

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

Floor Debate  
February 19, 2010

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[LB139 LB226 LB381 LB443 LB507 LB510 LB512 LB563 LB579 LB594 LB643 LB685  
LB704 LB709 LB711 LB712 LB723 LB728 LB746 LB779 LB780 LB787 LB800 LB817  
LB836 LB848 LB849 LB862 LB865 LB867 LB879 LB882 LB890 LB891 LB892 LB910  
LB914 LB925 LB926 LB937 LB948 LB949 LB952 LB961 LB965 LB975 LB986 LB992  
LB999 LB1002 LB1006 LB1018 LB1036 LB1048 LB1063 LB1072 LB1079 LB1081  
LB1087 LB1102 LB1103 LB1105 LB1110 LR284CA LR292 LR296CA LR300CA LR324  
LR325 LR326 LR327 LR328 LR329 LR330]

SPEAKER FLOOD PRESIDING

SPEAKER FLOOD: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-ninth day of the One Hundred First Legislature, Second Session. Our chaplain for today is Pastor Tyler Hauptmeier, St. Peter's Lutheran Church, Wymore, Nebraska, Senator Wallman's district. Please rise.

PASTOR HAUPTMEIER: (Prayer offered.)

SPEAKER FLOOD: Thank you. I call to order the twenty-ninth day of the One Hundred First Legislature, Second Session. Senators, please record your presence. Record please, Mr. Clerk.

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

SPEAKER FLOOD: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections, Mr. President.

SPEAKER FLOOD: Are there any messages, reports, or announcements?

CLERK: There are. Urban Affairs Committee reports LB381 to General File with committee amendments attached, that signed by Senator McGill. Revenue reports LB952 to General File with committee amendments attached, that signed by Senator Cornett. A notice of hearing from the Rules Committee regarding a proposed rule change, signed by Senator Lautenbaugh as Chair. New resolutions: LR324 is by Senator Cook calling for an interim study, that will be referred to the Executive Board; LR325, a resolution by Senator Stuthman, that will be laid over. In addition, Mr. President, priority bill designations: Senator White, LB952; Senator Adams, LB1072; Senator McGill, LB925; Senator Flood, LB1103; Senator Cook, LB975; Senator Mello, LB1081; Health and Human Services Committee, LB849 and LB1110; Revenue Committee, LB879 and LB1079; Natural Resources, LB1048 and LB862; and Senator Campbell, LB999. Mr. President, I also have the series of reports received in the Clerk's Office from the Crime Commission and the Nebraska Energy Office. Those will be on file and available for member review. And finally, the lobby report as required by statute.

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That's all that I have at this time. (Legislative Journal pages 567-570.) [LB381 LB952 LR324 LR325 LB1072 LB925 LB1103 LB975 LB1081 LB849 LB1110 LB879 LB1079 LB1048 LB862 LB999]

SPEAKER FLOOD: Thank you, Mr. Clerk. (Visitors introduced.) Beginning today's agenda, Mr. Clerk, Final Reading, motion to return to Select File for a specific amendment.

CLERK: Mr. President, Senator Rogert would move to return LB226 to Select File for a specific amendment, AM1894. (Legislative Journal page 544.) [LB226]

SPEAKER FLOOD: Senator Rogert, you're recognized to open on your motion to return LB226 to Select File for a specific amendment. [LB226]

SENATOR ROBERT: Thank you, Mr. President. Good morning, members. Very, very simple today. AM1894 is a...it's the E clause on my LB226. As we were going through the final copy, we noticed the...we didn't have a correct effective date on there. It was going to be, instead of in the regular three months, we had it set for a year from now. We've had a lot of folks come to us and say this would be great to get started with right away, so this specific amendment strictly is to bring it back and put the E clause on it. I had very good support on it on General File and I was pleased to see that, and I thought we just as well move forward with this in a more efficient fashion. So I ask for your support on the motion and the amendment. Thank you, Mr. President. [LB226]

SPEAKER FLOOD: Thank you, Senator Rogert. Members, you've heard the opening on Senator Rogert's motion to return to Select File for a specific amendment. There are no lights on. Senator Rogert, you're recognized to close. Senator Rogert waives his opportunity. The question before the body is, shall LB226 return to Select File for a specific amendment? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB226]

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to return the bill. [LB226]

SPEAKER FLOOD: LB226 is returned to Select File for a specific amendment. Mr. Clerk. [LB226]

CLERK: Senator Rogert would offer AM1894, Mr. President. [LB226]

SPEAKER FLOOD: Senator Rogert, you're recognized to open on AM1894. [LB226]

SENATOR ROBERT: Thank you, Mr. President. Thank you, members, for the green vote. AM1894, once again, strikes the original printed effective date of January 1, 2011, and puts the E clause in it and it will take effect just as soon as we get done passing it

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into law. Thank you, Mr. President. [LB226]

SPEAKER FLOOD: Thank you, Senator Rogert. Members, you've heard the opening on AM1894. There are no lights on. Senator Rogert, you're recognized to close. Senator Rogert waives his opportunity. The question before the body is, shall AM1894 be adopted? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB226]

CLERK: 31 ayes, 0 nays, Mr. President, on the adoption of the Select File amendment. [LB226]

SPEAKER FLOOD: AM1894 is adopted. Mr. Clerk. Senator Nordquist for a motion. [LB226]

SENATOR NORDQUIST: Mr. President, I move LB226 to E&R for engrossing. [LB226]

SPEAKER FLOOD: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. LB226 is advanced to E&R for engrossing. Mr. Clerk. [LB226]

CLERK: Mr. President, Select File. Senator Nordquist, LB512, I have no amendments to the bill. [LB512]

SPEAKER FLOOD: Senator Nordquist for a motion. [LB512]

SENATOR NORDQUIST: Mr. President, I move LB512 to E&R for engrossing. [LB512]

SPEAKER FLOOD: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. LB512 advances to E&R for engrossing. Mr. Clerk. [LB512]

CLERK: LB579. Senator, I have Enrollment and Review amendments first of all. (ER8152, Legislative Journal page 393.) [LB579]

SPEAKER FLOOD: Senator Nordquist for a motion. [LB579]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB579. [LB579]

SPEAKER FLOOD: Members, you've heard the motion. We now go to discussion on Senator Nordquist's motion. Senator Krist, you are recognized. [LB579]

SENATOR KRIST: Thank you, Mr. Speaker, members. I support the legislation and commend the progress that has been made; however, I've been asked by a constituent to ask a question. I wondered if Senator Cornett would yield to a question. [LB579]

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SPEAKER FLOOD: Senator Cornett, will you yield to a question from Senator Krist?  
[LB579]

SENATOR CORNETT: I'd be happy to. [LB579]

SENATOR KRIST: Section 7 says: Any funds held by the professional employer organization in a fiduciary capacity shall be recorded separately and held in a fiduciary capacity on behalf of the client. Senator, is it your intent that everything paid by the client must be individually separated? [LB579]

SENATOR CORNETT: Thank you for your question and your support of this bill. To your question, it is not. The intent of this section is to preserve any existing fiduciary capacity a PEO may have. This section does not create nor is intended to create any additional fiduciary requirement or to require any special segregation of client payments for PEO services. However, the bill does require good recordkeeping on the part of the PEO. This is assured by requiring the PEO to submit independently audited financial statements annually to the Department of Labor. These statements and their underlying records must be kept in accordance with generally accepted accounting principles. An audit is detailed examination by the independent auditor. And this requirement helps ensure and encourage good recordkeeping by the PEO. [LB579]

SENATOR KRIST: Thank you, Senator Cornett. Thank you, Speaker, for putting it on the record. [LB579]

SPEAKER FLOOD: Thank you, Senator Krist. There are no other lights on. The question before the body is, shall the E&R amendments be adopted? All those in favor say yea. Those opposed say nay. The Chair is unable to decide whether or not the E&R amendments can be adopted. All those in favor of adopting the E&R amendments say yea. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk. [LB579]

CLERK: Mr. President, Senator Cornett would move to amend the bill with AM1952. (Legislative Journal page 571.) [LB579]

SPEAKER FLOOD: Senator Cornett, you are recognized to open on AM1952. [LB579]

SENATOR CORNETT: Thank you, Mr. Speaker and members of the Legislature. LB579 is a pro small-business bill that provides for statutory oversight in Nebraska specifically for professional employer organizations, known as PEOs. PEOs enable clients to cost-effectively outsource the management of human resources, employee benefits, payroll, and workers' compensation. Small businesses today need help managing increasingly complex employee-related matters, such as health benefits, retirement benefits, flexible savings plan, workplace safety, workers' compensation claims, payroll

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processing, tax compliance, and unemployment insurance claims. PEOs are an option for small businesses to utilize if they need help with these responsibilities. Over time, model legislation was developed to provide state regulatory oversight of PEOs. That was the basis of LB579 as introduced last year. A great deal of work has gone into the bill after its introduction. The Business and Labor Committee drafted a 57-page amendment to the bill when the bill was advanced last year. Over the course of the interim, a lot of work was put into this bill and during the beginning of this session. When we discussed LB579 on General File in January, I offered you, and you adopted, an 87-page amendment that replaced the committee amendment. That amendment eliminated any fiscal impact of the bill. I know Senator Utter had asked on the mike what the fiscal note would be after the adoption of the amendment and I have handed a copy of that fiscal note out to everyone. We have basically eliminated the fiscal note. In the three weeks since we moved the bill from General File to Select File, a great deal of additional work went into the bill trying to address the remaining issues. I have offered the amendment, AM1952, today that will resolve the majority of the issues. LB579 is a regulatory oversight of PEOs. It is a very complicated issue that is a work in progress. One issue that we will continue to work on is the electronic reporting to the National Council of Compensation Insurance by workers' compensation insurance carriers for companies that serve PEOs. There was a desire by the Department of Insurance and workers' compensation to mandate electronic filing with NCCI by 2012. Unfortunately, neither NCCI or workers' compensation insurance carriers are yet capable of complying with such a mandate. The department and the court offered to delay the mandate to 2014. The PEOs were still concerned that it might not be possible by that deadline and, if we enacted it, it could close their businesses. So we have decided to delete that mandate for now and revisit the issue when both NCCI and workers' compensation are able to carry out and comply with the mandate. The rest of the amendment clarifies the language in the bill without making substantive changes. I'd like to thank particularly the Department of Insurance, and Business and Labor, the Governor's Policy Research Office, and the Workers' Compensation Court, NCCI, and the National Association of Public Employer Organizations for coming together over the course of the last year and working very hard on this bill and these amendments. I ask for your support for the amendment and for the underlying bill. Thank you very much. [LB579]

SENATOR LANGEMEIER PRESIDING

SENATOR LANGEMEIER: Thank you, Senator Cornett. You have heard the opening on AM1952 offered to LB579. The floor is now open for discussion. Seeing no lights on, Senator Cornett, you're recognized to close. Senator Cornett waives...oh...Senator Cornett waives closing. The question before the body is, shall AM1952 be adopted to LB579? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB579]

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

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amendment. [LB579]

SENATOR LANGEMEIER: AM1952 is adopted. [LB579]

CLERK: I have nothing further on the bill, Mr. President. [LB579]

SENATOR LANGEMEIER: Senator Nordquist for a motion. [LB579]

SENATOR NORDQUIST: Mr. President, I move LB579 to E&R for engrossing. [LB579]

SENATOR LANGEMEIER: Thank you. You have all heard the motion for the advancement of LB579. All those in favor say aye. All those opposed say nay. The ayes have it. LB579 does advance. Mr. Clerk. [LB579]

CLERK: Mr. President, the next bill, Senator Nordquist, LB867. There are E&R amendments. (ER8159, Legislative Journal page 479.) [LB867]

SENATOR LANGEMEIER: Senator Nordquist for a motion. [LB867]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB867. [LB867]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. They are adopted. [LB867]

CLERK: Senator Karpisek would move to amend, AM1801. (Legislative Journal page 505.) [LB867]

SENATOR LANGEMEIER: Senator Karpisek, you're recognized to open on AM1801. [LB867]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. AM1801 is a technical change to LB867. The committee's intention was to have the shipping license fees go to the General Fund and there is language in the bill that does just that. However, it was brought to my attention that there is another provision in the Liquor Control Act that directs all license fees to the school fund. Therefore, in order to carry out the wishes of the committee, I need to amend the bill to resolve this potential conflict. Thank you, Mr. President. [LB867]

SENATOR LANGEMEIER: Thank you, Senator Karpisek. You have heard the opening on AM1801 offered to LB867. The floor is now open for discussion. Seeing no one wishing to discuss, Senator Karpisek is recognized to close. He waives closing. The question before the body is, shall AM1801 be adopted to LB867? All those in favor vote

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yea; all those opposed vote nay. One moment. Have all those voted that wish to?  
Record, Mr. Clerk. [LB867]

CLERK: 28 ayes, 0 nays, Mr. President, on the adoption of Senator Karpisek's  
amendment. [LB867]

SENATOR LANGEMEIER: AM1801 is adopted. [LB867]

CLERK: I have nothing further on the bill. [LB867]

SENATOR LANGEMEIER: Thank you. Senator Nordquist for a motion. [LB867]

SENATOR NORDQUIST: Mr. President, I move LB867 to E&R for engrossing. [LB867]

SENATOR LANGEMEIER: You have heard the motion on the advancement. All those  
in favor say aye. All those opposed say nay. The ayes have it. LB867 does advance.  
Mr. Clerk. [LB867]

CLERK: Mr. President, LB848. Senator, I have no amendments to the bill. [LB848]

SENATOR LANGEMEIER: Senator Nordquist for a motion. [LB848]

SENATOR NORDQUIST: Mr. President, I move LB848 to E&R for engrossing. [LB848]

SENATOR LANGEMEIER: You have heard the motion on the advancement of LB848.  
All those in favor say aye. All those opposed say nay. The ayes have it. LB848 does  
advance. Mr. Clerk. [LB848]

CLERK: Mr. President, LB746. E&R amendments, first of all, Senator. (ER8160,  
Legislative Journal page 479.) [LB746]

SENATOR LANGEMEIER: Senator Nordquist for a motion. [LB746]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB746.  
[LB746]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All  
those opposed say nay. They are adopted. [LB746]

CLERK: Senator Giese would move to amend, AM1795. Senator, that's the first of two  
amendments I have from you. AM1795 is the first one. [LB746]

SENATOR LANGEMEIER: Senator Giese, you are recognized to open on AM1795.

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[LB746]

CLERK: I've got two. What number do you have? Look at the AM number up at the top, Senator. [LB746]

SENATOR GIESE: AM1962. [LB746]

CLERK: Is that the one you want? [LB746]

SENATOR GIESE: Yes. [LB746]

CLERK: Okay. [LB746]

SENATOR LANGEMEIER: So you'd like to withdraw AM1795? [LB746]

SENATOR GIESE: Yes. [LB746]

SENATOR LANGEMEIER: It is withdrawn. Mr. Clerk. [LB746]

CLERK: Mr. President, Senator Giese would move to amend with AM1962. (Legislative Journal page 571.) [LB746]

SENATOR LANGEMEIER: Senator Giese, you are recognized to open on AM1962. [LB746]

SENATOR GIESE: Thank you, Mr. President and members of the body. As members might recall, LB746, as amended by the Judiciary Committee, would add four new members to the Racial Profiling Advisory Committee. AM1962 makes two simple changes to the language, adding to those new members. First, the amendment reflects the name change of the Commission on Mexican-Americans to the Commission on Latino-Americans. This change became final when the Legislature passed LB139 and Governor Heineman signed the bill into law. Second, the amendment corrects a potential separation of powers issues that arose with the addition of a representative of the Minority Justice Committee to the Racial Profiling Advisory Committee. The Minority Justice Committee is a joint project of the State Bar Association and the Supreme Court, but its members are currently appointed by the Supreme Court. The amendment would change this appointment to a member of the Bar Association appointed by the Governor from a list of attorneys submitted by the Bar Association's executive council. I would urge the body to support AM1962 as well as the underlying bill. [LB746 LB139]

SENATOR LANGEMEIER: Thank you, Senator Giese. You have heard the opening on AM1962 offered to LB746. The floor is now open for discussion. Seeing no lights on, Senator Giese, you are recognized to close. Senator Giese waives closing. The

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question before the body is, shall AM1962 be adopted to LB746? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB746]

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of Senator Giese's amendment. [LB746]

SENATOR LANGEMEIER: AM1962 is adopted. [LB746]

CLERK: I have nothing further, Mr. President. [LB746]

SENATOR LANGEMEIER: Senator Nordquist for a motion. [LB746]

SENATOR NORDQUIST: Mr. President, I move LB746 to E&R for engrossing. [LB746]

SENATOR LANGEMEIER: You have heard the motion on the advancement of LB746. All those in favor say aye. All those opposed say nay. The ayes have it. LB746 does advance. (Doctor of the day introduced.) Mr. Clerk, next item on the agenda. [LB746]

CLERK: Mr. President, just, if I may, an announcement: Government Committee will meet now in Room 2022; Government Committee now in Room 2022.

Senator Nordquist, LB890. I have E&R amendments, Senator. (ER8161, Legislative Journal page 519.) [LB890]

SENATOR LANGEMEIER: Senator Nordquist for a motion. [LB890]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB890. [LB890]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. The ayes have it. They are adopted. [LB890]

CLERK: I have nothing further on LB890, Senator. [LB890]

SENATOR LANGEMEIER: Senator Nordquist for a motion. [LB890]

SENATOR NORDQUIST: Mr. President, I move LB890 to E&R for engrossing. [LB890]

SENATOR LANGEMEIER: You have heard the motion to advance LB890. All those in favor say aye. All those opposed say nay. LB890 does advance. Mr. Clerk. [LB890]

CLERK: LB891, Senator, I have E&Rs. (ER8163, Legislative Journal page 523.)

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[LB891]

SENATOR LANGEMEIER: Senator Nordquist for a motion. [LB891]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB891.  
[LB891]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. They are adopted. [LB891]

CLERK: I have nothing further on that bill, Senator. [LB891]

SENATOR LANGEMEIER: Senator Nordquist for a motion. [LB891]

SENATOR NORDQUIST: Mr. President, I move LB891 to E&R for engrossing. [LB891]

SENATOR LANGEMEIER: Thank you. You have heard the motion on the advancement of LB891. All those in favor say aye. All those opposed say nay. LB891 does advance. Mr. Clerk. [LB891]

CLERK: LB892, Senator, I have no amendments to the bill. [LB892]

SENATOR LANGEMEIER: Senator Nordquist for a motion. [LB892]

SENATOR NORDQUIST: Mr. President, I move LB892 to E&R for engrossing. [LB892]

SENATOR LANGEMEIER: You have heard the motion on the advancement of LB892. All those in favor say aye. All those opposed say nay. LB892 does advance. Mr. Clerk. [LB892]

CLERK: LB643, Senator. It does have Enrollment and Review amendments. (ER8162, Legislative Journal page 523.) [LB643]

SENATOR LANGEMEIER: Senator Nordquist for a motion. [LB643]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB643.  
[LB643]

SENATOR LANGEMEIER: You have heard the motion. All those in favor say aye. All those opposed say nay. They are adopted. [LB643]

CLERK: I have nothing further on that bill, Senator. [LB643]

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SENATOR LANGEMEIER: Senator Nordquist for a motion. [LB643]

SENATOR NORDQUIST: Mr. President, I move LB643 to E&R for engrossing. [LB643]

SENATOR LANGEMEIER: You have heard the motion on the advancement of LB643. All those in favor say aye. All those opposed say nay. It does advance. Mr. Clerk. [LB643]

CLERK: LB723, Senator. I have no amendments to the bill. [LB723]

SENATOR LANGEMEIER: Senator Nordquist for a motion. [LB723]

SENATOR NORDQUIST: Mr. President, I move LB723 to E&R for engrossing. [LB723]

SENATOR LANGEMEIER: Members, you have heard the motion on the advancement of LB723. All those in favor say aye. All those opposed say nay. The ayes have it. LB723 does advance. Mr. Clerk. [LB723]

CLERK: LB787, Senator. I have no amendments to the bill. [LB787]

SENATOR LANGEMEIER: Senator Nordquist for a motion. [LB787]

SENATOR NORDQUIST: Mr. President, I move LB787 to E&R for engrossing. [LB787]

SENATOR LANGEMEIER: Members, you have heard the motion on the advancement of LB787. All those in favor say aye. All those opposed say nay. The ayes have it. LB787 does advance. Mr. Clerk. [LB787]

CLERK: LB914, Senator. I have no amendments to the bill. [LB914]

SENATOR LANGEMEIER: Senator Nordquist for a motion. [LB914]

SENATOR NORDQUIST: Mr. President, I move LB914 to E&R for engrossing. [LB914]

SENATOR LANGEMEIER: Members, you have heard the motion on the advancement of LB914. All those in favor say aye. All those opposed say nay. The ayes have it. LB914 does advance. Mr. Clerk, moving on the agenda to General File, 2010 committee priority bills, the Carlson division, LB685. [LB914 LB685]

CLERK: Mr. President, LB685 was a bill by Senator Wightman relating to the Legislature. (Read title.) The bill was introduced on January 6 of this year, at that time referred to the Executive Board for a public hearing. The bill was advanced to General File. At this time I have no amendments, Mr. President. [LB685]

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SENATOR LANGEMEIER: Senator Wightman, you are recognized to open on LB685.  
[LB685]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. LB685 relates to the membership of the Executive Board. Currently, the board has ten members, including the Chairperson of the Appropriations Committee who serves as a nonvoting, ex officio member of the board. LB685 would simply amend Section 50-401.01 to provide that the Chairperson would become a voting member of the board. In reviewing the legislative history, it appears that the Chairperson of the then Committee on Budget, which is what it was called back in the old days, was added in as an ex officio, nonvoting member of the board in 1967. This occurred at the same time the Legislature was discussing the need to coordinate personnel and activities that serve the Legislature and put them under the jurisdiction of the Executive Board. Particularly, the discussion involved the need for the Legislature to hire a permanent fiscal staff. The specific amendment read: The Chairman of the Committee on Budget shall serve as a nonvoting, ex officio member of the Executive Board of the Executive Council of our Legislature, itself, whenever the board is considering fiscal administration. There was included in the debate an explanation of the amendment at that time and, as Senator Mahoney stated, this would pertain strictly to the matters of the financial situation in our state government. He would sit with the Executive Board. He would be a nonvoting member, but he would be there for advisory capacity and would assist the board since it would be most necessary that he would have the answers to the questions the Executive Board would be discussing no matter what segment of state government we might be discussing. I have served on the Executive Board for a year and a half at this point and serve as Chair of that committee. The Chair of the Appropriations Committee is there, I would say, as regularly as any other member and sits...participates in the discussion. By the way, there is one other ex officio member...one other member who serves there by reason of his position and that is the Speaker, who also serves as a member at all times because of the position. As you know, the Executive Board deals with complex administrative issues that impact many areas of legislative business. Some of these issues have a fiscal impact; others do not. To me, it makes sense that the Chair of the Appropriations Committee, who sits through all of the board's meetings and contributes valuable information, should be a voting member, and this would be true whether we are sitting as the Executive Board or the Reference Committee. Actually, this bill does not address the Reference Committee. That is covered by our rules rather than by statute, so we are one of the few boards that is established by statute and one of the few committees. So...and I know there may be some question because this board, without the Chair of the Appropriations Committee having voting capacity, does have an odd number of votes. However, as I reviewed the various standing committees, a majority of them do have even numbers, so I don't think that probably is very much of an issue because it requires slightly more than a majority, obviously, if it is an even number. But it just seems to me that it makes sense that if he's

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going to sit there throughout all of this, participate in the discussion, that there is not any particular reason that he does not have a vote. So with that, I urge the members to vote for the advancement of LB685. Thank you, Mr. President. [LB685]

SENATOR LANGEMEIER: Thank you, Senator Wightman. You have heard the opening on LB685. The floor is now open for discussion. Those wishing to speak, we have Senators Heidemann, White, and Cornett. Senator Heidemann, you're recognized. [LB685]

SENATOR HEIDEMANN: Thank you, Mr. President and fellow members of the body. I rise in support of LB685. I thought I would put my light on a little bit early and say what I think about this bill. I appreciate that Senator Wightman has brought this. I've sat on the Exec for now right at three years and it's always been a concern of mine, but I do want to state that I didn't ask Senator Wightman to do this. He did come up with this on his own. I want to give you a little bit of history, as I know it. The Appropriations Chair, one of the things that comes with the position is you get to sit on a lot of other committees. You don't...it's not a choice. It's just something that you get along with the position when you get it. For example, I sit on the Nebraska Retirement, which is a very important committee. It is chaired by Senator Pankonin. I sit on it and I get to vote. I also sit on the Building and Maintenance Committee, which is important, dealing with LB309 money. I get to vote on that committee. I also sit on the Legislative Performance Audit Committee because I am Appropriations Chair, and I also get to vote on that. Senator Wightman had touched base with the Speaker of the Legislature. Because of his position, he actually does sit on Exec Committee. He does get to vote also. I also want to say that if you look in recent history, and because of term limits we can't...the memory isn't there, but Senator Engel had been, in my time here, had been the Exec Chair. And what was good about that, in my perspective, was that he was sitting on Appropriations Committee. We now have an Exec Chair that sits on the Appropriations Committee also. And I actually, for one, I think that's good. One of the duties of the Exec Chair is to do the Legislative Council's budget. The Legislative Council's budget is approximately \$18 million a year. It's a lot of money into a lot of different divisions of the Legislative Council. My fear that there could be a time when the Exec Chair is not off of the Appropriations Committee. It's a possibility that you could see an Exec Committee that had no Appropriations members and that there would be nobody sitting on there that was good with budgeting issues. And to me, that would be a concern. I ask when...I don't know how much discussion is on this, but I ask when you think about this, this is a policy issue. I don't want the people that think that I do a good job to vote for this because of me. And I ask you, if you're not crazy about me, that you don't vote for this because of me. Look at the policy issue. Look about how this might unfold in future years and make that decision because of that. But I do believe that LB685 and the bill is something that we need to look at. It's something that I'm going to support and I hope that the body does also. With that, thank you, Mr. President. [LB685]

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SENATOR LANGEMEIER: Thank you, Senator Heidemann. Mr. Clerk for an announcement. [LB685]

CLERK: Mr. President, the Transportation Committee will meet immediately under the south balcony; Transportation Committee, south balcony right now.

SENATOR LANGEMEIER: Thank you. Returning to discussion on LB685, those wishing to speak, we have Senators White, Cornett, and Wightman. Senator White, you're recognized. [LB685]

SENATOR WHITE: Thank you, Mr. President. I am a member of the Executive Committee. I will not be here if Senator Wightman's bill passes so I can really honestly tell you in terms of an interest of where I am on it, I have none. But I want you all to know that I think this is a really bad idea and let me explain why. The primary function of the Executive Committee is to act as a fair, deciding body to allocate bills among committees. That is probably 90 percent of our job. When committees compete for bills, which committee has jurisdiction, what has been the tradition of the Legislature, where should that bill go, to put a Chair...and there are at this time no voting Chairman that are members of the Executive Committee by virtue of them being Chairman, okay? So if you are a Chair of one of the committees, you can run for the Executive Committee and be on it, but you don't get a position just because you're a Chair. And the reason that is important is that if you have an issue, as a senator, and you think your bill should go to a different committee, now all of a sudden you're coming to the Executive Committee, asking that your bill go to the committee you believe it is and a Chair has a seat automatically on that committee to sit in judgment of your bill. That is not consistent with the job of the Executive Committee. The Executive Committee is to make peace and divide responsibility among the Chairs, and to govern our behavior regarding how we consider bills, what order they come up and those issues, without regard to committee affiliation. This bill undercuts that. And I would ask, if Appropriations has a right to this, why not Revenue? Because they can only spend what we give them. Why not Revenue Chair having an automatic one? And if that stops there, why not Judiciary? And then why not Agriculture? And I think it's a terrible idea, as has been proposed, to have an Executive Committee only of Chairs for a couple of reasons. One is Chairs already wield an enormous amount of power inside of the body, some would say disproportionate amounts. They need a check and a balance. Second, you then just encouraged turf wars in the division of those bills rather than people who don't really own their own kingdom. So I would tell you, though I have great respect for Senator Heidemann and what he has brought to that committee has been invaluable, that as a matter of long-term governance and policy of the institutions of this body, it is not a good idea to give a Chair a vested spot on the Executive Committee, because what you are doing then is saying that committee and that Chair has more power than any other Chair and is more important, and you will be able to use it, not just inside of the committee but in what bills they get. It's bad governance. Thank you, Mr. President.

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[LB685]

SENATOR LANGEMEIER: Thank you, Senator White. Senator Cornett, you're recognized. [LB685]

SENATOR CORNETT: I rise in opposition to this bill. I feel very strongly about this. Appropriations already wields more power in a lot of ways than any other committee and so does the Chair of that committee. By this bill, you are automatically saying the Chair of Appropriations is a voting member. That gives him more rights than anyone else other than the Speaker. The Speaker's position is different. He doesn't Chair a committee. He should be part of the referencing process. We should not automatically appoint any Chair to a position that is voting without a vote of the body for that particular position. And Senator Wightman talked about the complicated fiscal issues that the Exec Board deals with. If you're talking complicated fiscal issues, then Revenue should be included, and I am not asking to be included as a voting member of the Exec Board. I could run for that position if I wanted to. Thank you. [LB685]

SENATOR LANGEMEIER: Thank you, Senator Cornett. (Visitors introduced.) Mr. Clerk for an announcement. [LB685]

CLERK: Mr. President, Appropriations will meet at 10:00 underneath the north balcony; Appropriations Committee, north balcony at 10:00.

SENATOR LANGEMEIER: Thank you. Continuing discussion on LB685, those wishing to speak, we have Senator Wightman, Nelson, Pirsch, Wallman, and others. Senator Wightman, you're recognized. [LB685]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. I rise again in support of the bill, of course which is my bill, and in opposition to some of the statements that were made by Senator White. I agree that there is no other person on there who is a Chair of a committee by reason of his holding that Chairman's position or Chairperson's position, but obviously other Chairpersons can be on the Executive Committee if they are voted as Chair of the committee and if they are then placed on the committee. This is an unusual committee by reason of the fact that it is set in statute. But it seems to me that the Appropriations Chair has obviously a great deal of influence in that he sits on the committee, but he sits on the committee and is there and I would say that he's there almost all of the time, certainly as much as perhaps any other member, and sits there and, while he participates in the discussion, is not entitled to a vote. I think it makes sense that he is entitled to a vote. Again, the Speaker sits there by reason of his position. He doesn't sit there obviously as a committee Chair. But I continue to think that we will be best served by having the Chair of the Appropriations Committee have a vote on that committee. And so I do urge your support. I'll listen to the debate and will try to respond to any questions that there might. Thank you, Mr.

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President. [LB685]

SENATOR LANGEMEIER: Thank you, Senator Wightman. Senator Nelson, you're recognized. [LB685]

SENATOR NELSON: Thank you, Mr. President. Members of the body, I rise in support of Senator Wightman's bill. I serve as Vice Chair of the Executive Committee. We're really thinking more in terms of the Executive Committee here than we are in the Reference Committee. Previous speakers would seem to indicate that we have an ongoing war there in the Reference Committee as to where bills will be referenced. We don't. There's a lot of accommodation and a lot of good referencing, as far as I'm concerned, and I think inasmuch as the Chair of the Appropriations Committee is there and has input, that there isn't any reason why he should also not have the ability to vote. When we talk about Chairs serving on the committee, we have several committee Chairs that serve on the committee and that just happens because they've been longstanding Chairs but not because of their position. It's because of the fact that they were nominated to serve on the Executive Committee and the Reference Committee and that's why they hold the positions. And it's also valuable to have Chairs on there because they have a great deal of experience. But I just...I want to emphasize that it's not a continuing problem, in my mind at all, as to how bills are referenced out, and I see absolutely no importance to the fact that there's another Chair who happens to be a person...a senator who happens to be the Chair of the Appropriations Committee having any undue or particular influence by the fact that that person is able to vote. So I certainly would support Senator Wightman in this. I think it's the right thing to do. I think especially on the Executive side that the...and for budgetary and financial problems that it's important to have our Appropriations Chair there and appropriate that position be a voting position. Thank you. And I would give the remainder of my time to Senator Wightman, if he chooses to take it. [LB685]

SENATOR ROBERT PRESIDING

SENATOR ROBERT: Senator Wightman, 2 minutes 30 seconds. [LB685]

SENATOR WIGHTMAN: Thank you, Senator Nelson. I won't take all of the minute and 40 seconds. Don't have that much left. I didn't hear you right away, Mr. Chairman. At any rate, I continue to think if the Chair of the Appropriations Committee is going to sit there, he's going to sit there and participate, that he should be entitled to a vote. I might also make reference to the fact, and it may very well be that the rules would change, but we sit as an Executive Board in two capacities. One is an Executive Board and that is not the same as a Referencing Committee, although it does say that the Executive Board will sit as a Referencing Committee. The rules right now call for the Referencing Committee to...it says it will be nine members. So that would take a change by an official change of our rules for the Referencing Committee to have ten members, ten

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voting members. So that would not automatically take place as a result of the change of the statute. I think it might very well follow but it would not have to follow. So I think the body should be aware of that as well. So again, I urge support for LB685. Thank you, Mr. President. Thank you, Senator Nelson. [LB685]

SENATOR ROBERT: Thank you, Senator Wightman and Senator Nelson. Senator Wallman, you're next and recognized. [LB685]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I think this is a bad bill. That policy was put in place for a reason. And we're going to change policy here? I didn't...Senator Heidemann said he didn't ask for this change, so why do we want to change? I can see there's undue influence here could happen in the future, probably not now. But this policy was put in place for a reason, so let's keep it there. Thank you. [LB685]

SENATOR ROBERT: Thank you, Senator Wallman. Senator Nordquist, you're recognized. [LB685]

SENATOR NORDQUIST: Thank you, Mr. President and members. I also rise in opposition to the bill, not because I don't like Senator Heidemann, don't think he'd do a great job. I think he's a very...a voice of common sense and reason in this body. But the concern is that that position would obtain...would just be given an extraordinary amount of power relative to other positions in the body, relative to other Chairs in the body. Plus my concern comes down to the potential skewing of the distribution, the geographic distribution of the Exec Committee. We elect as a body the Chair, the Vice Chair, the Speaker is on it, and then each caucus gets two members, and then if we put the Appropriations Committee Chair, you could potentially have the Chair, the Vice Chair, the Speaker, the Appropriations Committee Chair and two members from one caucus. They could have a 6-4 majority, one caucus could, on the Exec Board. I think the Exec Board should be regionally dispersed, represent the entire state with an even distribution, so that would be a large concern. I understand the point about the Chair serving on the Retirement, getting a vote on the Retirement Committee. That committee, you know, handle...we're talking about several billion dollars' worth of retirement assets in the state and potential hundreds of millions of dollars of liability. I think that's an appropriate role. As far as the Exec Board and the budget of the Legislative Council, I almost think it would make more sense to require that the Exec Board Chair be a member of Appropriations. It has been for the last few years and it works great to have Senator Wightman in the committee, but I think it makes almost more sense to have that person automatically on the Appropriations Committee to have a voice in the process. We've seen issues like this come up. Last year there was a bill in Retirement for the State Treasurer to have a vote on the Nebraska Investment Council. He's currently an ex officio member. He attends meetings, participates, but doesn't get to vote. We voted that down because we didn't think that that power should necessarily

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come with that position and that's what I believe with this bill, Mr. President. Thank you. [LB685]

SENATOR ROBERT: Thank you, Senator Nordquist. Senator Council, you're recognized. [LB685]

SENATOR COUNCIL: Yes, thank you, Mr. President. I rise in opposition to this bill as well. And as one of the newer members of this body, I can only rely upon my reading of the language of the statute as it currently exists and what I glean from it to be the intent, purpose, and objective of this body in deciding how the Executive Council would be comprised. And it is clear to me that the intent was that there would be an odd number of individuals on that council so that you avoid any risk of tie votes. It's also very clear to me that with regard to the Chairman of the Appropriations Committee, that it was the intent that that person provide input into the process and it was specifically limited to input on matters of fiscal administration while the Executive Council considers a myriad of other issues during the course of a legislative session. So it is clear to me that it was not the intent, and at this point in time I state nor should it be the intent, of appointing the Chair of the Appropriations Committee as a voting member of the Executive Council. It should remain in the configuration that it has been in with the Appropriations Committee Chairman having some input into the process, participating in the discussions, as that should in fact occur. But as has been previously discussed, why wouldn't every Chairperson be automatically a member of the Executive Council, because there are matters affecting personnel, for example, that Business and Labor might have some expertise and provide some input and decide the vote. But the other part that I think is being ignored, with this change you end up with a ten-person Executive Council with really no way to avoid tie votes and gridlock of the Executive Council. It is configured the way it is configured so that deliberations can occur, that input be provided from the appropriate sources, but not that there be any fiefdoms or kingdoms created. And for that reason, I would urge the body to vote not to advance LB685. [LB685]

SENATOR ROBERT: Thank you, Senator Council. Senator Dubas, you're recognized. [LB685]

SENATOR DUBAS: Thank you, Mr. President. Good morning, colleagues. Would Senator Wightman answer some questions for me, please? [LB685]

SENATOR ROBERT: Senator Wightman, would you yield to a question? [LB685]

SENATOR WIGHTMAN: Yes, I will. [LB685]

SENATOR DUBAS: Thank you, Senator Wightman. I think in your opening you went over some of the history, but I'm sorry I was engaged with a phone call that I had to

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take, so if you could kind of bring me up to speed on the history behind the Executive Council and the makeup of that council. [LB685]

SENATOR WIGHTMAN: Well, the history was, Senator Dubas, that this was passed, and I'm looking for the...one of my pages of my notes, but I think it was in 1967 that the--here, I found it--1967 that the Chairperson of what was then the Committee on Budget was added as an ex officio, nonvoting member of a board. There is certainly nothing in my reading of the history that indicates, as Senator Council has suggested, that it would be an odd number. And as I did review, actually a majority of our standing committees and a majority of the committees in the Legislature do have even numbers of committee members. So as far as the tie vote, I don't think that's very much of an issue. [LB685]

SENATOR DUBAS: Okay. Thank you. In a little bit of the history that I've asked a few questions about, you know, why was the Executive Committee crafted the way it was and what have they done in the past, and I understand in the past the Executive Committee had a lot more to do with...was very involved with interim studies and setting up the interim studies and if they needed financing and those types of things. So I know that the Executive Committee has kind of evolved over the years. But do you know why the Appropriations Committee Chair was never given the right to vote when it was set up? [LB685]

SENATOR WIGHTMAN: Well, I can only say that in 1967 it was originally established that it would be an ex officio member. I have reviewed the fact that the Speaker sits on the committee also as a result of his election as the Speaker, but he is a voting member. So as to why the Speaker is a voting member and the Chair of the Appropriations Committee is not, I don't think I can tell you that there's any specific history on that. I did read some of what was said at the time he was added and, again, he was called the Chairperson of the Committee on Budget at that time, and indicates that he would sit as a nonvoting member when that went into effect, but doesn't really discuss in any great detail other than he would be in an advisory capacity. So I don't think there's anything in the history that indicates it would be an odd number or much as to why the Chairperson would not be a member. I think the Chairperson has become a more active ex officio member in that he sits, as I've explained, at almost every meeting, does participate in the discussion, can't make a motion. So I guess that answers as well as I can. [LB685]

SENATOR DUBAS: Thank you very much, Senator Wightman. And I think the fact that the Appropriations Chair sits on all of these committees, you know, indicates that the information that that person has is very valuable. But I also think it speaks about that there's a difference with the Executive Committee and the work that the Executive Committee does within this body. And again this is no criticism of Senator Heidemann. His information as well as the information of past Appropriations Chairs would be a very

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important component for the Executive Committee to be making the decisions that they need to make. But I, too, rise with serious reservations about allowing the Appropriations Chair to be a voting member of the Executive Committee, again just because of the types... [LB685]

SENATOR ROBERT: One minute. [LB685]

SENATOR DUBAS: ...of issues that the Executive Committee deals with when it's assigning bills and things like that. I think the fact that this committee was set up and that position was set up as an ex officio member was probably for a lot of the reasons that are being raised on the floor this morning. So while I recognize the value and importance of what the Appropriations Committee Chair brings to the Executive Committee, I would not be in support of allowing that person to be a voting member of this committee. Thank you. [LB685]

SENATOR ROBERT: Thank you, Senator Dubas. Senator Wightman, you are next and recognized. [LB685]

SENATOR WIGHTMAN: I'm not going to take the full time, but I did want to address a couple of items. Senator Council brought up the fact that it appears to her from the statute that it should be an odd number. And in looking at both the legislative history and looking at the statute itself, I do not see anything that indicates that it would be an odd number. Again, I've already addressed the issue that many of the standing committees are an even number. And why the Executive Committee would be pointed out as a specific committee that would have an odd number, again I don't see anything that indicates that. I would like to also address a statement that Senator Nordquist made that it might skew the committee geographically. I would point out that there are three persons in this committee at the present time that serve on the committee that would not come from the nominations of the various caucuses. We do have six members that would be at least nominated or suggested by members of the three caucuses. I also might point out that the caucuses aren't necessarily the same as our Congressional districts so they don't automatically lead to geographic balance, although they do somewhat. But we do have three members already who serve as voting members, that's the Speaker, the elected Chair, and the elected Vice Chair, which is different than most committees because we have two people that are there...two that are elected and one sits there as a result of his position, which is the Speaker, so that there are three members already that are not selected by the caucuses, don't contribute to geographic balance of the committee. And to have a fourth one, I fail to see where that would skew the geographic balance of the committee any more than if we had three that are not a result of the caucus meetings. Thank you, Mr. President. [LB685]

SENATOR ROBERT: Thank you, Senator Wightman. Those wishing to speak: Senators Harms, Christensen, and Council. Senator Harms, you're recognized. [LB685]

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SENATOR HARMS: Thank you, Mr. Chairman and colleagues. I rise in support of LB685. I think it's important that the Appropriations Chair has the opportunity to vote when you have other Chairs that already there. He brings...that position brings some real value to this in regard to the budgeting process and also to the budgeting of that committee, and when you have to go through all those meetings and you sit only as an ex officio member, you really don't have the opportunity to take a position. You can only recommend. And I don't think, quite honestly, being on a committee and just being able to voice your opinion but you can't actually take a stand doesn't help it at all. And I think it's a good bill. I think it's an appropriate way to do that. And I think you have to remember that, as Senator Heidemann said, it's not about him; it's about the position. And as we look into the future and as we start to have more, newer, younger faces come in here and that we have these term limits, it's important to be able to balance that committee out because that's what drives our side of the house here. That's what makes the decisions about our staffing and about what happens to us administratively. And I think it's important to have that stability there. I think that any time you're the Chair of the Appropriations Committee, boy, you come in with a lot of knowledge. I didn't realize how important that position was and how much you have to carry as a load. So I really think it is valuable and I think it is important and I would surely urge you to give consideration to approve that. Mr. Chairman, Mr. President, thank you. Excuse me, Mr. President. Thank you, colleagues. [LB685]

SENATOR ROBERT: Thank you, Senator Harms. Senator Christensen, you're recognized. [LB685]

SENATOR CHRISTENSEN: Thank you, Mr. President. You know this issue, regardless of how you decide to go on it, I think it's a very good discussion to have. As far as him not getting voted there, if this bill went into effect you better take that in mind when you're voting for the Appropriations Chair. That is voted on by the body. That is a very important committee. And I guess one reason I voted it out of the committee to have this discussion is the fact that I wish he'd put more input on the committee. If he had a vote I think he would share more. And I value what he has. I sit by him so I can ask questions, but at the same time I think it hinders him from sharing more because he don't want undue influence. And I think if it was a voting position and you knew that when you elected the Chairman of the committee from the floor, he would step up and share more. Because I think it is valuable and I think if you asked him, he'd tell you. I sit and ask him questions because I value that input. And so, you know, I don't think it's just all about the makeup. The other thing that I see might be difficult, and you might like this, you may not like this, is the fact that with ten members it takes six to get a bill out of committee. Some people are going to like that, a little more protection to make sure something don't get out. At the same time, it's harder to get something out for discussion. You know, I don't know how you look at that, but it does change that. When you got nine members, it only takes five. When you got ten members, it takes six. But

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far as voting on him, if this was the...was passed, you would know when you vote on your Chairman that he's going to be on Referencing Committee, he's going to be on Exec Board, and they're going to have a vote. So I don't know that not applying and running for the position is a big deal. I think it's important that he be on the committee and I don't disagree with him being able to vote. And I'm sure you get another Chairman on Appropriations, they might talk a whole lot more than he does, but I think that's just the respect he has for the process. And we can't vote on just the way he runs it, as I've talked about, but I do think it would give the Appropriations Chair more comfort at sharing more, and that's why I bring that up. I'm appreciating the discussion this morning and I hope people think about what everybody is saying as we make a decision on whether to advance this bill. I do support it and I thank you, Mr. President. [LB685]

SENATOR ROBERT: Thank you, Senator Christensen. Senator Council, you're recognized. [LB685]

SENATOR COUNCIL: Yes, thank you, Mr. President. First and foremost, I think the body needs to be reminded that this is an issue of process and not person. In my opinion, it has nothing to do with Senator Heidemann and his current occupancy of the Chair of the Appropriations Committee. It goes to the process of selecting the members of the Executive Council. And in response to Senator Wightman's statement as to his inability to see where I find that the intent was to have an odd number of members of the Executive Council, Senator Wightman, it's clear and it's a simple matter of mathematics. As the statute currently reads, the Executive Council is to be comprised of a Chairman--that's one; a Vice Chairman--that's two; the Speaker--that's three; and six members elected by the body from the respective districts. Last time I checked, six plus three is nine. Now if the body wanted it to be odd, if they wanted it to be even, they could have said Vice Chair--one; Chair--two; Speaker--three; and three members each from the respective three districts. By my mathematics, 3 plus 9 is 12--an even number. So it's clear to me that the intent was that the council be comprised of an odd number of members. If they'd wanted it to be even, they could have done it from the beginning by increasing the number of members elected by the body at large. That was not done. And when you look at where the statement regarding the Appropriations Committee Chair, it's clear. It was...it's at the end of the section setting forth the membership and how it's elected. And it expressly provides that it's ex officio capacity. So that is an indication to me that it was the intent of the Legislature that the Appropriations Committee Chair's function on the Executive Council was to be merely advisory, and I have heard nothing in this debate today that convinces me that we need to change it from an advisory position to a voting position. The question as to, you know, whether nor not the council has needed information to enable them to make the proper decisions based upon the revenue picture, I mean, as someone indicated earlier, then why not add the Revenue Committee Chair as well? But again, I think we need to make it clear, this, at least in my mind and in my opinion, this is not about Senator Heidemann and whether he should or should not vote. It's about the process and how the process and

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the inner workings of the Executive Council should operate. Again, I have been given no compelling argument this morning for changing the current process. It was intended that the Appropriations Committee Chair be in an advisory capacity. I believe it should remain in an advisory capacity. [LB685]

SENATOR ROBERT: Thank you, Senator Council. Senator Sullivan, you're recognized. [LB685]

SENATOR SULLIVAN: Thank you very much, Mr. President and members of the body. I've appreciated the discussion that we've had thus far because early on I wasn't sure how I felt about this, but I think right now I rise in opposition to this. And I got on to the Web site that defines the Executive Board and its functions, and the last line says that the Chairperson of the Appropriations Committee serves as a nonvoting, ex officio member of the board when it considers fiscal matters. That sentence right there indicates to me that, just as Senator Council said, this person serves as...in an advisory capacity when the Executive Board is dealing with fiscal matters. So to give that individual voting rights expands the definition of what the Executive Board is all about. So I think that to do that you'd have to revisit the definition of the Executive Board's capabilities and responsibilities. So at this point I'm in opposition to LB685. [LB685]

SENATOR ROBERT: Thank you, Senator Sullivan. Senator Nelson, you're recognized. [LB685]

SENATOR NELSON: Thank you, Mr. President, members of the body. I've listened to part of discussion here, and I don't want to be repetitious, but I would say that it seems to me it's rather immaterial whether you have eight or nine or ten. If you don't have a majority, then it doesn't pass. Once again, I support this bill and I ask the body to advance it. And I would give the remainder of my time to Senator Wightman. [LB685]

SENATOR ROBERT: Senator Wightman, 4 minutes 20 seconds. [LB685]

SENATOR WIGHTMAN: Thank you, Mr. President. I won't take all of that time. I did want to discuss a few of the remarks that were made by Senator Council. I agree that if we add up the numbers, it does come to nine. I don't know that that means any particular intent on the part of the Legislature to limit it to nine or to make it an odd number. Certainly I can do the addition and I know that if you add up the numbers that are discussed in the statute, the six members selected by districts or caucuses and the three that are listed as voting, that that does come to nine. Again, I appreciate all the discussion. I think it's a bill that should have an airing and discussion, open discussion on the floor, and so I appreciate the participation that there's been in that regard. Again, I do have the advantage of sitting on the Executive Board, have observed the participation by the Chair of the Appropriations Committee. And certainly this isn't specific to Senator Heidemann. It is not a personality issue. It's an issue that I think has

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got to be discussed on the basis of the position, not on the basis of the person that fills that position. As we look...and I know Senator Sullivan brought up the fact that the Chair of the Appropriations Committee, by statute, sits as an ex officio member on fiscal matters. I can assure you that that's not how it has worked out; that he sits with regard to all matters that come before the Executive Board and has participated fully in the discussions, not only of fiscal matters but of all matters. And of course, that is why I have brought the bill, because he is sitting there, takes part in the discussion of all of the issues that come before us, including that as a Referencing Board. And I know Senator White has raised the issue of the Referencing Board and I've discussed it previously, that it is not automatic, that it would take a rule change for him to become...for the Chair of the Appropriations Committee to become a voting member of the Referencing Committee. But I do feel that it's not a matter of geographic representation, that we're not any less likely to have equal geographic representation because there are four people there by reason of either been voted in as a Chair and Vice Chair or the Speaker or, in this case, if he has added the Chair of the Appropriations Committee. So again, I still think that this is a good bill. We've had open and I think very fair debate on it and do urge you to support the bill. Thank you, Mr. President, and thank you, Senator Nelson. [LB685]

SENATOR ROBERT: Thank you, Senator Wightman and Senator Nelson. Senator Pirsch, you are recognized. Senator Pirsch waives. Senator Haar, you are recognized. [LB685]

SENATOR HAAR: Mr. President, members of the board, I agree it's not personal. It doesn't depend on people who are in the body right now on personalities. And to me, the numbers aren't important. What is important to me is that the thing that's impressed me about the Legislature is the way power is spread around in really a very fair way, I feel. This is a consolidation of power that, as Senator Sullivan has pointed out, really expands the role of the Executive Board, and I think the original purpose, as she pointed out again, was to provide information with financial matters. Now this obviously expands that role and it consolidates more power, not only in the head of the Appropriations Committee but also in the Executive Board, and I think that's a mistake. Thank you very much. [LB685]

SENATOR ROBERT: Thank you, Senator Haar. Seeing no other lights on, Senator Wightman, you're recognized to close on LB685. [LB685]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. We've had a good and fair debate, I think, here today. I would like to address one of the statements that Senator Haar made and Senator Sullivan, that it's a consolidation of power. I fail to see where there's any more power. It will be one more person exercising that. Maybe that's spreading the powers from the standpoint that we still have the same duties by statute. We aren't increasing the powers of the Executive Board. We're just saying that

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ten members will exercise that power rather than nine members. Certainly, the Chair of the Appropriations Committee has been an ex officio member, he's participated in the discussion. I think this is an important issue. I think that certainly Senator Heidemann, and I'm not dealing in personalities, but he has been present at almost every meeting. It might be that another Chair would be there less often. I think he's inclined to be there less often if he's not a voting member. So I do feel that this is a good bill; that it will create more participation and probably, with some Chairs of the Appropriations Committee, probably assure that he will be there more often if he is a voting member. So again, without belaboring the point, I do ask for your support on LB685 and to advance it to E&R Initial. Thank you, Mr. President. [LB685]

SENATOR ROBERT: Thank you, Senator Wightman. Members, you've heard the closing to LB685. The question before the body is, shall LB685 advance to E&R Initial? All those in favor vote yea; opposed vote nay. Senator Wightman. [LB685]

SENATOR WIGHTMAN: I would ask for a call of the house. [LB685]

SENATOR ROBERT: Members, there has been a request for a call of the house. All those in favor vote yea; opposed vote nay. Mr. Clerk, please record. [LB685]

CLERK: 37 ayes, 0 nays, Mr. President, to place the house under call. [LB685]

SENATOR ROBERT: Members, the house is under call. All those unauthorized personnel please step from the floor. All absent senators please return to the Chamber and check in. Senator McGill, Senator Lathrop, Senator Loudon, Senator Ashford. Senator Langemeier, please return to the Chamber. The house is under call. Senator Wightman, how would you like to proceed? [LB685]

SENATOR WIGHTMAN: I would ask for a roll call vote in regular order. [LB685]

SENATOR ROBERT: There's been a request for a roll call vote. Mr. Clerk, please call the roll. [LB685]

CLERK: (Roll call vote taken, Legislative Journal pages 572-573.) 20 ayes, 22 nays, Mr. President, on the motion to advance the bill. [LB685]

SENATOR ROBERT: LB685 does not advance. With that, I raise the call. Speaker Flood, you're recognized for an announcement. [LB685]

SPEAKER FLOOD: Thank you, Mr. President. Good morning, members. A reminder: Today at adjournment, which will be at noon or right around there, the deadline for senator and committee priority bill designations are due. Remember, those have to go to both my office and the Clerk here in the Legislature by noon today. Speaker priority

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bill requests: Letters have to be in to my office at the same time, adjournment today. If they are not in by adjournment we will not consider the request. Thank you, Mr. President.

SENATOR ROBERT: Thank you, Speaker Flood. Mr. Clerk, items.

CLERK: Mr. President, your Committee on Agriculture, chaired by Senator Carlson, reports LB986 to General File; LB882, General File with amendments; Revenue, chaired by Senator Cornett, reports LB704 to General File; and Judiciary, chaired by Senator Ashford, reports LB817 to General File with amendments. I have two confirmation hearing reports from the Agriculture Committee; a hearing notice from Retirement Systems Committee. And a series of priority bill designations: Senator Gloor, LB949; Senator Giese, LB709; Judiciary Committee, LB800 and LB712; Senator Lathrop, LB779; Business and Labor, LB563 and LB961; Senator Stuthman, LB1036; Senator Wallman, LB780; Senator Utter, LR284CA; Senator Rogert, LB1087; LB507 by Senator Howard; Senator Coash, LB1018; Senator Sullivan, LB965; Senator Fulton, LB817; Senator Lautenbaugh, LB1102; Senator Dierks, LB594; Senator Price, LB948; and Senator Nelson, LR300CA. Finally, Mr. President, an amendment to be printed, Senator Adams, to LB711. That's all that I have other than an announcement. The Appropriations Committee will meet in Executive Session in Room 2022 now; Appropriations, Room 2022 now. That's all that I have, Mr. President. (Legislative Journal pages 573-580.) [LB986 LB882 LB704 LB817 LB949 LB709 LB800 LB712 LB779 LB563 LB961 LB1036 LB780 LR284CA LB1087 LB507 LB1018 LB965 LB817 LB1102 LB594 LB948 LR300CA LB711]

SENATOR ROBERT: Thank you, Mr. Clerk. Returning to General File, 2010 committee priority bills, Carlson division, next item. [LB1006]

CLERK: LB1006 by Senator Adams. (Read title.) The bill was introduced on January 20 of this year, at that time referred to the Education Committee. The bill was advanced to General File. There are Education Committee amendments pending, Mr. President. (AM1816, Legislative Journal page 532.) [LB1006]

SENATOR ROBERT: Senator Adams, you're recognized to open on LB1006. [LB1006]

SENATOR ADAMS: Thank you, Mr. President. Members of the body, this particular bill for you may not rise to the same level as tax issues and budget issues and members of the Exec Board or betting. But I will tell you, quite candidly, there are hundreds of preschool, kindergarten, and early elementary teachers that look at this bill very, very seriously, and there are thousands of parents out there with young, young children that look at this bill and its impact on them very seriously. What this bill does, very simply, is change the date that kids in Nebraska become eligible for kindergarten. Now what's the big deal? Under current law, if a child turns 5 on or before October 15 they are eligible

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for kindergarten and parents make a decision. And there's a big question about their eligibility. We set it at October 15, but as you can imagine there's a wide spectrum of when is a child really ready for kindergarten. On or before October 15 is current law. We also allow a child to enter into kindergarten if they don't meet that age requirement under current law if, number one, they come to us from a different school district where they are in kindergarten--we let them enter; or they are going to a different state where they will be entering kindergarten, we let them in and then they make that transfer; or if they are age 4 and they have been assessed and the assessment determines that they are developmentally prepared to enter kindergarten, we let them in early. We have heard from early elementary teachers, kindergarten teachers for years saying that the age spectrum of kids entering kindergarten is too wide and it's becoming increasingly difficult to account for all of the educational learning style differences and developmental differences in that kindergarten room; help us out. The Education Committee held two interim hearings on this in the last interim and we filled the hearing room every time. And we heard from preschool specialists; we heard from the Department of Education, the people that specialize in this particular subject; we heard from kindergarten teachers; we heard from elementary principals. And from everyone we heard a little bit different way to handle this. But the consensus of the committee--and this is a committee priority bill--that the best way to try to remedy this problem and compress that age spectrum of kids entering kindergarten is to move the eligibility date from October 15 to July 31. Now you say, well, 75 days, what's the big deal? Seventy-five days to a kid at that age can make a big difference as to whether or not they're ready to enter kindergarten. Seventy-five days can make a big difference to that kindergarten teacher and their ability to handle the broad spectrum of kids there in that classroom. So very simply what this bill does is to change current law by saying that we're going to move the kindergarten eligibility date from October 15, on or before October 15, to on or before July 31. It keeps all the other things in place. A kid can enter kindergarten if they're going to be...if they're coming to us from a different state and they're eligible for kindergarten already or if they're going to be transferring, their parents, to a different state and they're going to be entering kindergarten there, we do change the assessment process some. In this bill what we do is ask each school district to find a model assessment, there are many of them out there, or to develop a model assessment to use so when we get a child that is August 1 to October 15, they come in and they just didn't quite make the deadline agewise to get into kindergarten, they can go to the school and say, we want to be assessed, we want our child to be assessed and evaluated to see if they are prepared to enter into kindergarten. And if they qualify we let them in. That's the context of the bill, Mr. President. [LB1006]

SENATOR ROBERT: Thank you, Senator Adams. As the Clerk stated, there are committee amendments. Senator Adams, as Chair of the Education Committee, you're recognized to open on AM1816. [LB1006]

SENATOR ADAMS: Thank you, Mr. President. The committee amendment is very

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simple and it's probably the one that will perk your ears up the most as you all turn to the fiscal notes on every bill that comes through. What the green copy of the bill does is to require the State Board of Education to develop a model assessment that can be used to determine whether these 4-year-olds are ready to go into kindergarten. That obviously requires some money. What the amendment does is take the Department of Ed's requirement out of there. They will not be required to develop a model assessment. The day may come down the road where we still want this to happen, but it's not now, given the current revenue picture that we have. That's the essence of the amendment, Mr. President. Thank you. [LB1006]

SENATOR ROBERT: Thank you, Senator Adams. Members, you have heard the opening to the committee amendment, AM1816. Those wishing to speak: Senators Hadley, Loudon, and Gloor, and Sullivan. Senator Hadley, you're recognized. [LB1006]

SENATOR HADLEY: Mr. President, members of the body, I stand in support of the amendment and the underlying bill. And I really think this is an important step. I've gotten a lot of e-mails on this from teachers who I truly respect and the impact that this can have on the children. I would suggest that you might want to take a look at a bill...I'm sorry, a book called Outliers by Malcolm Gladwell. And he talks about trying to determine some of the factors of success. And he uses...he looked into hockey players in Canada. And he determined that success of hockey players in school in Canada was a lot dependent on when they were born in the year. If they were born toward the beginning of the year they had advantages over hockey players that were born late in the year because they used a year-by-year system to determine where a hockey player goes. Well, I would argue the same thing happens here. That as students are more mature, and it's only a few months, but I think that difference can help students be successful later in their career. Secondly, I would like to talk a little bit about my pet peeve. And this is what I call mission creep in education. Everybody wants to start earlier. Everybody wants to start earlier. We have kindergartners, the parents want to start their children earlier. We have elementary schools that want to teach what middle schools teach. We have middle schools teach...that want to teach what high schools teach. High schools want to teach what junior colleges teach. Junior colleges want to be four-year colleges. Four-year colleges want to be master's degree. Master's degree want to be doctorate. We're just pushing everything down. And I think this is a good bill to maybe try and stop some of this. The key goal to me in this bill is we want to help children, we want them to succeed. And the matter of a few months might make all the difference in the world for a student succeeding in education and not succeeding. So again, I rise in support of the amendment and the underlying bill. Thank you, Mr. President. [LB1006]

SENATOR ROBERT: Thank you, Senator Hadley. Senator Loudon, you're recognized. [LB1006]

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SENATOR LOUDEN: Thank you, Mr. President and members. I rise in support of LB1006 and the ensuing amendments. As being on a school board for 30 years, we worked with kindergarten situations many times, especially out in the rural areas. And also having relatives that were teachers and even a daughter-in-law, up until now, that's talked to me many times about some of these kids that are too young that go into kindergarten, that they're not mature enough. And that's what it's all about is maturity. And also as Senator Adams mentioned, that 75 days sometimes makes quite a difference. One year when I was on the school board we had...it was back several years ago and there was this one teacher and we had several kids in the class at the time. And we had a kindergarten class come in that was a little bit bigger than usual. And so we asked a fellow by the name of Mr. Hansen (phonetic) that was a school teacher for years and years in Alliance about the situation. And he told us that really kindergarten didn't make any difference as long as you brought them into school. They learned to sit down and learned to behave and learned to get along with the rest of the people and just learned the routine. That's what really kindergarten was all about. And those particular kids that year went to kindergarten three days a week for the last 12 weeks of the year. And at the present time, I think, those kids are probably nearly 45, 50 years old, and it never seemed to bother them. Once they went on into the other schools they knew what they were doing, they were matured, they had time to learn the way the system worked in the school. And it was quite all right, they did quite well. Most of your country schools usually only had kindergarten the last 12 weeks of the year. And so consequently, most of those kids were quite a ways past 5 and some of them were even beginning to be...a lot of them were 6. If any of them were born in the late summer, why, at 5 they were actually 6 years old when they finished kindergarten up the next spring. So I think it's a good idea. I've wondered for quite a while when we were going to change the trend of starting everybody sooner. And I think we all know that in some schools or some areas kindergarten is used as a form of baby-sitting, to get...so they don't have to send the kids into baby-sitters. And this is a real problem when the whole family members have to work and then they have a problem with what they have to do with the kids. And if they can find a way to save on baby-sitting, why, it's to their advantage. So I think by moving it up to, as I see it in the bill, I think it's July 31 is the cutoff date. I think this is a good move. I think this is something that will probably help better with the students because we have some problems with students and their education forms as they get out of school nowadays. I noticed one e-mail I got talked about kids getting out of high school when they were 17. And that wasn't uncommon. I remember when I went to school there was some of us getting out when we were 16 years old or so. But back then, why, we had to go to work and go into business, so it was a little bit different then. But nowadays most of your high school students are getting out somewhere around 18 years old. So with that, I support the amendment and I support LB1006. Thank you, Mr. President. [LB1006]

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SENATOR STUTHMAN: Thank you, Senator Louden. Senator Gloor, you're recognized. [LB1006]

SENATOR GLOOR: Thank you, Mr. President, members of the body. I was never a hockey player but I was a basketball player. And I was awful, I was just awful. In fact, to the extent that Senator Carlson would have, in his coaching days, had me on the team, I'm sure he would have asked me to leave the team, that's how bad I was. My feet used to always get in the way. And my excuse for that, and this is a secret that I'm willing to share with the body today on this particular issue, is that I was a 4-year-old kindergartner, a 13-year-old high school freshman, and a 17-year-old college freshman. My birthday was November 27 and I was put in with a group of peers who were mature compared to me when it came to a number of issues. However, I did seem to thrive academically. Some of you may argue that point but I never felt that I was behind my classmates from the standpoint of my ability to handle curriculum, even though it might have been a problem for me keeping one foot from stepping on another. With that background, I would ask if Senator Adams would yield to a question. [LB1006]

SENATOR STUTHMAN: Senator Adams, would you yield to a question from Senator Gloor? [LB1006]

SENATOR ADAMS: I will. [LB1006]

SENATOR GLOOR: Obviously, my concern here would have to do with parents who do feel that their children are academically able to handle kindergarten at a younger age, as mine did, and the assessment that goes along with this. If the Board of Education then is not going to, under the amendment, pull together this common assessment tool, what kind of assurances do we have that on a district-by-district basis we won't have wide swings in assessment tools used that disadvantage some families who would like their child to start sooner or disadvantage the child because in fact the assessments are so weak that we end up with children who don't and shouldn't be starting...actually put in classes? What kind of continuity are we going to have? [LB1006]

SENATOR ADAMS: Obviously, Senator, if we had the State Department of Ed develop an assessment, that would hone things down and probably address your seeming concern. Not having given one of these assessments, not having seen one of these assessments, I'm going to speculate based on my experience in education, typically it's the school psychologist that will sit down and work with these young children to determine their eligibility. That's the assessment process. And there are other models out there. How many models there are, how close they are to one another, that I can't answer. [LB1006]

SENATOR GLOOR: Do any of the schools currently use these assessments? I mean, (inaudible)? [LB1006]

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SENATOR ADAMS: Yes, yes, that is in current law right now. What this does is say every school has to find an assessment. But right now we leave it up to the schools voluntarily. And many schools have done this for a long time. [LB1006]

SENATOR GLOOR: Is there any reason to think that smaller schools, smaller districts will be at a greater disadvantage, whether it's the test or dollars and cents related to this, compared to larger districts? [LB1006]

SENATOR ADAMS: I don't believe so. As a matter of fact, in anecdotal response to that, when we sat in our hearings it was some of the smaller schools that were testifying that said they already have assessment process or they know where they can go to get them. We didn't hear from any of the small schools that said this was a problem. As a matter of fact, many of them were very, very much in support of this bill as it is. [LB1006]

SENATOR GLOOR: Thank you, Senator Adams. I, too, have had a number of e-mails and conversations with educators about what they see is the importance of this bill, as well as firsthand stories from family who are educators about the number of times that families, probably well-intentioned and maybe out of desperation in some instances, have in fact enrolled their children in school so that they don't have the added cost of child care. And it's a sad commentary... [LB1006]

SENATOR STUTHMAN: One minute. [LB1006]

SENATOR GLOOR: ...from another--thank you, Mr. President--sad commentary from a number of perspectives. But I'm sure that that is true. It seems to me that this is an appropriate approach. I do still have some questions about the assessment process. But I trust the committee and their concerns would be along the same line; therefore, I am in support of AM1816 and LB1006. Thank you, Mr. President. [LB1006]

SENATOR STUTHMAN: Thank you, Senator Gloor and Senator Adams. Those wishing to speak on this bill: Senators Sullivan, Wallman, Hansen, Carlson, Rogert, and Howard. Senator Sullivan, you are recognized. [LB1006]

SENATOR SULLIVAN: Thank you very much, Mr. Chairman and colleagues. I rise in support of AM1816 and the underlying bill. This has been a bit of a journey for me because in my first year down here, last year, I introduced a bill that pertained to this and it ended up resulting in one of the interim studies that Senator Adams referred to. My goals have never changed, though, in this whole effort. And I've been trying to accomplish two things: one, in providing flexibility for parents in making decisions about getting their children ready and getting them involved in kindergarten; and also to help children be successful in their early years going forward in school. I think we're

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accomplishing both of those goals with this amendment and the underlying bill. I want you to keep in mind that under the current circumstances we can have in kindergarten as much as a two-and-a-half-year age range of students. You can take that along with the fact that the rigors of kindergarten have increased dramatically over the years. You can see there's the potential for struggles with young children as they're trying to be successful in kindergarten in their early years. I also know full well, though, that in doing this we are not solving the concerns of all parents. We have to take that into consideration. But still I think that we are allowing some additional flexibility with this legislation. And I would also mention, too, as was mentioned by Senator Adams, that currently now this bill has no fiscal impact because we're allowing the local school boards and the school districts to develop their own assessments. In answer to Senator Gloor's concern, though, school districts take these assessments in trying to assess a child's readiness for kindergarten very, very seriously. They might approach the assessment in a variety of different ways. But in the hearing and the testimony given by administrators, kindergarten teachers, school psychologists, it was clear to me that they do take this assessment very seriously and I think they will continue to do that. It's ironic in a way that I'm caring...so concerned about this legislation. Senator Haar asked me just a little bit ago if I'd ever attended...if I did attend kindergarten. And I said, yes, for about three weeks in my one-room country school in Valley County and then I skipped to first grade. So, I guess, I would have to ask some of you if perhaps I'm a living example of someone that maybe should have started and stayed in kindergarten. I'll let you be the judge of that. But getting back to the issue at hand with the amendment and the underlying bill, I think it's the right thing to do. It has no fiscal impact but we are doing a good thing for parents and young children being successful in school. Thank you. [LB1006]

SENATOR STUTHMAN: Thank you, Senator Sullivan. Senator Wallman, you're recognized. [LB1006]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. Would Senator Adams yield to a question? [LB1006]

SENATOR STUTHMAN: Senator Adams, would you yield to a question from Senator Wallman? [LB1006]

SENATOR ADAMS: Yes, I will. [LB1006]

SENATOR WALLMAN: Thank you, Senator. In regard to this here I think, too, it's going in the right way. I hate to vote for something where we don't have something to look at for assessments. But as a former school board member, we're seeing the opposite problem, opposite also: red-shirting young boys for athletics. Now have you dealt with that at all? [LB1006]

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SENATOR ADAMS: Well, we heard testimony to that effect. It does happen. I'm the...I guess I'm the optimist and I believe that parents make decisions about when to have their child enter kindergarten more based on what they perceive to be the child's intellectual capabilities and their social capabilities rather than eyeballing that senior year and their size and ability to handle the football. That's not to say it doesn't happen. [LB1006]

SENATOR WALLMAN: (Laugh) Yeah, thank you. And in regards to bordering states, do they...did we look at those assessments? Did your committee look at some assessments like Iowa has, Kansas has? [LB1006]

SENATOR ADAMS: We didn't look at any assessments. And one of the things that I would add to Senator Gloor's question for the smaller schools, the ESUs typically have developed assessments that can also be borrowed by schools. But we didn't look at actual assessments in committee. [LB1006]

SENATOR WALLMAN: And I noticed Mary Campbell testified in a neutral. Did she have some concerns about this or just...? [LB1006]

SENATOR ADAMS: I think you would really need to talk with her. I think one of their concerns was what if we're a school district that doesn't have the assessment? Ironically, it was the smaller schools, though, that were saying, we know where to go to get them, we know how to access them, or we already have them and are using them. That's not to belittle the argument that Mary was making though. [LB1006]

SENATOR WALLMAN: And with Senator Campbell, I'm one of those people that didn't learn anything in kindergarten because we didn't have it. (Laugh) Thank you, Mr. President. [LB1006]

SENATOR STUTHMAN: Thank you, Senator Wallman and Senator Adams. Senator Hansen, you are recognized. [LB1006]

SENATOR HANSEN: Thank you, Mr. President, members of the Legislature. I'd like to just add a few things that I've heard from my local principals and kindergarten teachers too. There's a principal that sent me an e-mail and said that she was serving on the kindergarten administration liaison. And I'm not sure if that's a local group or a statewide group, but it does show to me that it's a grass-roots movement and these local teachers and local administrators are working on this. She did send me something in her e-mail that I'd like to quote. She said that for too many years we've been fighting the battle of children not being prepared for the formal school experience at too young an early age and the large age spread in the classroom. And I think that's what the problem is, is the large spread of age in the classroom. And this bill that Senator Adams brought would certainly address that. I have a grandson that attends Millard North, he's 18 years old.

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He was in the first group of all-day kindergartners in the Millard school system 13 years ago, I would assume, since he hasn't been passed over any grades. But it was an experiment at that time. And I thought to myself, you know, I don't know if Lincoln is ready for all-day kindergarten. I thought that maybe it was pressure on the parents to have our grandson more ready for school. But it...(laugh) the way it ended up it was a lottery. His name was picked so he went to kindergarten all day. The parents that didn't get kids in that program were upset because they had to pay another year of childcare or they had to pay another year of preschool, for half a day anyway. So going back that far I think it was probably a good experiment. But I think the age had never been addressed until then. All-day kindergarten means more full-time students; more full-time students means more state aid. And I think there was certainly a fiscal impact on all-day kindergarten. There's no more half-day kindergarten, no more easing into elementary school. I think that what Senator Adams brought here I think is necessary. I think that the earlier that they...older start in kindergarten is necessary if we're going to have our kids start all-day school in the kindergarten system. Thank you, Mr. President. [LB1006]

SENATOR STUTHMAN: Thank you, Senator Hansen. Senator Carlson, you are recognized. [LB1006]

SENATOR CARLSON: Mr. President and members of the Legislature, first of all I would address to Senator Gloor that after seeing his sharp shooting last year in the game that we had, I think I'm a sharp enough coach, I not only would have kept you on the squad, I would have figured out a way to put you in the starting lineup and set up some picks and screens to get you the ball. Now in our discussion this morning it's interesting to listen to particularly some things that Senator Hadley talked about. We have a trend in our society that I think is a bad trend. We're starting youngsters too young to do too many things, too organized to do too many things. And I think the result of that is that our kids have fewer opportunities to develop leadership. In organized activities, all decisions are made for them. We don't allow kids to experience spontaneous and creative play. We don't really let kids be kids as often as we should. So I think this is a unique piece of legislation that goes against the trend and is a decision in the right direction. It takes some pressure off parents who are caught up in the idea of pushing and pushing and pushing and having their kids start things too early, before they're ready. So I certainly am in support of LB1006 and AM1816. Thank you. [LB1006]

SENATOR STUTHMAN: Thank you, Senator Carlson. Senator Rogert, you are recognized. [LB1006]

SENATOR ROBERT: Thank you, Mr. President. Members, LB1006 is probably my fault. A couple of years ago I started getting many calls from parents with children that were of preschool age, kind of kindergarten age, kind of...the issue became, I held my child out of preschool last year because I didn't think he was ready; and so then I went to go put my child in preschool this year and they said he's too old, he has to go to

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kindergarten. A lot of parents were concerned that--and teachers--that we were forcing kids into kindergarten. We were having 4-year-olds and nearly-7-year-olds in the same class. Teachers came to me and said: It's not fair to the older kids because I'm spending a lot of time teaching extra stuff to the younger kids; it would be great if they could be in preschool still; we should look at these date changes. Senator Adams allowed me to put, well actually it was Senator Raikes at the time, allowed me to put an amendment on at the eleventh hour a couple of years ago to allow schools to play with the dates a little bit and allow some variance for children in preschool. And we extended it again the following year because we hadn't quite figured it out. And Senator Adams decided to take the issue up in committee, in an interim study, and we had a great discussion. And Senator Sullivan also took this on as a committee member. We had a great discussion about what we do as a society with our youngest citizens and when we should start educating them and how we group them together. And like Senator Adams said, there was a long list of recommendations of what we could do. Everybody has a little bit different idea on what they think we ought to have for kindergarten and pre-K policy. I think what we're doing today is we're finding a middle road that gets most everybody's issues addressed. We're never going to have that situation where everybody is happy. We're always going to have a few kids that probably get hung in the mix and will get forced one direction or the other. And that's just the way the ball rolls down the street. But this is a great step in the right direction. I applaud the Education Committee for taking this issue on and listening to the discussions and the concerns of parents and allowing parents to be parents for the most part. This doesn't necessarily force people to not redshirt or to redshirt kids, but it gives them some choice and some discussion in the matter with the school districts. And it just allows for a little more flexibility, and that's what we wanted to do. There are more kids than you can probably realize that fit this description and will be affected by this. And it is a good policy discussion and a good step forward, in my opinion, and I think most people will agree with that in the industry. And I thank Senator Adams for putting this bill up and prioritizing it from the committee. And I encourage everybody to give us a green light on this one. Thank you. [LB1006]

SENATOR STUTHMAN: Thank you, Senator Rogert. Senator Howard, you are recognized. [LB1006]

SENATOR HOWARD: Thank you, Mr. President. I stand in support of LB1006. Senator Adams has worked hard to address this issue. I actually had a woman call me and say: Do you know how much this is going to cost me in day care to keep my child out of kindergarten? I talked with her about the readiness of the child and about how important it is to make this decision based on the child's ability and level of maturity. I also explained that school districts will be able to do their own assessments. This should really help determine if the child is ready to begin this educational program. No child should enter kindergarten early if they aren't ready. The time frame that we've put in place will assist in ensuring that children are ready to enter kindergarten, are ready to

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learn, and are ready to be successful in their educational path. I offer the remainder of my time to Senator Adams if he would like to use it. [LB1006]

SENATOR STUTHMAN: Thank you, Senator Howard. Senator Adams, you have 3 minutes and 51 seconds. Senator Adams waives his time to speak. Seeing no other lights, Senator Adams, as Chair of the Education Committee, you're recognized to close on AM1816. [LB1006]

SENATOR ADAMS: Thank you, Mr. Chair. And very simply, what the amendment does now, it takes the State Department of Education requirement that they develop an early childhood assessment out and therefore eliminate the fiscal note. Thank you, Mr. President. [LB1006]

SENATOR STUTHMAN: Thank you, Senator Adams. You have heard the closing. The question before the body is, shall AM1816 be adopted to LB1006? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB1006]

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB1006]

SENATOR STUTHMAN: AM1816 is adopted to LB1006. Now we open, anyone wishing to speak on LB1006 as amended? Seeing no senators wishing to speak, Senator Adams, you are welcome to close on LB1006. [LB1006]

SENATOR ADAMS: Thank you, Mr. President. As I was listening to the questions and anticipating a close, I was recalling a conversation that I had with a group of superintendents in the Fremont area early during the interim. And I told them that we were going to try to tackle this issue. And they all said, yeah, you got to fix this. And I kept asking, how should we fix it? And for every superintendent in the room, and as you can imagine there were at least that many opinions if not a couple of extras. But I remember very vividly what one superintendent said to me. He said, you've got to fix this, but whatever you do it won't be enough and it won't be right. (Laughter) Thank you for the vote of confidence. But I think what that was saying is this is more complicated than moving a date because kids are complicated and there's a wide spectrum of abilities today. But I think that what you will see from the e-mails that you're getting and when you talk to your elementary teachers and your principals and superintendents is that this is a correct move to make. Is it far enough? Maybe not. Are there going to be parents that fall on one side of the dateline or the other that are upset? Sure. Wherever we move this date, somebody is going to say, wait a minute, should have moved it another month or another 45 days. But the committee felt that this was the best direction to go and I believe it is as well. Remember what the bill does. All it simply does is to take current law and to say rather than October 15 being the eligibility date, we

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move it back to July 31 as the kindergarten eligibility date. And between August 1 and October 15, you got that 4-year-old, they can be assessed, and with proper assessment by each school district they could be allowed into kindergarten. Thank you, Mr. President. [LB1006]

SENATOR STUTHMAN: Thank you, Senator Adams. You have heard the closing on the advancement of LB1006. The question before the body is, all those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB1006]

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB1006. [LB1006]

SENATOR STUTHMAN: Mr. Clerk.

CLERK: Mr. President, the next bill, LB865 was a bill introduced by Senator Fischer. (Read title.) The bill was introduced on January 11 of this year, at that time referred to the Agriculture Committee for hearing. The bill was advanced to General File. I do have Agriculture Committee amendments pending. (AM1739, Legislative Journal page 451.) [LB865]

SENATOR STUTHMAN: Thank you, Mr. Clerk. Senator Fischer, you are welcome to open on LB865. [LB865]

SENATOR FISCHER: Thank you, Mr. President and members. The purpose of LB865 is to refine Nebraska's existing animal cruelty statutes by separating livestock animals and placing them in Section 54 pertaining to livestock. The goal of the bill is to bring clarity to and reduce the complexity of animal cruelty statutes. The current statutes mix the differing animal species from bovines to service dogs, causing some confusion. The Nebraska Legislature has a history of providing significant protection to animals. Major legislation was passed in 1988 to place prohibitions on dog fighting, cock fighting, and other practices of pitting animals against one another for entertainment. In 1990, the Legislature further enhanced protection of animals with LB50, which defined broader parameters of mistreatment of animals and penalties for animal abuse which continues to serve as the foundation of animal protection today. Since 1990, Nebraska's animal cruelty statutes have been amended seven additional times, touching on a wide range of issues as it relates to animal mistreatment. The result of these modifications has caused a series of statutes that as a whole are complex and intermingled protections for pets and that of other animals, such as food animals. This has raised questions about interpretation of these statutes and the potential for interpretation of these statutes in a manner that could negatively impact normal care practices for livestock animals. LB865 seeks to continue the protection for both companion and food animals and bring further clarity to Nebraska's animal cruelty statutes by continuing to recognize the inherent differences in the standards of common care and husbandry for food and fiber animals

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from the standards of common care for pet and companion animals. LB865 does this by separating and creating a new section of law outlining protections from abuse for livestock animals while maintaining the longstanding protections from mistreatment for pets and other types of companion animals. The language closely replicates the existing provisions of animal cruelty statutes and maintains the existing penalties. LB865 presents a more concise and effective series of statutes that maintain animal protection but acknowledge the differences in common care for these animals. The bill was unanimously advanced out of committee. And as you can see on your committee statement, it was supported by a number of people and organizations, including the Nebraska Humane Society, the Nebraska Veterinarian Medical Association, Nebraska Farm Bureau, Cattlemen, and the Nebraska Chamber of Commerce. There were no opponents to the bill. Thank you, Mr. President. [LB865]

SENATOR STUTHMAN: Thank you, Senator Fischer. As the Clerk has stated, the Agriculture Committee has an amendment, AM1739. And Senator Carlson, as Chair of the Agriculture Committee, you're welcome to open on this amendment. [LB865]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. The committee amendments make a series of technical corrections in the underlying bill. Confines the defined term "euthanasia" in Section 2 of the bill to mean destruction of a livestock animal by accepted veterinary practices. The bill as introduced qualifies the defined term to mean euthanasia performed by an animal owner or veterinarian at the owner's request. This is unnecessarily duplicative with the employment of the defined term under Section 7(2), which limits exclusion of euthanasia from prohibited acts of animal cruelty to euthanasia performed by an animal owner or custodian or a veterinarian at the owner's request. It updates the citation to regulations governing research facilities under the federal Animal Welfare Act to the act as it existed on January 1, 2010, where the citation occurs in the new Livestock Animal Welfare Act and in Section 28-1013 of the existing animal cruelty provisions of the Criminal Code. It corrects an internal citation in Section 8 of the bill. As introduced, subsection (7) incorrectly references a reporting procedure as appearing in subsection (5). The committee amendment changes the reference to subsection (6). It corrects a drafting omission by transferring into Section 7 of the bill an exclusion of commonly accepted practices occurring in conjunction with rodeos and animal pulling or racing contests from certain prohibited acts of animal cruelty defined elsewhere within the Livestock Animal Welfare Act. This is an important bill. As Senator Fischer indicated, the vote was 8-0 by the committee, and there were nine proponents to the bill with no opposition. I would ask for your support of the adoption of the committee amendments. Thank you, Mr. President. [LB865]

SENATOR STUTHMAN: Thank you, Senator Carlson. Senator Hadley, you are recognized. [LB865]

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SENATOR HADLEY: Mr. President, members of the body, I stand in support of the underlying amendment and the bill, LB865. Would Senator Fischer yield to a question? [LB865]

SENATOR STUTHMAN: Senator Fischer, would you yield to a question from Senator Hadley? [LB865]

SENATOR FISCHER: Yes. [LB865]

SENATOR HADLEY: Senator Fischer, I assume in this bill we're talking about livestock. These are not family pets, these are not such as that? These are really what the ranchers and farmers make their livelihood, is that correct? [LB865]

SENATOR FISCHER: That's correct, Senator Hadley. These are food and fiber animals. [LB865]

SENATOR HADLEY: Food and fiber animals. And I was talking to Senator Stuthman last night, talking about calves being born. And he told me the story about a heifer and a calf dying in childbirth or calf birth, and the fact that it was an expensive proposition. So I find it hard to believe that any rancher, farmer would abuse the animals knowingly because this is their product. So I stand in favor of this amendment and this bill. Thank you, Mr. President. [LB865]

SENATOR STUTHMAN: Thank you, Senator Hadley and Senator Fischer. Seeing no other lights, Senator Carlson, you are recognized to close on AM1739. Senator Carlson waives his opportunity to close. The question before the body is, shall AM1739, an amendment from the Agriculture Committee, be adopted to LB865? All those in favor vote yea; all those opposed vote nay. Have all those voted who care? Mr. Clerk, please record. [LB865]

CLERK: 30 ayes, 0 nays on adoption of committee amendments. [LB865]

SENATOR STUTHMAN: Thank you, Mr. Clerk. AM1739 is adopted to LB865. Seeing no other senators wishing to speak, Senator Fischer, you are welcome to close on LB865. [LB865]

SENATOR FISCHER: Thank you, Mr. President and members. And thank you for your support of this important legislation. I want to emphasize that this bill in no way diminishes the laws that we have in the protection of animals and that is not the intent, and I think everyone recognizes that as you can see by the support that the bill received in committee and hopefully here on the floor. Thank you, Mr. President. [LB865]

SENATOR STUTHMAN: Thank you, Senator Fischer. The question before the body is,

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shall LB865 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB865]

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB865. [LB865]

SENATOR STUTHMAN: LB865 does advance. Mr. Clerk. [LB865]

CLERK: Next bill, Mr. President, is LB910, introduced by Senator Carlson and others. (Read title.) The bill was introduced on January 12 of this year, at that time referred to the Agriculture Committee for public hearing. The bill was advanced to General File. There are Agriculture Committee amendments pending, Mr. President. (AM1789, Legislative Journal page 539.) [LB910]

SENATOR STUTHMAN: Thank you, Mr. Clerk. Senator Carlson, you're recognized to open on LB910. [LB910]

SENATOR CARLSON: Thank you, Mr. President and members. LB910 is brought in an attempt to diversify and increase the cash fund resources supporting the inspection program under the Commercial Dog and Cat Operator Inspection Act. The Commercial Dog and Cat Operator Inspection Act, enacted in 2000, LB825 established a licensure and inspection program within the Department of Ag for commercial breeders and dealers of dogs and cats. Licensure under the act has been extended to animal control facilities, animal shelters and pet shops through subsequent legislation. Under the program, the department establishes standards of care and facilities to be maintained by licensees, is authorized to perform regular inspection of licensees and performs inspections on complaint or suspicion of substandard activity. Finally, the department brings disciplinary action for violations of licensure standards. The current inspection and enforcement activity and consequently the costs of the inspection program are largely driven by the passage of LB12 in 2007. Among other changes, LB12 amended the act to require the department to inspect all licensees at least once every two years and to perform a prelicense inspection of all new license applicants. Prior to LB12, the department's inspection program operated primarily on a complaint only basis, with one inspector funded entirely by cash funds. With the enactment LB12, inspection activity jumped from about an average of 100 to 125 inspections annually to 750 to 800. To meet this increased inspection burden the department added additional inspectors and increased the administrative support. The program went from 1.2 FTEs to 5.5 FTEs. To pay for this inspection activity LB12 revised the license fee schedule to increase cash fund revenues and for the first time the Legislature provided state General Funds to pay a portion of the cost of the program. The license fee changes that continue in place today approximately doubled annual license fee revenue at the time. However, the majority of the increase in program costs has been funded through General Funds. As you may recall, and many of you got e-mails, during the special session I introduced LB6, which would have removed the specific mandate for inspection activity inserted by

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LB12. The intent of that legislation was to restore statutory flexibility to the inspection program to enable the department to adjust its inspection program to be in line with resources available, given the state's deteriorating budget outlook. I was concerned and continue to believe my concerns are valid, that meeting the statutory mandated inspection program will be increasingly difficult with the foreseeable budget situation and that meeting this inspection mandate has the potential to absorb resources from other Department of Ag responsibilities. During the regular session last year, the state budget had already reduced General Fund appropriations to the department by \$57,000 or approximately the cost of employing one inspector. As a result of special session actions, the department will be asked to absorb another \$480,000 General Fund reductions with the prospect for further erosion of General Fund support. As a result of this, we have had several meetings with breeders, people who handle dogs and cats, people who sell dogs and cats, people who own dogs and cats, the U.S. Humane Society, the Nebraska Humane Society, trying to come up with a solution to the problem of funding to continue this inspection program. And that's what LB910 is all about. We do have amendments that specifically address the final recommendation and I will be sharing those in a few moments. Thank you, Mr. President. [LB910]

SENATOR STUTHMAN: Thank you, Senator Carlson. As the Clerk has stated, there are committee amendments from the Agriculture Committee, AM1789. Senator Carlson, as Chair of the Ag Committee, you're recognized to open on the committee amendment. [LB910]

SENATOR CARLSON: Thank you, Mr. President. The committee amendment strikes the original Section 8 of the bill, which would have imposed a \$10 fee on the acquisition of a dog from a licensee, patterned after the tire fee paid by the consumer of vehicle tires. The fee would have been a liability to the purchaser and collected at the time of transfer of ownership. The committee amendment substitutes an alternative revenue structure. The amendment inserts a new subsection into 54-603 to provide that jurisdictions that license dogs or cats to simultaneously collect a \$1 fee at the time of licensure. This fee would be collected by the licensing entity which would retain 3 cents of the fee for administrative expense and remit the remainder of the fee for credit to the Dog and Cat Inspection Program Cash Fund. Secondly, the amendment would add additional stratifications based on size and license fee categories imposed under the commercial dog and cat program. Currently, the license fee schedule is graduated based on a daily average number of dogs and cats housed by the licensed entity. The existing fee categories include less than 10, 10 to 50, and over 50. AM1789 would not affect the smaller fee categories up to 100 daily averaged housing of pet animals. The amendment does add additional fee categories in 50 animal increments, up to 500 animals. Above 500, the amendment would impose a fee of \$2,000. I will return the proposed changes to the fee schedule later in my opening on the amendment. As I mentioned in my opening on the bill, LB910 as amended by the committee amendment represents the work product of a variety of interests that have wanted to be proactive in

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securing the funding base for this program. While the program is in place to address substandard and inhumane conditions that have too often been associated with the pet industry, in the long run pet consumers, local governments, and the general public also benefit from a robust inspection program as well. Under the current plan that we have on inspection programs, approximately one-third of the cost is borne by licensees, the breeders, the dealers, the pet shops, the shelters. And under the amendment that we have before us, AM1789, it would spread this responsibility to owners of dogs and cats with the \$1 fee and also increases the amount that licensees would pay annually. And it would definitely change the makeup of that fund from about one-third by cash fund to, hopefully, two-thirds or more. It's offering an opportunity for those who own pets and take care of pets to contribute to this fund and to keep this program working and effective. And I think it's a fair way. We've had good cooperation from the various groups that have an interest in the welfare of animals. And so we would ask you to support the underlying amendment, AM1789, and LB910. And I would certainly try to answer questions that you may have. Thank you, Mr. President. [LB910]

SENATOR STUTHMAN: Thank you, Senator Carlson. You have heard the opening on AM1789 from the Agriculture Committee. Those wishing to speak are Senator Louden. And, Senator Louden, you are recognized. [LB910]

SENATOR LOUDEN: Thank you, Mr. President, members of the committee. I understand what the Agriculture Committee and Senator Carlson are trying to do is to get this thing cash funded. Although I think we do have some unintended consequences there, because there is a lady I have up there, south of Gordon, that's been rescuing dogs and cats for several years, mostly dogs, and she has done this with thousands of them actually. There's times when she has 200 or 300 animals there at a time. And she usually adopts them out. She's got an outfit in Denver that comes over and picks them up and they adopt them out and she usually pays most of the expenses herself. And when some of this goes through with the inspection and stuff, why, it's getting to be quite a hassle and the inspectors come out and they find out...the other day they were out and she had four or five weeds growing in one of the pens there is my understanding. And she lives on a ranch, it's probably over 4,000 acres out miles from town. And some of the problems were they had to be penned up and that sort of thing when some of those dogs could run loose. Senator Carlson, would you yield for questions? [LB910]

SENATOR STUTHMAN: Senator Carlson, would you yield to a question from Senator Louden? [LB910]

SENATOR CARLSON: Yes. [LB910]

SENATOR LOUDEN: Now as you've come along and financed these inspectors and that sort of thing, what authority do these inspectors have to go inspect a premises? Do

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they have the same authority as the game commissioner or where are they at? Do they have to give notice in order to come on a property to do any inspection? [LB910]

SENATOR CARLSON: I think they have similar authority, Senator Louden. And this issue that's an irritant, I believe, is when inspectors show up unannounced. And we've talked about that, we've talked to the department about that. We're continuing to talk to them about it, and hopefully that problem can be fixed. It really doesn't have a whole lot to do with the bill because we know that sometimes an inspector that shows up unannounced can be a real difficulty, especially if it's at a facility where the individual that owns the facility is working on a job someplace else, has to leave work, come and be a part of that inspection or allow the inspection, so. But they do have the authority to do that. And then, of course, they would make a report back to the department based on what they see. [LB910]

SENATOR LOUDEN: Well, as you mentioned, while we have this part of the statute open, that's what I'm wondering, if there should be something addressed in here on what they can and can't do, because some of these people live out a long ways. And when they come out unannounced, and I don't know as they always have a well-marked car like a sheriff would have with lights or something like that to come out, you know, and start looking around in buildings and that sort of thing. And that was my question: Do they have permission to go and start opening buildings up without that person being there or can they search a building without a search warrant? [LB910]

SENATOR CARLSON: It's supposed to be available and open for inspection during normal business hours. I think it's poor policy for any kind of an inspection program to walk in without permission, to open doors and this kind of thing. I believe that when we have an inspection program and we leave it up to the department to establish the... [LB910]

SENATOR STUTHMAN: One minute. [LB910]

SENATOR CARLSON: ...guidelines as to how they're going to proceed, we need to let them do that. But we also need to address when there are problems, such as you're bringing forth, and certainly we want to try and address those with the department. I don't see it as a part of this bill. I don't think we can address that in this bill. [LB910]

SENATOR LOUDEN: Well, that's what I'm wondering is if, you know, there is some unintended consequences out there because it came about when you started having to require these people have inspections. Because up until a few years ago they could be a shelter and, I guess, that is what brought it about was puppy mills. But I still would like to look this over some and see if there's something we could do in there to probably describe what an inspector can or can't do and if they have to send an announcement out or something like that. Same way if I have my scales inspected by the Department

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of Agriculture on my place, I get a notice a week or ten days ahead of time... [LB910]

SENATOR STUTHMAN: Time. [LB910]

SENATOR LOUDEN: ...when a certain time. Thank you, Mr. President. [LB910]

SENATOR STUTHMAN: Thank you, Senator Louden and Senator Carlson. (Visitors of the day.) Seeing no other lights, Senator Carlson, you are recognized to close on committee amendment, AM1789. [LB910]

SENATOR CARLSON: Thank you, Mr. President. As I've indicated earlier, we've had a lot of discussion and a lot of meetings trying to come up with a plan because the breeders, the dealers, the people in charge of shelters, people in charge of rescues and those who own pets are very concerned that this program continue. And we are concerned that this program continue. And trying to put it on the basis of not being overly dependent on General Fund dollars, because we all know how risky that is, this is an opportunity to take care of that. We've received good agreement for those that have a stake in it. And so I would ask for your support for the underlying amendment, AM1789. Thank you. [LB910]

SENATOR STUTHMAN: Thank you, Senator Carlson. You have heard the closing of AM1789. The question before the body is, shall AM1789 be advanced to LB910? All those in favor vote yea; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB910]

CLERK: 31 ayes, 1 nay, Mr. President, on adoption of committee amendments. [LB910]

SENATOR STUTHMAN: AM1789 is adopted to LB910. Mr. Clerk. [LB910]

CLERK: Mr. President, Senator Carlson would move to amend the bill with AM1934. (Legislative Journal page 580.) [LB910]

SENATOR STUTHMAN: Senator Carlson, you are recognized to open on AM1934. [LB910]

SENATOR CARLSON: Thank you, Mr. President, members of the Legislature. AM1934 strikes the original Section 13. We have included animal rescue as a facility that needs to be under the inspection program. And so it inserts the date for animal rescues as being included as October 1, 2010. And the balance of several of the licensee dates occur in April of the year, but by including this as an amendment I think that we don't have a law take effect July 15 and then have a portion of the year of a fee being paid. This will line it up with the normal times of the year in October and April when these facilities pay their license fees. And so I would ask for your support of AM1934. [LB910]

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SENATOR STUTHMAN: Thank you, Senator Carlson, on your opening on AM1934. Seeing no senators wishing to speak, Senator Carlson, you are recognized to close. [LB910]

SENATOR CARLSON: Okay, thank you, Mr. President. And I did leave out one portion of the amendment that's included in AM1934. Striking Section 13 is striking the emergency clause because with this new structure the emergency clause is no longer necessary, and that's part of this amendment. I would ask for your support. Thank you, Mr. President. [LB910]

SENATOR STUTHMAN: Thank you, Senator Carlson. You have heard the closing on AM1934 to LB910. The question before the body is, shall AM1934 be advanced to LB910? All those in favor vote yea; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB910]

CLERK: 31 ayes, 0 nays, Mr. President, on the adoption of Senator Carlson's amendment. [LB910]

SENATOR STUTHMAN: AM1934 is adopted. Mr. Clerk. [LB910]

CLERK: I have nothing further on the bill, Mr. President. [LB910]

SENATOR STUTHMAN: As we return to debate on LB910, any senators wishing to speak? Seeing none, Senator Carlson, you are recognized to close. [LB910]

SENATOR CARLSON: Thank you, Mr. President. I would ask for your support on LB910. And I would like to address some of the concerns that Senator Loudon has between now and Select File. He has a legitimate concern in his district and certainly we'll try and address that and work with that. But I do ask for your support of LB910. Thank you. [LB910]

SENATOR STUTHMAN: Thank you, Senator Carlson. The question before the body is, shall LB910 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB910]

CLERK: 32 ayes, 1 nay, Mr. President, on the advancement of LB910. [LB910]

SENATOR STUTHMAN: LB910 does advance. Mr. Speaker, you're recognized. [LB910]

SPEAKER FLOOD: Thank you. Thank you, Mr. President. Good morning, members. I had anticipated adjournment today at around noon. We're going to adjourn, obviously,

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after our agenda is complete which is just upon us. And I would advise you that upon adjournment is the deadline for senator and committee priority bills. It's my understanding those have been designated. For purposes of the Speaker priority bill requests, I am going to continue to accept those until noon today. Even though we're going to adjourn a little early, I wanted to be fair to those senators that may still have planned on a noon adjournment and have requests they want to get to my office. However, after noon today no requests will be accepted. Thank you, Mr. President.

SENATOR STUTHMAN: Thank you, Mr. Speaker. Mr. Clerk, for announcements.

CLERK: Mr. President, your Committee on Transportation, chaired by Senator Fischer, reports LB926 to General File with amendments. Appropriations Committee, chaired by Senator Heidemann, reports LB1063 to General File with amendments. Natural Resources, chaired by Senator Langemeier, reports LB836 to General File with amendments. Senator Harms offers LR326, LR327, LR328, LR329, and LR330. All of those will be laid over. Priority bill designation: Senator Pirsch, LB510; Senator Langemeier, LB728; Senator Council, LB1105; Senator Hansen, LB937; Senator Karpisek, LR296CA; Senator Christensen, LB443. An announcement, Mr. President. The Education Committee will meet in Executive Session upon adjournment in Room 1126; Education in Exec Session upon adjournment. Name adds: Senator Giese to LB709; Senator Council to LB992; Senator Karpisek to LB1002; Senator Price to LR292. (Legislative Journal pages 581-589.) [LB926 LB1063 LB836 LR326 LR327 LR328 LR329 LR330 LB510 LB728 LB1105 LB937 LR296CA LB443 LB709 LB992 LB1002 LR292]

And a priority motion. Senator Flood would move to adjourn the body until Monday morning, February 22, at 10:00 a.m.

SENATOR STUTHMAN: Thank you, Mr. Clerk. There is a priority motion to adjourn this body until Monday at 10:00 a.m. All those in favor say aye. All those opposed nay. We are adjourned. Have a nice weekend.