you, Senator Flood. Senator Adams, you are recognized. [LB658]

SENATOR ADAMS: Thank you, Mr. President, colleagues. I've listened to all of this and a moment ago I reached over and was going to just simply turn my button off because it's all been said. But maybe because I was a member of the Education...am a member of the Education Committee, and we spent so much time on it, I'm entitled to my five minutes, I suppose, and I won't use that all. The things that I'm about to say have already been said. I remember as a freshman senator one of our first meetings as a group, the 22 of us, was in the basement of the Governor's Mansion during that orientation. And the Governor went through a list of things that we needed to try to accomplish in this session, and one of them that he talked about was resolving the Class I situation. And here's what he said because I was keen to it: We need to provide an opportunity; we need to provide an opportunity. With that in mind, that was the mission of the Education Commission (sic) when we listened to hours of testimony, and in Exec Session wrestled with this very issue. We needed to provide an opportunity. That opportunity exists in LB658. And on General File and on Select we listened and we voted on amendment after amendment which made the opportunity even easier. And then, as Senator Lathrop has described more than once, the compromising ended, there was no more given and take, the amendments stopped, and here we are. Last night, as I anticipated what was going to happen today, I very simply thought in this way, and all I did was raise questions to myself. What if this bill does not pass? What if

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there is a veto and the veto is sustained; where are we at? I frankly think, like many of you have already said, the advocates of Class I schools are certainly no better off. They have nothing. As the Speaker has just pointed out, the bulldozers may be fired up within the hour. They have nothing. The dollars that the Speaker talked about, how many of you may have attendance centers, former Class I or not, within your districts that are beyond that seven-mile limit that may be prepared to stay open because of the dollars authorized within LB658? And those may go away if the veto is sustained. What about teachers, parents? If we walk away on this thing not having done anything, where are they at? Left in quagmire of wondering what's going to happen next. And how far down the calendar is next? Is it next session? The K-12 districts; we take no action, we leave them in the same quagmire, wondering what's next. We've absorbed assets, buildings, teachers, students. [LB658]

SENATOR LANGEMEIER: One minute. [LB658]

SENATOR ADAMS: What do we do next? In my opinion, this bill may seem very unpleasant to all of us and certainly not perfect, but to walk out of here with nothing, I think, is irresponsible. This is at least an opportunity, an avenue. Thank you, Mr. President. [LB658]

SENATOR LANGEMEIER: Thank you, Senator Adams. Senator Carlson, you are recognized. [LB658]

SENATOR CARLSON: Mr. President and members of the Legislature, I think in listening to testimony this afternoon we're in a philosophical argument. We are a society of law and order. Is it better to have a less than perfect law than no law at all? Now, I don't believe, whether or not LB658 is law, that there is any effect on the pending federal lawsuits that the Class I's have. Their legal counsel won't agree, but what have they been right on in the past several years? The question for us is, is no law the most responsible action by this body? We each have to answer that. Mr. President, I would like to address a question to Senator Raikes if he would yield. [LB658]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? [LB658]

SENATOR RAIKES: Yes. [LB658]

SENATOR CARLSON: Senator Raikes, you said it earlier but I would ask you to say it again. Would you state the differences for the schools years '07 and '08 if LB658 is law versus if it isn't law? [LB658]

SENATOR RAIKES: Senator, LB658 puts in place protections for the...an opportunity, I should say, rather, to protect the ownership of the former Class I buildings. It puts in place a provision to provide funding for remote elementary centers for those K-12s that

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keep buildings open, to name a couple. If you have other specific things, go ahead.
[LB658]

SENATOR CARLSON: Okay. I would ask a question a little differently. LB658, being in law or not in law, is there a difference in how K-12s would operate financially? [LB658]

SENATOR RAIKES: Well, one important difference would be the financial support for K-12s that maintain remote elementary attendance centers. [LB658]

SENATOR CARLSON: Does no law keep Class I's off the map in the year 2007-2008?
[LB658]

SENATOR RAIKES: I understand what you're getting at. Yes. If LB658 is not passed, the current statute would prevail, and that statute does not allow for the formation of an affiliated Class I district. [LB658]

SENATOR CARLSON: Okay. Thank you. It is a philosophical argument. It's difficult to come up with the right answer. Thank you, Mr. President. If there is any time remaining, I would yield it to Senator Pahls. [LB658]

SENATOR LANGEMEIER: Senator Pahls, two minutes. [LB658]

SENATOR PAHLS: Thank you, Senator. Mr. President and members of the body, I just have a couple questions. Senator Dubas, may I...would you yield for a question?
[LB658]

SENATOR LANGEMEIER: Senator Dubas, would you yield to a question? [LB658]

SENATOR DUBAS: Yes, I will. [LB658]

SENATOR PAHLS: I'm really truly trying to get this...because, as we all know, this is a very serious issue. You believe that no bill is better than this bill, that where we're at right now? [LB658]

SENATOR DUBAS: I believe that the Class I people feel if they have an opportunity to come to the table during the interim, that they will be able to come up with something that they can live with, and right now they're willing to take that risk. [LB658]

SENATOR PAHLS: Okay. So you're saying this is very similar to what the metropolitan area did (inaudible). [LB658]

SENATOR DUBAS: Yes. [LB658]

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SENATOR PAHLS: So that's what you're asking for... [LB658]

SENATOR DUBAS: Yes. [LB658]

SENATOR PAHLS: ...is more time. [LB658]

SENATOR DUBAS: Yes. [LB658]

SENATOR PAHLS: And you believe that probably issues could be resolved. [LB658]

SENATOR DUBAS: I do believe that. [LB658]

SENATOR PAHLS: Okay. Thank you. [LB658]

SENATOR LANGEMEIER: One minute. [LB658]

SENATOR PAHLS: Thank you, Mr. President. And I do believe that more time needs to be utilized, but I do want you to think about this. If you can recall, on the metro area, I was really against this large 18-member board, big time, because I thought it could be reorganized differently. But just to let you know, on that there were only two of us who voted no, although I do support the overall concept now, but only two of us. So sometimes you think over the interim when you make all these agreements and you change, it doesn't not necessarily always happen the way you want, so there is a gamble there. And just to let you know, I'm probably one of the few people on this floor who taught in a Class I school and then also taught in a very large school system. The one thing that concerns me is when I moved to Nebraska in 19... [LB658]

SENATOR LANGEMEIER: Time. [LB658]

SENATOR PAHLS: Thank you. [LB658]

SENATOR LANGEMEIER: Senator Erdman, you are recognized. [LB658]

SENATOR ERDMAN: I'm going to call the question, is that all right? I'll waive off. [LB658]

SENATOR LANGEMEIER: Senator Erdman waives his time. Senator Pahls, you are recognized. [LB658]

SENATOR PAHLS: Thank you, Mr. President. This is...the thing that does concern me is like when I left Kansas in '68, they reorganized. At that time they were totally reorganized. And a lot of the things that we're going through right now in the state of Nebraska happened then. There were extremely angry people. I can remember the

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stories that made the newspapers, just it was almost scary to think this was the Midwest. But that, of course, that has all been resolved by now. And as I said earlier in the discussion, the high school that I went to is no longer that high school. But that was 40 years later so it did take time for all this consolidation to happen. But getting back, when I moved to Atkinson, Nebraska, that was the first year that Atkinson, Nebraska, lost its high school, and they had the West Holt High School. And one thing that amazed me, you had the people in the small town and the people in the surrounding areas, they were at extreme odds with each other. Now, I'm assuming...that's been a long time ago so those things have changed. So I am concerned about some of the feelings that could be generated by the closing of schools and people feeling that they did not have a part in that. But that did concern me at the time I was there. I just could not believe that you had a small town and the surrounding communities, because Atkinson had a K-8 school after that because they built the high school on the edge of town and called it West Holt. So there are, as many of us have indicated, there are strong feelings out there. So, Senator Dubas, I'm willing to think...go along with your idea of more input. Thank you. [LB658]

SENATOR LANGEMEIER: Thank you, Senator Pahls. Seeing no other lights on, Senator Raikes, you are recognized to close on your motion. [LB658]

SENATOR RAIKES: Thank you, Mr. President and members of the Legislature. The discussion has been informative. I will tell you, the question has been raised as to how do you do it better than what is being proposed in LB658--certainly a question that I'm in. I reject the notion that this has somehow been rushed through. It is the last day, but the bill was introduced in the first ten days of the session. We had the hearings in normal progress and all that sort of thing. It's one of those things that had to take its place in a line of topics that we had to decide, and for that reason here we are. In terms of a new era in which the Class I school district advocates are interested in no litigation, but negotiations, I guess my only concern about that is that that's never happened before. That would be a brand new era. And if you're going to do that, and I don't...I'm certainly not objecting to that, do it with a law in place that protects their interests. In particular it protects the availability of the buildings for people who want to...may want to form a Class I school district. Reference was made to the metro area. Keep in mind that provisions or the work we did in the metro area issue was always done in a context of having a statute in place that protected the boundaries of the school districts. That is analogous to something that would protect the buildings available for a Class I school district. If you don't like the provisions about remote attendance centers, if seven miles is too much, put seven miles in place now. Have something on the books in terms of a statute. Come back next session with a proposal to revise it, and revise it then. Don't simply walk away and leave nothing in place. To do so is analogous to simply sending everybody out with a gun, and I don't think that is good state policy. I urge you to sustain...or, excuse me, not to sustain this veto. It's very important, I think, in terms of good state policy that we do override it. Thank you very much. [LB658]

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SENATOR LANGEMEIER: Thank you, Senator Raikes. You have now heard the closing on LB658. Senator Raikes, for what purpose do you rise? [LB658]

SENATOR RAIKES: I would ask for a call of the house and a roll call vote in regular order, please. [LB658]

SENATOR LANGEMEIER: Thank you, Senator Raikes. There has been a request to put the house under call. All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB658]

CLERK: 41 ayes, 0 nays to place the house under call, Mr. President. [LB658]

SENATOR LANGEMEIER: The house is under call. All unauthorized personnel please leave the floor. Senators, please report to the Chamber and record your presence. The house is under call. Senator Pankonin, would you please check in? Senator Pirsch, would you check in? All senators are present or accounted for. There has been a request for a roll call vote. The question is, shall LB658 pass notwithstanding the objection of the Governor? Mr. Clerk, please call the roll. [LB658]

CLERK: (Roll call vote taken, Legislative Journal pages 1887-1888.) 24 ayes, 22 nays on the motion, Mr. President. [LB658]

SENATOR LANGEMEIER: The motion to override has failed. With that, I raise the call. (Visitors introduced.) [LB658]

PRESIDENT SHEEHY PRESIDING []

PRESIDENT SHEEHY: Mr. Clerk, do you have items for the record? []

CLERK: I do, Mr. President. Communication from the Governor. (Read re LB265, LB351, LB351A, LB530, LB570, LB646, LB653, and LB653A.) []

Mr. President, a series of reports: Health and Human Services Committee, chaired by Senator Johnson, reports LB52, LB54, LB86, LB178, LB250, LB267, LB326, LB411, LB451, LB518, LB538, LB555, LB577, LB616, LB617, LB631, LB666, LB670, LB675, LB699 as indefinitely postponed. And General Affairs Committee reports LR11CA as indefinitely postponed. That's all that I had, Mr. President. (Legislative Journal pages 1888-1889.) [LB265 LB351 LB351A LB530 LB570 LB646 LB653 LB653A LB52 LB54 LB86 LB178 LB250 LB267 LB326 LB411 LB451 LB518 LB538 LB555 LB577 LB616 LB617 LB631 LB666 LB670 LB675 LB699 LR11CA]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We will move to the legislative

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confirmation reports. []

CLERK: Mr. President, the first report by the Health and Human Services Committee involving an appointment to the Commission for the Deaf and Hard of Hearing. (Legislative Journal page 1831.) []

PRESIDENT SHEEHY: Senator Johnson, you are recognized to open on your Health and Human Services confirmation report. []

SENATOR JOHNSON: Thank you, Mr. President. This report will be brief. Health and Human Services Committee desires to report favorably on the appointment of Mr. Clifford Carlson to the Commission for the Deaf and Hard of Hearing. Mr. Carlson is a new appointee for a two-year term. He has been appointed to the position on the commission reserved for persons who are themselves hard of hearing. He is deaf in one ear. He also has a two-year-old son who is profoundly deaf and is a recipient of a cochlear implant. He was born in Hastings; now lives and works in Lincoln. This is our last confirmation hearing of the year and I am very happy to say that all of the appointees appeared in person, and the quality, from the very first one to the last one, has been excellent. And we would highly recommend Mr. Clifford Carlson to the Commission on the Deaf and Hard of Hearing. []

PRESIDENT SHEEHY: Thank you, Senator Johnson. You have heard the opening to the Health and Human Services confirmation report. The floor is now open for discussion. Any members requesting to speak? Seeing none, Senator Johnson waives closing. The question before the body is, shall the confirmation report from the Health and Human Services Committee be adopted? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal pages 1889-1890.) 28 ayes, 0 nays, Mr. President, on adoption of the confirmation report. []

PRESIDENT SHEEHY: The confirmation report is adopted. Next confirmation report. []

CLERK: Mr. President, the second confirmation report from the General Affairs Committee involves an appointment to the Nebraska Racing Commission. (Legislative Journal page 1847.) []

PRESIDENT SHEEHY: Senator McDonald, you are recognized to open on your confirmation report from General Affairs Committee. []

SENATOR McDONALD: Mr. President and members of the body, the Committee on General Affairs supports the appointment of Dennis P. Lee to the Nebraska State Racing Commission. Mr. Lee has served on the commission for nearly 20 years, has

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been the chairman for 17 years, and he has served in numerous positions as a member of the Association of Racing Commissioners International, including treasurer, vice president, and chairman. Mr. Lee is also an accomplished attorney with his own private practice, Lee Law Offices, in Omaha. He has received multiple service awards and has authored numerous publications. Mr. Lee is a highly qualified reappointment to the Nebraska State Racing Commission and I would urge your support. Thank you. []

PRESIDENT SHEEHY: Thank you, Senator McDonald. You have heard the opening on the confirmation report from the General Affairs Committee. The floor is now open for discussion. Are there any members requesting to speak? Seeing none, Senator McDonald, you're recognized to close. Senator McDonald waives closing. The question before the body, shall the confirmation report from the General Affairs Committee be adopted? All those in favor vote yea; opposed, nay. Mr. Clerk, please record. []

CLERK: (Record vote, Legislative Journal page 1890.) 30 ayes, 0 nays, Mr. President, on adoption of the confirmation report. []

PRESIDENT SHEEHY: The confirmation report from General Affairs Committee is adopted. Next legislative confirmation report. Senator Aguilar, you are recognized to open on your confirmation report from Government, Military and Veteran Affairs. (Legislative Journal page 1869.) []

SENATOR AGUILAR: Thank you, Mr. President and members. Yesterday we had a hearing for confirmation of Amber Brown of Kearney to the State Personnel Board. We had a good hearing with six members present. They asked a lot of good questions. She answered satisfactorily. We voted favorably unanimously, favorably for her, and I would encourage the body to do the same thing. Thank you, Mr. President. []

PRESIDENT SHEEHY: Thank you, Senator Aguilar. You have heard the opening on the confirmation report from Government, Military and Veterans Affairs. The floor is open for discussion. Are there any members requesting to speak? Seeing none, Senator Aguilar. Senator Aguilar waives closing. The question before the body is, shall the confirmation report from the Government, Military and Veterans Affairs Committee be adopted? All those in favor vote yea; opposed, nay. Mr. Clerk, please record. []

CLERK: (Record vote, Legislative Journal pages 1890-1891.) 33 ayes, 0 nays, Mr. President, on adoption of the confirmation report. []

PRESIDENT SHEEHY: The confirmation report is adopted. Senator Erdman. []

SENATOR ERDMAN: Mr. President, I move that a committee of five be appointed to notify the Governor that the One Hundredth Legislature, First Session of the Nebraska Legislature, is about to complete its work, and return with any messages the Governor

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may have for the Legislature. []

PRESIDENT SHEEHY: Thank you, Senator Erdman. You have all heard the motion. All those in favor say aye. Opposed, nay. The motion is adopted. I would appoint the following committee: Senator Dubas, Senator Fischer, Senator Heidemann, Senator Janssen, and Senator Raikes. Would the Escort Committee retire to the rear of the Chamber to escort the Governor. The Chair recognizes the Sergeant at Arms. []

SERGEANT AT ARMS: Mr. President, your committee now escorting the Governor of the great state of Nebraska, Dave Heineman, and First Lady Sally Ganem. (Applause) []

PRESIDENT SHEEHY: (Gavel) Ladies and gentlemen, members of the One Hundredth Legislature, the Governor of the great state of Nebraska, Governor Dave Heineman. (Applause) []

GOVERNOR HEINEMAN: Thank you very much. Mr. President, Mr. Speaker, members of the Legislature, distinguished guests, friends, and fellow Nebraskans, I stand here today at the close of a very successful legislative session. Five months ago, we approached this centennial session with optimism that we could find solutions to the many challenges that lay before us, and I am here today to say thank you, thank you for your work. Working together, we had an exceptionally productive session. This Legislature has been focused and results-oriented. In particular, I want to note the energy and enthusiasm of the freshman members of this body. You worked with veteran members to tackle a number of complex issues. That spirit of cooperation resulted in many impressive accomplishments. At the beginning of the session, I outlined a number of ambitious endeavors that needed action in order to move Nebraska in a new direction. First and foremost was the need to pass significant tax relief. Restraining spending was key to providing Nebraska families with the tax relief they needed. Together, we were able to pass the largest tax relief package in the history of this state. We collaborated on a budget that is significantly under the 5.4 percent annual growth rate of the previous decade, and the 6.9 percent annual growth rate of the last two decades. Thank you for making tax relief and spending restraint top priorities. For their achievements, I would like to recognize and thank the Chairman of the Revenue Committee, Senator Janssen, and the Chairman of the Appropriations Committee, Senator Heidemann. You also sent me significant legislation regarding Health and Human Services, and water. These two very important reform efforts were necessary. LB296 restructured the Nebraska Department of Health and Human Services, in order to make this agency more effective, more efficient, and more accountable in serving the citizens of Nebraska. As Chairman of the Health and Human Services Committee, Senator Johnson recognized the importance of this issue, and I want to thank him for his leadership. I'm very pleased that LB701 makes substantial progress in attaining our state's goal of achieving sustainable water use throughout Nebraska. Tackling Nebraska's water issues was most certainly a daunting task, but one that could not be

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ignored. This was a comprehensive bill, and I would like to thank Senators Loudon, Christensen, Carlson, Langemeier, and others, along with the help that we received from local NRDs and other key stakeholders. I commend you for passing a bill that resolves the boundary and academic achievement concerns regarding school districts in the Omaha metropolitan area. LB641 marks a turning point, and my hope is that the communication and cooperation that resulted in this landmark legislation will continue as schools, parents, and teachers rededicate themselves to ensuring the children of Nebraska receive a quality education. Thank you, Senators Raikes, Chambers, Adams, Ashford, Avery, Howard, Kopplin, and Speaker Flood for your work in finding a resolution to this very difficult issue. You resolved several other critical issues. Among them was LB564, which addressed the recreational liability concerns for public entities across our state. With no dissenting votes, this Legislature came together to allow communities and managers of recreational areas to focus on providing residents and visitors with access to skateboard parks, bike trails, and city parks that are a vital part of tourism and recreational activities in our states. Senator Friend and Senator Lathrop, thank you for your commitment to this issue. Together, we provided additional funding to roads projects without increasing the gas tax. Senator Fischer, I appreciate your diligent, if not tenacious, work on LB305. This Legislature recognized that one of the major challenges we face in terms of higher education centers on our college going rate, and you took action. Senator Gay's priority bill, LB338, increases the annual income tax deduction for those contributing to the Nebraska College Savings Plan. And as part of the budget, this Legislature increased need-based scholarship aid each year during the two-year biennium. We value education in this state, and these measures will help encourage our young people to pursue higher education. Education is only one area where this Legislature demonstrated the ability to be forward-looking when creating public policy. Developing an expanded renewable energy plan is important to Nebraska, especially to our agricultural communities. We successfully enacted legislation that encourages electrical generation through community-owned wind turbines and provides new income tax credits for biodiesel facilities. Thank you, Senators Dierks, Preister, and Langemeier. Finally, I want to take a moment to recognize the work of Speaker Flood, whose leadership helped ensure this session was a productive one. I value the working relationship and the friendship we have developed. Mr. Speaker, thank you for doing such an outstanding job. I began this session by saying that we had historic opportunities before us. And as we close today, I want to thank you for rising to the challenge. Our work is far from finished, but we end this session knowing that we have made significant strides that will benefit Nebraskans. It is a privilege to work with you. Thank you. (Applause) []

PRESIDENT SHEEHY: Thank you, Governor Heineman. Would the committee now escort the Governor from the Chamber. Would the Legislature now return to order. Mr. Clerk, you have some items for the record? []

CLERK: Mr. President, I have two items. I have certificates with respect to LB198 and

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LB658. Those will be provided to the Secretary of State. Mr. President, that's all that I have. (Legislative Journal page 1892.) [LB198 LB658]

PRESIDENT SHEEHY: Speaker Flood, you are recognized for your motion. []

SPEAKER FLOOD: Before my motion, Mr. President a point of personal order, if I may. I'd like to start by saying that it is with great pride that I stand here today before each of you. The Legislature...and the best part about this Legislature is that it is truly Nebraska's marketplace of ideas. Here it is that we do the state's business, and I believe this session we have done it well. This is the marketplace of ideas. The integration component of LB641 happened because a senator named Tom White sat down with Senator Raikes on a Friday night until 8:30, worked through it line, by line, by line to make that work. That bill also worked because Senator Avery, also a freshman senator, came to the table with an idea on how to approach governance, one that we made work, and moved the bill forward. Those are the ideas that happened inside this Chamber, and there have been a lot of them this session. To the veterans of the Legislature, I want to first say thank you for your leadership. And, Senator Ashford, I'm going to count you in that bunch, because you have come back to the table and have offered us a lot. Also for your patience, your hard work, but more than anything, each day, veterans in here--and I watched it happen--would lean over in their chairs and would answer a question of a newer member. Senator Stuthman would be talking to Senator Wightman; Senator Synowiecki to Senator Carlson. I'm surrounded by new members, so we had quite a time over here. But it was an opportunity for veteran members of the Legislature, in this era of term limits, to mentor and educate the new members of the Legislature. To our freshman senators, what more can be said? To those that cried foul and worried about what the Legislature would look like after term limits, I'll let the record of the First Session of the One Hundredth Legislature speak for itself, a record that includes resolution to the Omaha area schools issue, comprehensive water package, the largest tax cut in Nebraska history, a fiscally responsible budget, recreational liability, thanks to people like Senator Lathrop and Senator Friend, additional funding for our roads, and the reorganization of our Health and Human Services System. We ought to thank the citizens of the state that sent us 22 new members, 22 people that were willing to get down to business. And you should know that I join a majority, if not everybody in here, as we stand impressed by your service and your dedication and your willingness to work hard. There's another reason we had a good session, and oftentimes it goes overlooked. It's the people that make the Legislature run day in, day out. I've asked the offices and divisions of the Legislature to join us in the Chamber today. And at the risk of not being able to identify everybody that has really contributed behind the scenes, I would offer you a couple of examples. Two examples of the dedication that our legislative staff display are demonstrated by the work of the Revisor's Office with respect to LB641. Most of the amendments of the metro Omaha area schools bill were drafted by a single bill drafter. A large number of amendments were drafted to this bill, and many were designed as rush requests. I know

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that the drafter assigned these amendments put in many extra hours, including more than nine hours on the Saturday before we debated LB641 on Select File. Additionally, Enrollment and Review turned around LB641 to place the bill on Final Reading in one day. Before knowing for certain that I even wanted the bill moved back from E&R in one day, a certain staff member took the bill home, worked on it at night, got up early and, before she got ready for work the next day, worked on it for another hour. That's the reason that bill came back before 9:00, because a staff member anticipated we'd be moving that quickly. I can't tell you how much I appreciate that kind of an effort, because it allowed us to do our business and do it well. These are just a few examples. The other example I'd like to share with you is the day of the blizzard, in February, I believe, or March, I can't even remember now, I remember deciding to have session that day, and walking into the Capitol, and here I saw a number of staff people trudging through the snow, digging their own car out in the parking lot, just to get to work and be here by 8:00. That says a lot about the people that work in this building. And at this point, I'd like to recognize the staff members' supervisors. And I would ask everybody to hold your applause until we get through the entire list. We'll start with our Clerk, Patrick O'Donnell, tirelessly an advocate for the Legislature; obviously, still working. (Laughter) Our Assistant Clerk, Dick Brown. Those who you see up front each day from the Clerk's Office: Carol Koranda, the index clerk; Vicki Buck, the journal clerk; Diana Bridges, the legislative records historian; and other Clerk's staff we don't see on a daily basis. The Sergeant at Arms: Ron Witkowski, the supervisor; Dewey Foster; Sally Gordon; Bob Lohrberg; Richard Todd; Lois VanDeventer. In the Fiscal Office: Mike Calvert, its director; Tom Bergquist, its deputy director; the individual analysts who are sitting up there in the balcony. Committee staff, individual senator staff, and I would like to take this opportunity to recognize Jeanette Thiem, Laurie Weber, and Denise Pearce, in my office. In the Revisor's Office: Joanne Pepperl, the Revisor of Statutes; the individual revisors, analysts, and technicians. The Legislative Technology Center: Assistant Clerk Dick Brown, supervisor; individual technology staff. The Unicameral Information Office: Mitch McCartney its director; individual public information officers. The Bill Room: Donnabelle Millet, supervisor; individual Bill Room clerks. In the Transcribers Office: Debbie Smith, supervisor; and individual transcribers. Legislative Accounting and Budgeting Office: Diane Nickolite, business manager; and individual accounting clerks. The Coordinator of Legislative Services, the honorable Chuck Hubka; and his assistant coordinator. Legislative Audit and Research Division: Cynthia Johnson, director; Martha Carter, auditor; and their individual staff. The Ombudsman's Office, headed by Marshall Lux, Public Counsel; and assistant public counsels; administrative staff. Kitty Kearns does a wonderful job with our page program, to her and all the pages. And lastly--and I include this inside the support network--all of our families, your wives, husbands, kids, grandkids that have also sacrificed while you have been doing the state's business. I would ask that you please stand and give them a word of thanks. (Applause) Our work is not done. We have much more to do over the summer. I think today is the wrong day to outline the stuff that needs to be done before next session, but I know that each of you will work hard, and my door remains open, and my phone is always on, so you can

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certainly call me with questions. But I want to thank all the members of the Legislature for your service. I especially want to thank Senator Schimek for her service this year. She has been a great asset to the Legislature, and her fever (sic) and appreciation for the Legislature as an institution is something that I've relied on this session. Saying that, I just want to say thank you. And I have a motion to make, Mr. President, if you're ready. []

PRESIDENT SHEEHY: In a moment, Senator...or, Speaker Flood. Senator Schimek, you are recognized for a personal privilege. []

SENATOR SCHIMEK: Thank you, Mr. President and members. As the senior member of the Legislature, because Senator Chambers isn't on the floor right now, I thought it most appropriate to give a thanks to our Speaker. You thanked everybody else in the whole place, Mr. Speaker, but you couldn't recognize yourself. So I thought that it was time for us to recognize the incredible job you've done this year. (Applause) []

PRESIDENT SHEEHY: At this time, Speaker Flood, I will recognize you for your motion. []

SPEAKER FLOOD: Mr. President, I move that the Journal for the ninetieth day, as prepared by the Clerk of the Legislature, be approved, and that the One Hundredth Legislature, First Session,... []

CLERK: Mr. Speaker? []

SPEAKER FLOOD: Yes? []

CLERK: I'm sorry. There's...that's the last motion. []

SPEAKER FLOOD: Well, I don't have any other motions to read, Mr. President. (Laughter) []

PRESIDENT SHEEHY: The motion to... []

CLERK: It's the one to indefinitely postpone the bills, Mr. Speaker. []

SPEAKER FLOOD: Oh, that one. (Laughter) []

CLERK: Excuse me for interrupting. []

SPEAKER FLOOD: That's my other motion I forgot about. Thank you, Mr. President. I'd move that we suspend Rule 6, Section 3, Rule 7, Sections 3 and 7, and to indefinitely postpone the following bills that are noted on the agenda dated Thursday, May 31,

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2007. They include LB31, LB31A, LB33, LB46, LB103, LB114, LB119, LB120, LB121, LB122, LB125, LB126, LB127, LB128, LB129, LB130, LB134, LB149, LB156, LB189, LB190, LB260, LB301, LB303, LB303A, LB314, LB346, LB369, LB370, LB370A, LB385, LB398, LB399, LB417, LB417A, LB426, LB426A, LB427, LB458, LB475A, LB478, LB479, LB484, LB491, LB496, LB505, LB519, LB627, LB637, LB659, LB665, and LB682, and that they be indefinitely postponed. [LB31 LB31A LB33 LB46 LB103 LB114 LB119 LB120 LB121 LB122 LB125 LB126 LB127 LB128 LB129 LB130 LB134 LB149 LB156 LB189 LB190 LB260 LB301 LB303 LB303A LB314 LB346 LB369 LB370 LB370A LB385 LB398 LB399 LB417 LB417A LB426 LB426A LB427 LB458 LB475A LB478 LB479 LB484 LB491 LB496 LB505 LB519 LB627 LB637 LB659 LB665 LB682]

PRESIDENT SHEEHY: Thank you, Speaker Flood. You have heard the motion to suspend the legislative rules, as provided by the Speaker. This will be a machine vote. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB31 LB31A LB33 LB46 LB103 LB114 LB119 LB120 LB121 LB122 LB125 LB126 LB127 LB128 LB129 LB130 LB134 LB149 LB156 LB189 LB190 LB260 LB301 LB303 LB303A LB314 LB346 LB369 LB370 LB370A LB385 LB398 LB399 LB417 LB417A LB426 LB426A LB427 LB458 LB475A LB478 LB479 LB484 LB491 LB496 LB505 LB519 LB627 LB637 LB659 LB665 LB682]

CLERK: 47 ayes, 0 nays, Mr. President, on the motion. [LB31 LB31A LB33 LB46 LB103 LB114 LB119 LB120 LB121 LB122 LB125 LB126 LB127 LB128 LB129 LB130 LB134 LB149 LB156 LB189 LB190 LB260 LB301 LB303 LB303A LB314 LB346 LB369 LB370 LB370A LB385 LB398 LB399 LB417 LB417A LB426 LB426A LB427 LB458 LB475A LB478 LB479 LB484 LB491 LB496 LB505 LB519 LB627 LB637 LB659 LB665 LB682]

PRESIDENT SHEEHY: The motion is adopted. Senator Schimek, you are recognized for a motion. [LB31 LB31A LB33 LB46 LB103 LB114 LB119 LB120 LB121 LB122 LB125 LB126 LB127 LB128 LB129 LB130 LB134 LB149 LB156 LB189 LB190 LB260 LB301 LB303 LB303A LB314 LB346 LB369 LB370 LB370A LB385 LB398 LB399 LB417 LB417A LB426 LB426A LB427 LB458 LB475A LB478 LB479 LB484 LB491 LB496 LB505 LB519 LB627 LB637 LB659 LB665 LB682]

SENATOR SCHIMEK: Yes, thank you, Mr. President. I move that the Legislature approve the preparation and printing of the permanent Legislative Journal, session laws, and indexes by Patrick J. O'Donnell, and that he be directed to send each member of the Legislature a copy of the loose-leaf session laws and of the permanent Journal and session laws. []

PRESIDENT SHEEHY: Thank you, Senator Schimek. You have all heard the motion. All those in favor say aye. Opposed, nay. Motion passes. Speaker Flood, you are recognized for a motion. []

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SPEAKER FLOOD: Mr. President, I move that the Journal for the ninetieth day, as prepared by the Clerk of the Legislature, be approved, and that the One Hundredth Legislature, First Session of the Nebraska Legislature, having finished its business before it, now at 3:28 p.m. in the afternoon adjourn sine die. []

PRESIDENT SHEEHY: You have all heard the motion. All those in favor say aye. Opposed, nay. We are adjourned sine die. []