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Transcriber's Office

Floor Debate
February 06, 2013

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SENATOR CARLSON PRESIDING

SENATOR CARLSON: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twentieth day of the One Hundred Third Legislature, First Session. Our chaplain for today is Senator Bolz. Please rise.

SENATOR BOLZ: (Prayer offered.)

SENATOR CARLSON: Thank you, Senator Bolz. I call to order the twentieth day of the One Hundred Third Legislature, First Session. Senators, please record your presence. Mr. Clerk, please record.

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

SENATOR CARLSON: Thank you. Are there any messages, reports, or announcements?

CLERK: I do. Your Committee on Health and Human Services reports LB7, LB156 to General File, and LB225 to General File with amendments. Government, Military and Veterans Affairs reports LB180 and LB311 to General File, those reports signed by their respective committee Chairs. Hearing notice from the Government, Military and Veterans Affairs Committee. And Senator Janssen offers LR48 and LR49. Both those will be laid over at this time. That's all that I have, Mr. President. (Legislative Journal pages 363-366.) [LB7 LB156 LB225 LB180 LB311 LR48 LR49]

SENATOR CARLSON: Thank you, Mr. Clerk. (Doctor of the day introduced.) Mr. Clerk, we'll now proceed to the first item on the agenda.

CLERK: Mr. President, Select File. Senator Murante, LB87. I have no amendments to the bill, Senator. [LB87]

SENATOR CARLSON: Senator Murante. [LB87]

SENATOR MURANTE: Mr. President, I move LB87 be advanced to E&R for engrossing. [LB87]

SENATOR CARLSON: You've heard the motion. All those in favor say aye. Opposed, nay. The bill is advanced. Next item, Mr. Clerk. [LB87]

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CLERK: Mr. President, LB111. No Enrollment and Review. Senator McGill would move to amend with AM1...I'm sorry, AM98. (Legislative Journal page 367.) [LB111]

SENATOR CARLSON: Senator McGill, you're recognized to open on your amendment. [LB111]

SENATOR MCGILL: Thank you, Mr. President, members of the body. This amendment is simply an emergency clause. This is the bill that allows our smaller cities to adopt a biennial budget. And if we didn't adopt this clause, then they wouldn't be able to do it for this next fiscal year because there...it wouldn't go into effect until early September and by then they're already doing their budget, etcetera. So I ask that you advance this amendment so we can get an emergency clause put on this bill. Thank you, Mr. President. [LB111]

SENATOR CARLSON: Thank you, Senator McGill. Members, you've heard the opening on AM98 to LB111. Are there senators wishing to speak? Seeing none, Senator McGill, you're recognized to close. She waives closing. The question is, shall AM98 be adopted? All those in favor vote yea; all opposed vote nay. Has everyone voted who wishes to vote? Record, Mr. Clerk. [LB111]

CLERK: 34 ayes, 0 nays, Mr. President, on the adoption of Senator McGill's amendment. [LB111]

SENATOR CARLSON: AM98 is adopted. [LB111]

CLERK: I have nothing further on the bill, Mr. President. [LB111]

SENATOR CARLSON: Senator Murante for a motion. [LB111]

SENATOR MURANTE: Mr. President, I move LB111 be advanced to E&R for engrossing. [LB111]

SENATOR CARLSON: Members, you've heard the motion. All in favor say aye. Opposed, nay. The bill does advance. Mr. Clerk, next item. [LB111]

CLERK: Mr. President, LB112. Senator Murante, I have no amendments to the bill. [LB112]

SENATOR CARLSON: Senator Murante for a motion. [LB112]

SENATOR MURANTE: Mr. President, I move LB112 be advanced to E&R for engrossing. [LB112]

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SENATOR CARLSON: Members, you've heard the motion. All in favor say aye. All opposed, nay. The bill does advance. Mr. Clerk, next item. [LB112]

CLERK: Mr. President, Senator Murante, LB113. I have no amendments to the bill. [LB113]

SENATOR CARLSON: Senator Murante for a motion. [LB113]

SENATOR MURANTE: Mr. President, I move LB113 be advanced to E&R for engrossing. [LB113]

SENATOR CARLSON: Members, you've heard the motion. All in favor say aye. Opposed, nay. The bill does advance. Mr. Clerk, next item. [LB113]

CLERK: Mr. President, LB49. Senator Murante, I do have Enrollment and Review amendments pending. (ER2, Legislative Journal page 341.) [LB49]

SENATOR CARLSON: Senator Murante for a motion. [LB49]

SENATOR MURANTE: Mr. President, I move the Enrollment and Review amendments. [LB49]

SENATOR CARLSON: Members, you've heard the motion. All in favor say aye. All opposed, nay. The amendments are adopted. [LB49]

CLERK: I have nothing further on that bill, Senator. [LB49]

SENATOR CARLSON: Senator Murante for a motion. [LB49]

SENATOR MURANTE: Mr. President, I move LB49 be advanced to E&R for engrossing. [LB49]

SENATOR CARLSON: Members, you've heard the motion. All in favor say aye. All opposed, nay. The bill is advanced. Mr. Clerk, next item. [LB49]

CLERK: Mr. President, LB125. Senator, I do have Enrollment and Review amendments. (ER3, Legislative Journal page 341.) [LB125]

SENATOR CARLSON: Senator Murante for a motion. [LB125]

SENATOR MURANTE: Mr. President, I move the E&R amendments be adopted. [LB125]

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SENATOR CARLSON: Members, you've heard the motion. All in favor say aye. Opposed, nay. The amendments are adopted. [LB125]

CLERK: Senator Burke Harr would move to amend, Mr. President. (AM139, Legislative Journal pages 367-368.) [LB125]

SENATOR CARLSON: Senator Harr, you're recognized to open on your amendment. [LB125]

SENATOR HARR: Thank you, Mr. Chairman, members of the body. As we are all aware, LB125 is...deals with Omaha Public Schools and changing the board from 12 to 9. At the end of the day, the purpose of this whole bill is to move forward and try to look out what's best for OPS. And we're trying to initiate what I would refer to as best practices. In that regard, I've introduced AM139. What AM139 does is it moves...it keeps the special election this spring. So all members will be up for election this spring. What it does after that is starting in the fall of 2014, it creates a staggered board. So if you are from an even-numbered district, you will be up for election in 2014, in the fall. If you are in an odd-numbered district, you will be up for election or reelection in the fall of 2016. The purpose behind that is because we believe a staggered board is best practices. The purpose of a school board is to set the policy and to look over and make sure that the superintendent is doing what the superintendent is supposed to be doing. They create the policy; superintendent enforces the policy. And so we want to make sure that there is continuity on that board. The idea is that we don't have people serving for long terms like we have in the past. If that's to be true, we want to make sure that we don't have an election where you all of a sudden might have nine new members. In that case, the school board would spend all their time...not the...well, the school board and the superintendent educating the new school boards and wouldn't be able to work on what policy is. So the idea is if we do a staggered, you'll always have someone on there with at least two years' experience. Now the numbering of the districts were chosen for a very specific reason. And the idea was we wanted to avoid the situation where you might have some members who run three times in two years and other members who only run one time in that same two-year period. So whenever and wherever possible we had those who ran in 2012 not up for election or reelection again until 2014. If your seat was originally had an election in 2010, you'll have the special election, and then you'll have another one in 2014, the fall thereof. That was the idea behind it. We also did odd numbers are five; even numbers are four. And the idea is we wanted to have as many members as possible, meaning five, with the election as far out as possible so that they do have a chance to really represent their district before they stand for election or reelection. That was the idea behind this. I would entertain any questions, but I would ask that you please support AM139. Thank you. [LB125]

SENATOR CARLSON: Thank you, Senator Harr. Members, you've heard the opening

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on AM139 to LB125. The floor is now open for debate. (Visitor introduced.) We do have senators wishing to speak: Senators Nordquist and Lautenbaugh. Senator Nordquist, you're recognized. [LB125]

SENATOR NORDQUIST: Thank you, Mr. President and members. I rise to oppose Senator Harr's amendment. I fundamentally believe that if our purpose here is to really make this board a higher position to highlight the importance of the school board, we're reducing the number of members from 12 members to 9 members, I think it makes sense to keep it in the spring election. Lincoln does it. I think in the fall election, too often these contests get lost on a long ballot. And I just printed off the sample ballot from Douglas County this last year. So first on the ballot...first listed, obviously, was the presidential race, then U.S. Senator, U.S. House of Representatives, public service commissioner, Douglas County Clerk, Douglas County Commissioner, Legislature, State Board of Education, Board of Regents, Board of Governors for Metro Community College, Learning Community Coordinating Council, board of directors for the Papio Missouri NRD, board of directors for OPPD, board of directors for the ESU, and then you got to the Omaha Public School Board. If you got to that far and you knew who you were going to vote for, you were doing a pretty good job. I think in the spring elections when you're talking about a mayor's race, a city council's race, and a school board race, it allows much more focus to be held on those elections and I think it will ultimately help us serve the purpose of this bill, which is to have better contested elections with more spotlight and get nine people elected to that board who are going to do the best possible job. That's the essence of my opposition to this amendment and I urge my colleagues to vote no. Thank you. [LB125]

SENATOR CARLSON: Thank you, Senator Nordquist. Senator Lautenbaugh, you're recognized. [LB125]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. And, Senator Murante, I wonder if you'd yield to a question. [LB125]

SENATOR CARLSON: Senator Murante, would you yield? [LB125]

SENATOR MURANTE: Yes. [LB125]

SENATOR LAUTENBAUGH: Senator, was that the correct pronunciation, Murante like Durante? [LB125]

SENATOR MURANTE: You pronounced it correctly, Senator Lautenbaugh. [LB125]

SENATOR LAUTENBAUGH: Thank you, Senator Murante. [LB125]

SENATOR MURANTE: You're welcome. [LB125]

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SENATOR LAUTENBAUGH: I'm kind of a nonpartisan--I'll pause for laughter there--I'm kind of a nonpartisan on this amendment and let me explain why. The map is the same either way. On the one hand, the elections will all take place with the Omaha city elections and everybody will be up at the same time. That's what happens if this amendment doesn't pass. If this amendment does pass, then the elections will go after this one time back into the even-numbered years and be half the board up one time, slightly more than half the board up another time. That's the choice. And I understand what Senator Harr just said. I understand what Senator Nordquist just said about the amazing amount of things that clog up...I shouldn't put it that way but it's the truth, the even-numbered year ballots. And I'm going to talk about this for a little bit because we're waiting on a floor amendment for Burke's bill, so I'll expand on these thoughts. You have to understand that in Nebraska and in Douglas County in particular, the election ballots are more complex than anywhere else in the nation really and perhaps the world. We elect more political subdivisions here in Nebraska than anywhere else. And Senator Nordquist ably went through the list of all the people we're expected to vote for every election. And this is normally where I'd ask for a gavel but I'm just killing time right now anyway, so go about your business. I understand the value in putting the OPS election back with the city elections or putting them with them, and so there's a focus on them. And that's what's going to happen this time. And I'm hoping this whole exercise is going to shake the citizens of Omaha who live in the OPS district. I feel like we're grabbing them by the collar and saying, pay attention, make your choice, select a new board, and we all move on from this. They'll be properly seated. There will be no legal questions. We move on. This is your one chance to hit that reset button. And as you can tell, I'm fairly passionate about this bill. I've been talking about it for two sessions now because I believe this is the right thing to do. But when we get down to, okay, when should the next election take place, that's going to be a judgment call that you're all going to have to make. Some of you may be saying, why is it our call. We had that discussion last time. We're the only ones who can make this call. We control the districts. We control the size of the board. It's in state statute so it falls to us. With that said, I don't know how to tell you which way to vote. I don't even know how I'm going to vote on this amendment. But if this amendment passes, we won't need my amendment, which just clarifies a bit about when the election will coincide with the city races on a go forward. If this amendment passes, it won't coincide with the city races so we won't need my amendment to come. So that's the choice. That's what we're dealing with here. I'm listening I guess to both sides of this and I'm hoping others will have things to say, at least until the floor amendment shows up. And then we'll vote. So thank you all. [LB125]

SENATOR CARLSON: Thank you, Senator Lautenbaugh. Those senators wishing to speak include Scheer, Burke Harr, Chambers, Murante. Senator Scheer, you're recognized. [LB125]

SENATOR SCHEER: Thank you, Mr. President. I rise in support of AM139 for Senator

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Harr. This just makes good sense. I understand Senator Nordquist's concern about the magnitude of items on a ballot, but realistically that's what the rest of the state faces every election cycle. Not only do we have everything that Senator Nordquist provided the list of, but we also elect our city government at the same time, where Omaha excludes that in their round of elections in the fall. So we're really not asking the Omaha constituency to do anything differently than the rest of the state does in regards to this amendment. I think if anything it puts a bigger spotlight on the election process by doing it in the fall. You have higher turnouts in the fall. You have more public participation. Those that are running for election it seems to me would be easier to find funding from donors because people are already in the process, are in tune with the fact that you have elections going on and that it's important to support people that are running for public service. If you do it on the off-numbered years, especially in the spring, it just doesn't seem to me that it would be as easy for someone to run a campaign. I think you have a more engaged electorate and the commonality with the rest of those because people already know there's an election. It's not something that all of a sudden a week from the election day in the spring it sneaks up because they happen to notice an ad or the radio is filled with ads for the last six days. You have I believe a much more engaged electorate in the fall. I would like to thank Senator Harr for the staggering of the members. I think that as well is good practice. It may never happen, but anytime you put all your board members up for election at one time, you have the possibility of having all new board members after that election, and I would find that awfully difficult to function as a board of education with no one having any experience at all. I think there is something to having said that you have people with experience that will stay on as others stand for election. I think this is a really good compromise on Senator Harr's part. It tries to protect and provide those that were just recently elected the opportunity to serve for four years until they have to stand for reelection. I think Senator Harr's amendment makes the best out of a bad situation. If we're going to improve OPS, let's try to really improve them and make them a standard with which the rest of the state can say they are on an equal basis. And with that, I would urge support from my colleagues on the floor for AM139. Thank you. [LB125]

SENATOR CARLSON: Thank you, Senator Scheer. Senator Harr, you're recognized. [LB125]

SENATOR HARR: And thank you, Mr. Chairman. Thank you, Senator Scheer, for those nice words. In my introduction I probably didn't go far enough. I want to talk about this...this amendment does two things. Number one, it changes the districts and, number two, it accepts the maps. And that's the map that was passed around. I made reference to it, but what I didn't say was that it accepts this map. We have yet to accept this map and I think it's important that we look at it. And it's a great map. I want to thank everyone who did hard work on it, and that includes Senator Nordquist who now stands against my amendment. But Senator Nordquist did great work on it, Senator Mello, Senator Lautenbaugh, I believe Senator Chambers was also involved, and others.

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Senator Howard I know was also involved on this. And what we tried to do is make this as fair as possible looking at the demographics of what OPS is. OPS is approximately 33 percent, the student body, 33 percent Caucasian, 31 percent Latino, and 26 percent African-American. And we tried to take that somewhat into, I won't say into account but we were cognizant of that when we made these districts to look at what parts of the town everyone was from and to make sure that everyone had a chance to have...speak on the board. Now as opposed to...let me get back to the elections. Senator Nordquist talked about it sometimes gets lost in the fall elections. And I don't know if that's true, but I believe in democracy and I believe the voters have a responsibility, not a right but a responsibility. It is a right and a responsibility, I should say, a right and a responsibility. You have a right to vote and a responsibility to make sure you know what is on that ballot. And I believe we should have an election when you have the most people voting. That's me. I personally believe in that. I don't believe in staging the elections at a time when there are less people voting. It makes sense on a city council race, yes. School board not so much. The idea is we want to have the most people having a chance to have input. Isn't that what the argument has been that this board hadn't had proper oversight, that people haven't been doing what they're supposed to do? Well, this is what this does is it allows it to go to the fall where you can have greater oversight where you have the most people voting so that it isn't controlled by one small or two small constituencies, but rather we look to see when people are voting and we say, that's when I want to have it. That's best practices. Let's look at...if everyone wants to look at District 8. District 8 goes into Sarpy County. My brothers and sisters in Sarpy County, I want to make sure that they vote. I want to make sure that their vote counts. This...they vote in November. They have no reason to vote with the city of Omaha election other than for this little bit down here for OPS School Board. When we had this on General File, I know a couple senators, including Senator Crawford whose district this contains, stood up and said they had a concern that maybe their people, their constituents, would have a tough time being motivated to vote if they have to show up and it's just for this little area. If it's in the fall, they're already at the ballot box. They're already voting for other offices. So I think, again, from a public policy point of view this is the better way to go. Now is there empirical evidence one way or the other? The answer is no. These are to a large degree rhetorical arguments that we're making, but common sense dictates that it would make sense to have an election when you have the most people voting. And when there is a district that has no other reason to vote but for this one small precinct or area in northern Sarpy County, let's take care of them. Let's make sure that we have another reason for them... [LB125]

SENATOR CARLSON: One minute. [LB125]

SENATOR HARR: ...to come and vote. So I believe Senator Lautenbaugh has an amendment that should be ready to go here pretty quickly that will address one of the issues that is in my amendment. And I want to thank Senator Lautenbaugh for all of his hard work. This has meant a lot to him and he has invested a lot of time in this bill, and I

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think his motives are pure and he is looking out for the best interests of OPS as I think everyone who, whether you agree with the amendment or not, everyone is looking out for the best interests of OPS. And we're all moving forward and we're all trying to make OPS better, and I think for that we should be commended. Thank you. [LB125]

SENATOR CARLSON: Thank you, Senator Harr. Senator Chambers, you're recognized. [LB125]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, and friends all, when Senator Harr mentioned the word democracy, he opened the door for any and everything to be discussed that may relate to the American form of government which, contrary to what some of my colleagues think, includes the state of Nebraska. Nebraska cannot nullify federal law. Nebraska cannot accept that notion of interposition where you interpose yourself between the federal government and your state so-called. And it's funny how the people who bring those things go to the most benighted part of the country, which is the South, cradle of confederacy, home of slavery, although most of this country did have slaves, the colonies. And then George Wallace who stood in the door of the university and said, these two black students are not going to be allowed to come into this school, not down here in Alabama, and I'm the governor of Alabama and they are not go...he probably said, they ain't going to go into this here school if I has anything to do about it. Well, he had not very much to do about it because they did go to school and graduated from that place. And I'm going to tie what I'm saying into what we're talking about here today. If any of you all saw Perry Mason on television, you saw where Hamilton Burger would always say by way of an objection, Your Honor, I object, that is incompetent, irrelevant, and immaterial. And the judge would look at Perry Mason with great respect because he had read the script. He said, Mr. Mason, you do seem to be going somewhat far afield. And Perry Mason in that rich baritone voice, and he's the star of the show, would say, Your Honor, if you give me leave, I plan to connect all this up. I will tie it together. And the judge would say deferentially and respectfully, Mr. Mason, I will give you that leave, but if you fail to do so, I will grant the prosecutor's objection. And Perry Mason naturally would tie it all together. That's to let you know I'm going to tie this all together. But before I do that, George Wallace ran for reelection. And he said something that applies to America today. If there was anything George Wallace was in addition to being a dyed-in-the-wool-hat racist, he told the truth. First, he told two truths: Democrat Party, Republican Party, ain't a dime's worth of difference between the both of 'em. We'd say both of them. He said though: Segregation today, segregation tomorrow, segregation forever. I'll never forget what he said. And that is the credo of America. But that's not what I'm going to spend time on now. I'm going to talk about something else because we are passing time. I have in my hand a copy of a bill that will be heard before the Revenue Committee today, LB405. It has 135 pages, 58 sections. I don't like the bill. It's going to do away with the income tax supposedly. The Governor knows that is not going to happen. People shivering and shaking in their boots like they think he believes this is going to happen. If the Governor is anything other than the

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things you all might think about him, pro or con, he's a realist. He knows this is not going to pass. You all don't even have to go to the committee. He cannot just say that's the law and it's the law. [LB125 LB405]

SENATOR CARLSON: One minute. [LB125]

SENATOR CHAMBERS: He's got to get votes on this floor and he cannot. But I hope this bill comes out on the floor. You know why? I was going to go testify but I can't get out of the Judiciary Committee to do so. If you send this bill to the floor as I want you to do, you will deliver the rest of the session into my hands. I will have amendments, several, for every page, every section, and 90 days are not enough time to exhaust what I can do. Please, members of the Revenue Committee, send this bill to the floor and give me the rest of the session. On this amendment before us, I'm going to let the body have its way because I think after we get through with it all we'll have something we can agree with. Thank you, Mr. President. [LB125]

SENATOR CARLSON: Thank you, Senator Chambers. Senator Murante, you're recognized. [LB125]

SENATOR MURANTE: Thank you, Mr. President and members of the body. Would Senator Lautenbaugh yield to a question? [LB125]

SENATOR CARLSON: Senator Lautenbaugh, would you yield? [LB125]

SENATOR LAUTENBAUGH: Yes, I will. [LB125]

SENATOR MURANTE: Senator Lautenbaugh, prior to getting elected to the Legislature, did you have another appointed position in state government? [LB125]

SENATOR LAUTENBAUGH: In state government, no. [LB125]

SENATOR MURANTE: County government? [LB125]

SENATOR LAUTENBAUGH: Yes. [LB125]

SENATOR MURANTE: What was that position? [LB125]

SENATOR LAUTENBAUGH: If memory serves, although I don't like to talk about it much, I was the election commissioner in Douglas County. [LB125]

SENATOR MURANTE: I thought I had heard something about that. Senator Harr brought up I think a couple of legitimate points. One was necessarily, if we have county school board elections run in the city elections, turnout is going to be lower. Would you

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agree with that assessment? [LB125]

SENATOR LAUTENBAUGH: I think people are focussing on what the turnout has been for city elections and assume that the addition of the OPS elections won't increase them to some different level, I think higher level. I think it's reasonable to assume it might be less than an even-year election turnout, but I don't know how much lesser. [LB125]

SENATOR MURANTE: Okay. Now in years past, members of this Legislature had discussed the possibility of just moving the city elections in the city of Omaha in with everybody else, in with the presidential or midterm general elections. There were numbers tossed out as the cost savings of doing that. Do you have any sort of estimate of what the cost savings to Douglas County would be if they made that decision? [LB125]

SENATOR LAUTENBAUGH: Two problems. Any information I would have had would be now 13 years out of date and I don't remember what it was then, so I can't even adjust it for inflation in my head if I knew how to do that either. [LB125]

SENATOR MURANTE: Do you recall the reason why this Legislature chose to have the city of Omaha and Lincoln elected differently than the overwhelming majority of cities in the state of Nebraska? [LB125]

SENATOR LAUTENBAUGH: I honestly don't. [LB125]

SENATOR MURANTE: Well, here's the problem, why I like Senator Harr's proposal is, first of all, I think this Legislature ought to take a look at the city elections in Omaha and Lincoln. Historically speaking--and I can't speak so well for Lancaster County, but I've lived a good number of years in Douglas County--the turnout is substantially lower. When there was talk about cost savings in years past, the numbers that I heard were ranging in the hundreds of thousands every single election cycle simply by virtue of the fact that they wouldn't have to have an off-year election. My concern with this bill is that if we include the school boards into the city elections, it is going to be a tougher sell for those of us who...I'm not real sold on the idea of moving the city elections, but I'd at least like to take a look at it. Do you have any comment on that? [LB125]

SENATOR LAUTENBAUGH: Well, I assume what you...I'm taking your comments to mean that the underlying bill and the spring election this time has your undying and unconditional support and you're probably going to support this amendment, too, but...so you don't have a problem with the bill, you just prefer this amendment. Is that what you're saying? [LB125]

SENATOR MURANTE: My enthusiasm is boundless. [LB125]

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SENATOR LAUTENBAUGH: Okay. Thank you. [LB125]

SENATOR MURANTE: Thank you, Senator Lautenbaugh. [LB125]

SENATOR CARLSON: Thank you, Senator Murante and Senator Lautenbaugh. Senators still wishing to speak include: Bloomfield, Nordquist, Burke Harr, and Chambers. Senator Bloomfield, you're recognized. [LB125]

SENATOR BLOOMFIELD: Thank you, Mr. President. Good morning, colleagues. I would rarely be accused of marching in lockstep with Senator Burke Harr, but I totally agree with this amendment. I think we need to have the folks in Sarpy County equally represented and able to vote without jumping through hoops. So I think moving it to the general election is a wonderful idea. The turnout is going to be better. So I basically just stand to support AM139. Thank you. [LB125]

SENATOR CARLSON: Thank you, Senator Bloomfield. Senator Nordquist, you're recognized. [LB125]

SENATOR NORDQUIST: Thank you, Mr. President and members. I appreciated the clarification from Senator Murante and Senator Lautenbaugh. I always had the impression that Senator Lautenbaugh was an engineer in his previous career, but that might have been Senator Fulton. I don't remember. So I just want to make...clarify a couple of things. I think Senator Harr mentioned that by voting down this amendment we wouldn't be adopting this new map. Senator Lautenbaugh has an amendment that if we move forward with the underlying bill without the amendment would adopt this map and would address one other issue. I do think, you know, we are putting the few precincts that are in northern Sarpy County, we're requiring them to vote this spring. I don't know that there would be a reason why we couldn't continue that for future elections if we're going to do it in this instance this spring. So I don't see that as a major issue. I was just having an off-mike conversation with a colleague from Lincoln and we were talking about campaigning for school districts in urban areas, in Lincoln and in Omaha, and how...and I tried to help recruit a couple of good people to run this year for school board and help them with their campaigns. And it was difficult to raise money, it was difficult to get awareness. The papers gave very little coverage to these races because they are buried so far down. If we are in the spring election, they will get more media attention, they will get more campaign attention, voters will be more aware of these races. That's why I think it's important we keep it in the spring. Senator Harr said with more voters we're going to get greater oversight of these elections. We've had that. We've had it in the fall this whole time and we're trying to fix this issue now. We're trying to get greater accountability for the school board. So we've tried the fall election and we are reducing the size of the board, but keeping it in the fall election I don't think is change enough. I think we need to have that greater public oversight through, like I said, the free media, through campaigns. I think candidates in urban areas, it may be

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different in rural areas, but in urban areas I think they will be able to raise more dollars, run more aggressive campaigns, and have a much more thorough campaign than what we are seeing in the fall election. So I ask you if we're going to make a change here for the Omaha school board, let's make a change. And I think that combines both reducing the size of the board and moving the elections. Thank you, Mr. President. [LB125]

SENATOR CARLSON: Thank you, Senator Nordquist. Senator Harr, you're recognized. [LB125]

SENATOR HARR: Thank you, Mr. Chairman. And I agree with Senator Nordquist. We need greater accountability and greater transparency. So accountability means the most people overlooking the election as possible. That's probably when the most people are voting. And lo and behold, that's November in the even years. It's not odd year, all the board, all at once. If you have a problem with the OPS school board, you have to wait four years before another election for anyone to have another chance. That may be a problem. You also have the issue we want to bring stability to the board and we want to bring continuity to the board, and if you have the potential for a whole new board, you have just gotten rid of that stability and consistency. My assumption is with this bill and with the candidates we are hoping will run that this board will be a very good board, not that it isn't now, but that it will be a very good board. And we want to make sure that this board has stability, that it has a continuing leadership so that they know what has happened in the past, a sense of history. That's the idea behind having the staggered election. As I've said earlier, there is no empirical evidence that one way is better than the other. But if we want to get good administrators, I challenge anyone to ask an administrator in their home district which would they prefer: a board that has potential of being overturned every four years or one that has continuity. Virginia Moon, who is the current interim superintendent at OPS, came and testified at the hearing. She stated that they would prefer to have a staggered election. She's the expert in the field, we are not. Good governance sometimes means allowing others to govern and letting them have a say on how they want to govern. We aren't guaranteed a perfect board, ladies and gentlemen. What we are guaranteed is the board we deserve, meaning the board we elect. So I'm not sure whether we do it all at once or in the fall matter that much. It's about getting quality candidates who address the issue. It's not the size necessarily again that we're going for, it's about what the board takes as its structure and how those members act. I personally believe the highest accountability for those board members would be when the most people vote. Others disagree and I understand why they disagree. The argument has been made that Lincoln Public Schools does it with their city elections. I'm not sure if Lincoln Public Schools outperform Omaha Public Schools. I don't have that data. Maybe it does, maybe it doesn't. If it did, I'm sure those who make that argument would be quick to take the mike and say, look, we do it with the city elections and Lincoln Public Schools outperform Omaha Public Schools. You haven't heard that argument. And I don't know why. I can only draw assumptions, but we are still waiting on an amendment that I think should be coming rather quickly. And so as

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soon as we get that amendment...and all this amendment is going to do is clarify the map to make sure that we properly reference this map that everyone agrees is a good map as far as the district distribution. So as soon as we get that, we can move forward and have a vote yea or nay on this. Thank you very much. [LB125]

SENATOR CARLSON: Thank you, Senator Harr. Senator Chambers, you're recognized. [LB125]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, brothers, sisters, friends, enemies, and neutrals, we are passing time. There's something about the way Senator Carlson pronounces my name that warms the cockles of my heart if I had a heart which I don't have, and sometime I'll explain and give the evidence of that fact. But I can act it out pretty well. Let me go back to what I was talking about since we're passing time. There was one time Khrushchev was at the UN. He was from Russia. He took off his shoe and he pounded on the table. Khrushchev with that gesture shook up the world. Muhammad Ali came along some decades later, won the heavyweight championship of the world when nobody thought he had a chance to even survive, and his comment was: I shook up the world, I shook up the world. I share one thing with the governors that you've had recently. That's that none of us are too tall when it comes to our physical stature. And what we short fellows have always wanted to be able to say--Napoleon never said it but he could have, literally--we've always wanted to say, I shook up the world, and not have people laugh. Well, the Governor is no different. He was talking about this idea jestingly and somebody took it seriously. So he said, good god! This is my opportunity. The last two years before I'm term limited out and I can shake up the world. So he called one of his water carriers, I won't call the name and I'll bear no blame, and said, I have a bucket of water that I want you to carry. And the water carrier said: Governor, you speak and I'll obey. So we have LB405. And you see people who should know better experiencing heartburn. The chamber of commerce here, the chamber of commerce there, are acting like the Governor takes this seriously. So they act like they take it seriously. They're all in on it. This is the joke. They would like it to carry until April 1, then they could all get together and sounding like the Mormon Tabernacle Choir sing in harmony: April Fool! Gotcha! Then all of you all would say: Oh, lord. They did. He got me. I'm trying to spare you all that. Forget it. Do you think he would offer something like this seriously with no facts, no data, no statements, based on a hearing or anything factual? And the ones he said he's trying to help the most, which is business entities, and bring them here, said right away: We don't want that. You're going to trade our sales tax exemptions for that little income tax. The sales tax takes a much bigger bite out of our hide. Raise this income tax as high as you want to. They wouldn't worry about it. So now you know that. I just want to explain about how if this bill comes out I can tie up the session. To cut off all debate it takes 33 votes, that's cloture. To shut me up, they'd have to give 33 votes. But here's then what happens. They immediately take a vote on what's before them. So with all of the tying up I can have done, nobody would have had a chance to make any amendments. They

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would have to vote on this bill. And if they took a vote to advance it, what a fool that would be, so they wouldn't vote to advance it. When you don't vote to advance it when somebody invokes cloture, then it goes to the bottom of the heap and it will never come up again. And I'm the only one who would be disappointed because you would have taken away from me the opportunity to deliver on the promise I'm making today to tie up the session forever. This cannot go anywhere, this LB405. He gave the bill to a rookie or somebody who didn't understand anything, and that's taking advantage of somebody. [LB125 LB405]

SENATOR CARLSON: One minute. [LB125]

SENATOR CHAMBERS: If something like that had been done to a child, it would be called child abuse. We are in the arena of politics. I want you all to know that when something very serious that people take seriously is brought, I'm going to deal with it. I'm not going to spare people's feelings. They don't have any respect for the Legislature. They're going to throw this in there and waste our time, then I'm going to deal with it in the way that I think it should be dealt with, and you all will just have to deal with me the way you think you ought to deal with me. But when you come, brothers and sisters, come well armed and ready to go to the mat. Either die or kill me, figuratively speaking I hope. Thank you, Mr. President. [LB125]

SENATOR CARLSON: Thank you, Senator Chambers. Senator Campbell, you're recognized. [LB125]

SENATOR CAMPBELL: Thank you, Mr. President and members of the Legislature. I was the Lincoln senator that Senator Nordquist referred to in a conversation. And I just want to add a couple of reflections and comments to the debate on Senator Harr's amendment. I have run, for a very good friend of mine, her campaign for the school board, and we ran that in the spring. And I've also been a candidate through the county board races on both a spring primary and a fall general election. And I'm here to say that in every case I would much rather have had the school board race as we do here in Lincoln in the springtime primarily because in a more urban area it is often hard to get people's attention, it's often hard to raise money when you are the last item on the ballot, which we were in the county board. It was often hard for us to get people's attention and to raise money. I do think that the emphasis that has been placed through Senator Lautenbaugh's efforts on LB125 will raise the conscious level in Omaha that whenever this election is held, it's extremely important. But I tend to agree that a spring election would give those candidates a much better way to gain the attention of the electorate and run a very solid campaign. Thank you, Mr. President. [LB125]

SENATOR CARLSON: Thank you, Senator Campbell. Mr. Clerk for an amendment to the amendment. [LB125]

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CLERK: Mr. President, Senator Lautenbaugh would move to amend the amendment. I might indicate to the membership it's still being put into the system, so it will be just a few seconds. But Senator Lautenbaugh would move to amend the amendment, Mr. President. (FA3, Legislative Journal page 368.) [LB125]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Lautenbaugh, you're recognized to open on your amendment. [LB125]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. This is the amendment I referenced before that we were waiting on. It is some technical language just reaffirming that the boundaries of the whole OPS district, not the subdistricts but all of OPS are what they are as of the effective date of this act. It's something for Revisor's purposes, or I'm sorry, Drafter's purposes dealing with the fact that the boundary lines don't always follow streets between the school districts. So this has nothing to do and has no bearing on the debate between Senators Harr and Nordquist. This is just a technical revision that we wanted to have in here as sort of a, well, a belt-and-suspenders approach, if you will, to make sure this is fine going forward. So I'd ask you to approve the floor amendment. [LB125]

SENATOR CARLSON: Thank you, Senator Lautenbaugh. (Visitors introduced.) The floor is now open for debate. Are there senators wishing to speak? Are there senators wishing to speak on FA3? Seeing none, Senator Lautenbaugh, you're recognized to close on FA3. [LB125]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. Just to explain, this floor amendment adds one sentence of technical language regarding the specifics of the OPS boundaries as a whole. If we don't pass this amendment, we still have to take up my coming amendment which takes...which contains this same language. So both amendments, whether Senator Harr's passes or whether mine passes after this, both of them contain this same technical language. This is just adding it into Senator Harr's, and I would urge your approval. [LB125]

SENATOR CARLSON: Thank you, Senator Lautenbaugh. Members, you've heard the closing on FA3 to AM139. All those in favor vote yea; all opposed, vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB125]

CLERK: 36 ayes, 0 nays, Mr. President, on the adoption of Senator Lautenbaugh's amendment to Senator Burke Harr's amendment. [LB125]

SENATOR CARLSON: FA3 is adopted. We return to discussion of AM139 to LB125. Are there senators wishing to speak? Seeing none, Senator Harr, you're recognized to close on AM139. [LB125]

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SENATOR HARR: Thank you, Mr. President. Ladies and gentlemen, members of the Legislature, we have two issues in this amendment. One is what we just adopted, adapted from Mr....Senator Lautenbaugh which we say we're taking this map which you all have in front of you. And I don't think there's any debate on that. I think we all think this is a good map. The second issue we are debating with this amendment is whether or not we should have staggered elections or elections all at once. My argument is we should have staggered elections so that we can have continuity on the board to ensure that there is always someone with some experience who is willing and able to take a leadership role to provide some history and perspective and that has a continuing relationship with that superintendent, whomever he or she may be. The other side argues, you know, we got to have greater accountability and if we have them all up at once, you can see it all at once and you won't get lost on a ballot. My argument to that is I believe if you are a candidate, you have a responsibility to make sure people know who you are, whether that means knocking doors, whether that means mailings, whether that means phone calls. You can't force people to...either way, you can't force any one individual to pay attention to this race, whatever that race is, but you can put yourself in front of that voter. And I think if we want transparency and if we want accountability, we want to put that individual in front of as many people as possible. That's why we went from 12 to 9, and so that the districts are larger so they would be in front of more people. And it seems that that logic would continue. We want to put them in front of the most people possible. Well, when do the most people vote? In the fall, not in the spring. So with that, I would ask you to please support AM139. Thank you. [LB125]

SENATOR CARLSON: Thank you, Senator Harr. Members, you've heard the closing on AM139 to LB125. Senator Schumacher, you're recognized. [LB125]

SENATOR SCHUMACHER: (Microphone malfunction)...that we divide the question. There are two issues here. One is staggered election and one is when the election is. [LB125]

SENATOR CARLSON: Senator Schumacher, that request was out of order. And you've heard the closing on AM139. The question is, shall that amendment be adopted? All those in favor vote yea; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB125]

CLERK: 26 ayes, 10 nays, Mr. President, on the adoption of Senator Burke Harr's amendment. [LB125]

SENATOR CARLSON: The amendment is adopted. [LB125]

CLERK: Mr. President, at this time I have nothing further pending to the bill. [LB125]

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SENATOR CARLSON: Senator Murante for a motion. [LB125]

SENATOR MURANTE: Mr. President, I move LB125 be advanced to E&R for engrossing. [LB125]

SENATOR CARLSON: Members, you heard the motion. Are there senators wishing to speak? Seeing none, all those in favor vote aye. Excuse me, those in favor say aye. Opposed, nay. Motion is adopted. Mr. Clerk. [LB125]

CLERK: Mr. President, the next bill, LB155. I have no amendments to the bill, Senator. [LB155]

SENATOR CARLSON: Senator Murante, for a motion. [LB155]

SENATOR MURANTE: Mr. President, I move LB155 be advanced to E&R for engrossing. [LB155]

SENATOR CARLSON: Members, you've heard the motion. All those in favor say aye. Opposed, nay. Motion is adopted. Mr. Clerk. [LB155]

CLERK: Mr. President, General File. The first bill this morning, LB250, a bill by Senator Dubas. (Read title.) The bill was introduced on January 16, referred to the Transportation and Telecommunications Committee. It was advanced to General File. I do have committee amendments, Mr. President. (AM7, Legislative Journal page 328.) [LB250]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Dubas, you're recognized to open on LB250. [LB250]

SENATOR DUBAS: Thank you very much, Mr. President. Good morning, colleagues. LB250 was brought to me by the Department of Motor Vehicles in conjunction with the State Patrol, and it deals with a permit, it's called a trip permit. The current system that we have in place now has been there since 19...in the 1960s. The Nebraska State Patrol acts as an agent of the Department of Motor Vehicles in issuing and managing a totally paper-based system. Trip permits are necessary for commercial drivers who are not members of the International Registration Plan and/or the International Fuel Tax Agreement. These are agreements that states go into. The fees are paid into this and then distributed accordingly across the country to the individual states. So those drivers who aren't registered in either one of those organizations and want to cross into Nebraska to do business need a trip permit. Drivers pay \$25 for the IRP registration and \$25...excuse me, and \$20 for the IFTA licensing once they arrive in Nebraska, and then that permit is valid for 72 hours. This bill, LB250, would require drivers to purchase their trip permits prior to entering the state on-line. And this is a practice that is becoming

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much more prevalent across the country. The permit...excuse me, LB250 proposes to modernize and improve the statutory language and the operational process of issuing these motor carrier trip permits. They are designed for one-of-a-kind trips for carriers who seldom travel into another state. And in most instances prior to entering the state, as I said, the carrier has already applied for and obtained these permits. Right now when a carrier comes into the state, they have to find a vendor, like a weigh station or there are some truck stops and other vendors who provide these permits. And, as I said, it's a paper-based system. The State Patrol estimates that vendors annually issue 10,000 of the IRP permits and 7,000 of the IFTA permits. So again through this modern Web-based permit system, a carrier who knows they're going to come into Nebraska would go on-line, apply for the permit, pay the fee, and have it in their possession before they cross into the state. So it creates efficiencies. It allows better tracking of these permits. It allows better accounting of and the collection of the fees. So with that, I would close on that. I do have an amendment to introduce that will strike some language in regards to some collection of the fees. [LB250]

SENATOR CARLSON: Thank you, Senator Dubas. As the Clerk mentioned, there are committee amendments. And, Senator Dubas, as Chair of the Transportation and Telecommunications Committee, you're recognized to open on AM7. [LB250]

SENATOR DUBAS: Thank you, Mr. Speaker. The amendment strikes the language on page 11, line 20 through 23, and again on page 13, line 1 through 3. That language authorizes the director to collect and retain an additional 10 percent of the trip permit fee. The language has created some problems in a couple of ways. First, normally the reference would be to the department, not the director. The director doesn't have that authority to collect and retain a fee. And, second, the bill does not create a method to deposit that fee into any DMV account. So by eliminating this language, hopefully it clears up some problems, and the department has the authority to assess electronic access fees for services through its on-line service portal, so that's already being taken care of. So this language...this amendment strikes that language to clarify this collection of fees and hopefully makes it an easier and a cleaner process. Thank you. [LB250]

SENATOR CARLSON: Thank you, Senator Dubas. You've heard the opening on AM7. The floor is now open for debate, but we do have a couple of announcements. Today is Senator Murante's birthday, and this is also Senator Wallman's birthday and he's of an age that it can be divided by 25. So happy birthday to both of you. Are there senators wishing to speak on AM7 to LB250? Seeing none, Senator Dubas, you're recognized to close on AM7. She waives closing. The question is, shall AM7 be adopted? All those in favor vote yea; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB250]

CLERK: 35 ayes, 0 nays, Mr. President, on adoption of committee amendments.
[LB250]

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SENATOR CARLSON: The committee amendments are adopted. We return to discussion on the underlying bill, LB250. Are there senators wishing to speak? Seeing none, Senator Dubas, you're recognized to close. She waives closing. The question is, shall LB250 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB250]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB250. [LB250]

SENATOR CARLSON: LB250 does advance. Mr. Clerk, next item. [LB250]

CLERK: Mr. President, LB67 is a bill by Senator Schilz. (Read title.) Introduced on January 10 of this year, referred to the Agriculture Committee, advanced to General File. I do have committee amendments pending, Mr. President. (AM23, Legislative Journal page 328.) [LB67]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Schilz, you're recognized to open on LB67. [LB67]

SENATOR SCHILZ: Thank you, Mr. President. Good morning, members. LB67 was introduced at the request of the Department of Agriculture to update provisions of the Nebraska Milk Act. And let me just go through the basic changes, the substantive changes of what goes on. LB67 incorporates the 2011 Grade "A" Pasteurized Milk Ordinance, or PMO, and other publications of the U.S. Public Health Service and FDA that form the framework of the cooperative state federal program for the certification of interstate milk shippers. This would incorporate...the incorporation of the PMO is a statutory maintenance project, and typically we update the Milk Act every four years. LB67 will continue the existing variances as listed in (3) of Section 2 of the bill and adds only one additional variance by excluding the PMO definition of milk shipper which is set out as a new defined term, and the bill would retain the current definition that's there now. LB67 also updates references to other documents, including the 3-A Sanitary Standards in the CFR section for determining means of determining sediment content. Now there's also a late fee penalty of 1.5 percent compounded and it's inserted into (3) of 2-3971. A new section is inserted into the Milk Act to provide that after July 1, 2013, all new dairies and those whose ownership is transferred after that date shall meet the Grade A standards. Existing manufacturing grade producers are grandfathered provided they meet manufacturing milk standards as set forth in 2-3983 to 2-3989. The bill has introduced the emergency clause to effect necessary statutory changes to conform state law with the 2011 revisions of the PMO and to avoid the expiration of acceptance of the 2005 PMO standards. Let me explain a little bit about what the PMO does and how it came about and what its role is. It's a cooperative state and federal program for the certification of interstate milk shippers. And the PMO is the basic standard using the voluntary cooperative state and federal industry program for the certification of interstate

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milk shippers, a program participated in by all 50 states and the District of Columbia. It's widely recognized and accepted as a national standard for sanitation and safety of fluid milk, i.e., Grade A milk utilized directly for human consumption and in the manufacture of other dairy products, such as ice cream. The PMO is updated every two years by the National Conference on Interstate Milk Shipments, a national organization consisting of representatives of the dairy producers and processors, state, local, and federal regulatory offices, food safety experts, and consumers. The national conference, in accordance with the memorandum of understanding with the Food and Drug Administration, recommends changes to the Grade "A" Pasteurized Milk Ordinance at its biennial conference. LB67 would incorporate the version of the PMO adopted at its 2011 conference. The state inspection program, according to PMO standards, essentially certifies producers and processors to sell milk in interstate commerce. The PMO is also incorporated by reference in federal specifications for procurement of milk and milk products, for milk served on interstate carriers, and widely recognized as the national standard for milk sanitation and safety. The industry is very familiar with the PMO. Dairies and processors in the state have an economic self-interest in observing the practices current with national standards and adoption of updated standards by the industry normally precedes the formal adoption of the most recent PMO in state law. I would just say that, you know, I talked about the emergency clause there and it is important. We are under a time line. And if our milk producers want to be able to ship milk and sell milk out of the state, this bill needs to be passed into law this year. So thank you very much, Mr. President. [LB67]

SENATOR CARLSON: Thank you, Senator Schilz. As the Clerk indicated, there are committee amendments, and as Chair of the Ag Committee, you're recognized to open on AM23. [LB67]

SENATOR SCHILZ: Thank you, Mr. President and members of the body. This isn't...the amendment is not a big deal. It does change a couple of things. AM23 corrects the name of a document incorporated into the Nebraska Milk Act by Section 1 of the bill. Currently, the act makes reference to the document Methods of Making Sanitation Ratings of Milk Supplies. AM23 substitutes the word "Shippers" for "Supplies." It was basically a typo. And then the next thing is the committee amendment also inserts a new defined term for Grade "A" Pasteurized Milk Ordinance to mean the documents delineated in (3) which, as amended by LB67, would refer to the 2011 revisions of Conference of Interstate Milk Shipments documents. The purpose of this addition is to require only one revision to the PMO version incorporated for future updates of the act. Currently, the Milk Act contains numerous references to the PMO throughout the act and requires conforming changes to the specific revision date of the PMO. The amendment also avoids the necessity of inserting date versions referenced to the PMO omitted on page 14, line 6 and 11. So it basically cleans up the language, makes it more efficient as you go to read it, and includes all those references to PMO to solidify those and make those as one. So with that, I'd ask for your passing of AM23. Thank you.

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[LB67]

SENATOR CARLSON: Thank you, Senator Schilz. Members, you've heard the opening on LB67 and AM23. The floor is now open for debate. Senator Ken Haar, you're recognized. [LB67]

SENATOR HAAR: Mr. President, members of the body, would Senator Schilz...could I ask him a question? [LB67]

SENATOR CARLSON: Senator Schilz, would you yield? [LB67]

SENATOR SCHILZ: Yes. [LB67]

SENATOR HAAR: Nobody has contacted me on this, but the question just arises. I know there's some organic farmers that are starting to sell raw milk to certain customers. Does anything here speak to that issue? [LB67]

SENATOR SCHILZ: I believe that as you look at this...I can't say for sure, but I'm guessing because it's pasteurized milk ordinance, I would guess that it would apply only to that. I would guess that there may be other ordinances, but let me find out for you and I'll let you know. [LB67]

SENATOR HAAR: Okay. Thanks very much. [LB67]

SENATOR SCHILZ: Yeah. [LB67]

SENATOR HAAR: I appreciate that. [LB67]

SENATOR CARLSON: Thank you, Senator Haar and Senator Schilz. There are no other senators wishing to speak. Senator Schilz, you're recognized to close on AM23. [LB67]

SENATOR SCHILZ: Thank you, Mr. President. We just looked that up and I do believe that that would be excluded as part of this. So the raw milk folks would not necessarily fall under this. But I was getting that answer as we came along. So if that is not right, I won't say that. But let me tell you this, folks. Dairies in Nebraska need this bill. They need it to be able to sell their product. And with that, I would encourage your vote for the amendment and the bill. Thank you. [LB67]

SENATOR CARLSON: Thank you, Senator Schilz. Members, you've heard the closing on AM23 to LB67. The question is, shall the amendment be adopted? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB67]

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CLERK: 37 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB67]

SENATOR CARLSON: AM23 is adopted. We return to discussion of LB67. Seeing no senators wishing to speak, Senator Schilz, you're recognized to close on LB67. Senator Schilz waives closing. The question is, shall LB67 be advanced? All those in favor vote yea; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB67]

CLERK: 39 ayes, 0 nays, Mr. President, on the advancement of LB67. [LB67]

SENATOR CARLSON: LB67 does advance. Mr. Clerk, next item. [LB67]

CLERK: LB164 is a bill by Senator Dubas. (Read title.) Introduced on January 14, referred to the Transportation and Telecommunications Committee, advanced to General File. At this time I have no amendments to the bill, Mr. President. [LB164]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Dubas, you're recognized to open on LB164. [LB164]

SENATOR DUBAS: Thank you, Mr. President. I worked with the New Car and Truck Dealers Association on LB164 trying to bring what is current practice now in line with statutes. Motor vehicle dealerships and motor vehicle auction companies have separate permitting and licensing requirements. And right now current practice allows used car dealers to hold private auctions twice a year to clean out old inventory to make room for new inventory. Dealers especially with a strong on-line presence like CarMax use this method. But the way the law is currently written, to continue this practice of holding more than two of these auctions a year, they would have to...car dealerships would have to register as an auction dealer, and that would require them to put up a \$100,000 bond, be inspected by the Motor Vehicle Industry Licensing Board, and pay \$225 to be a licensed auction dealer. So after realizing some of these dealerships who are holding more than two of these auctions a year, they thought, you know, maybe we need to get some clarification in the statutes and so have requested that car dealerships be allowed to hold auctions, plural. But there's some pretty specific requirements in order for them to hold these types of auctions: it has to be, it has to take place on the premise of the dealership; only used cars, trailers, or manufactured homes can be auctioned; only licensed motor vehicle dealers in Nebraska can buy at this auction; no vehicles may be sold on consignment; and no vehicles may be sold to the public. So this is just something that the dealerships do amongst themselves, again, to help clean out some excess inventory. These aren't typically the kinds of cars that are at the front line of any dealership. These are the back of the line kind of cars that don't have, you know, a lot of retail sale value but yet it's still part of their inventory and there needs to be a way for them to clear out this inventory. This is a system that is apparently working really well, but just the way our current statutes read, they were limited to two of these auctions and

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they do use them on a more regular basis. So there was no opposition to the bill. The new car dealers, truck dealers worked with the auction, you know, had conversations with the auction companies to make sure that they didn't have any concerns, and none were brought forward. So, again, this is just giving our car dealerships the opportunity to take care of their inventory in a manner that seems to be working quite well. Thank you. [LB164]

SENATOR CARLSON: Thank you, Senator Dubas. You've heard the opening on LB164. The floor is now open for debate. Senator Hansen, you're recognized. [LB164]

SENATOR HANSEN: Thank you, Mr. President, members of the Legislature. I'd like to ask Senator Dubas a question if I could. [LB164]

SENATOR CARLSON: Senator Dubas, would you yield? [LB164]

SENATOR DUBAS: Yes, I will. [LB164]

SENATOR HANSEN: Senator Dubas, I appreciate you bringing this bill. We have several car dealers, new and used, in my county that I represent. The question I would have for you is the first question of the summary of the purpose of changes, and it reads, "Clarifies statutes to bring current practice of auto dealers into statute." So I've been in the dealer's office and have seen these auctions going on and I know that...I've seen two of them in action where they buy used cars and bring them to town and resell them. How many dealers would this affect? Do you have any idea on how many dealers if you do new and used dealers both? [LB164]

SENATOR DUBAS: My understanding is that any licensed motor vehicle dealership can use this. [LB164]

SENATOR HANSEN: So this is a practice that's ongoing now, and I assume that it's because of on-line sales, technology, they have great pictures of the cars they're selling. How long has this been going on with the on-line sales? [LB164]

SENATOR DUBAS: I would have to get some clarification as to how long this practice has been in place, but my understanding it has been going on for a while. [LB164]

SENATOR HANSEN: Four or five years probably at least minimum? [LB164]

SENATOR DUBAS: That would be my guess, but I can get you a specific answer to that question. [LB164]

SENATOR HANSEN: So if a group comes to the Legislature or any legislator that's been breaking the law for four or five years and we say, well, that's a good practice,

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we'll just change the statutes to make that legal, that's not a good idea. That's not a good idea for a law I don't think and I don't know how you...how the Transportation Committee can actually justify this. [LB164]

SENATOR DUBAS: You know, when we were first looking at this and we were told that they were allowed to do two of these auctions a year and we couldn't find any place in statute where it said that, but it's through the rules and regs that have been set up through the industry that they were allowed to do that. So we thought by putting it into statute, being very clear, then that's...then we know that everybody is playing by the same rules. CarMax, again, who's one of the bigger players and who uses this practice regularly, was taking their vehicles out of state because they weren't able to make this happen in-state. So, again, by putting this language into statute, that will allow them to stay in Nebraska and take care of their excess inventory. And by putting it in statute rather than through rule and reg, it's clearer for everybody to understand. [LB164]

SENATOR HANSEN: So they were abiding by the law and decided not to sell more than twice a year? CarMax? [LB164]

SENATOR DUBAS: I believe so, yes. [LB164]

SENATOR HANSEN: Okay. We did this a couple of years ago when there was drinking going on in limousines and it passed, it went through the committee process and because they were doing it we decided, well, we might as well make that legal. That's not a very good way to make laws I don't think. But at least I've seen it done, I didn't know it was illegal what I was watching, but it serves a purpose and it gets rid of their cars. They sell them to each other. So, you know, I go along with the change, but it's not a good way to change laws just because something illegal is being done and it's been done for so long and we decide to change the rules, so. Thank you, Senator Dubas. [LB164]

SENATOR CARLSON: Thank you, Senator Hansen, Senator Dubas. Senator Nelson, you're recognized. [LB164]

SENATOR NELSON: Thank you, Mr. President, members of the body. I have a question or two for Senator Dubas if she will yield. [LB164]

SENATOR CARLSON: Would Senator Dubas yield? [LB164]

SENATOR DUBAS: Yes, I will. [LB164]

SENATOR NELSON: Thank you, Senator. Just...I have no particular opposition to the bill because I understand there's no opposition. And did I understand you to say that the motor vehicle auction dealers had no objection? [LB164]

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SENATOR DUBAS: That's correct. [LB164]

SENATOR NELSON: Do we have many of those in the state of Nebraska, motor...auction dealers that auction all the time can...if you know? [LB164]

SENATOR DUBAS: There are auction houses in Nebraska. I can't tell you the exact number. I know there's a couple in Omaha, around the Lincoln area. [LB164]

SENATOR NELSON: Well, there used to be one between Lincoln and Omaha which, you know, covered a large area of ground, and I'm not sure whether that's still in operation or not, maybe it is. It can't be seen from the interstate. The thing that's puzzling to me here, those persons have to post a sizable bond. And I don't know how often they operate, maybe once a week or something like that, but why are we doing this...and I don't want to criticize CarMax necessarily, but this would enable them to hold weekly auctions if they wanted or even daily auctions and we're not requiring them to post any bond or anything or get any fee in apparently for that particular type of sales. [LB164]

SENATOR DUBAS: These...the kinds of cars that are sold on these dealer-to-dealer auctions, as I said, aren't typically, you know, your top-of-the-line vehicles. These are, you know, probably trade-ins that maybe don't have a lot of retail value or a large customer base that's looking at it. It's inventory that's filling up their space. They're just looking for ways to move that inventory. Again, it's dealer to dealer, no public access, no consignments. You know, there's some pretty specific... [LB164]

SENATOR NELSON: Okay. These are trade-ins that just haven't moved off the lot for a long time, and so this is a way of moving them and... [LB164]

SENATOR DUBAS: Right. [LB164]

SENATOR NELSON: But we're giving them unlimited authority. We're not saying you have to do it twice a month or...it's just up to the individual licensed dealers then. [LB164]

SENATOR DUBAS: Right. And the practice to date has not been that they're holding them weekly or on real regular bases. [LB164]

SENATOR NELSON: Okay. [LB164]

SENATOR DUBAS: It's again just when that inventory builds up and they don't have any other way of moving it, there are different dealers that do have the opportunity to move those kinds of vehicles and this gives them the chance to access those cars.

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[LB164]

SENATOR NELSON: All right. Thank you. That answers my questions. Thank you, Mr. President. [LB164]

SENATOR CARLSON: Thank you, Senator Nelson, Senator Dubas. Are there other senators wishing to speak? Seeing none, Senator Dubas, you're recognized to close on LB164. [LB164]

SENATOR DUBAS: I do just want to make one clarification. When I said this was in the rules and the regs, it was in the...it is in the statutes in the definition portion of the statutes. But as I said, when we were looking through them, we were trying to find specifically where it said that. You know, Senator Hansen's point about, you know, when people are breaking the law, then we create laws to make them legal, it's a point well taken. I think we need to take each instance though on individually looking at is it good that we continue to allow people to do practices that maybe have been illegal in the past? Are we looking for ways to help people who do want to follow the law, practices that aren't going to necessarily hurt the public or public safety? I consider this one of those instances where we're just helping our businesses in the state continue to be able to do business in a manner that helps them stay in business. So with that, I would appreciate your support for LB164. [LB164]

SENATOR CARLSON: Thank you, Senator Dubas. Members, you've heard the closing on LB164. The question is, shall LB164 be advanced? All those in favor vote yea; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB164]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB164. [LB164]

SENATOR CARLSON: LB164 does advance. Mr. Clerk, are there announcements? [LB164]

CLERK: I do. Thank you, Mr. President. Your Committee on Education, chaired by Senator Sullivan, reports LB211 to General File with committee amendments. Agriculture Committee, chaired by Senator Schilz, reports LB70 to General File with amendments. Urban Affairs, chaired by Senator McGill, reports LB31 and LB295 to General File and LB88 to General File with amendments. I have a series of hearing notices from the Natural Resources Committee and from the Revenue Committee. And I have two new resolutions: Senator Bloomfield offers LR50 and LR51. Both those will be laid over, Mr. President. That's all that I have. Thank you. (Legislative Journal pages 369-376.) [LB211 LB70 LB31 LB295 LB88 LR50 LR51]

SENATOR CARLSON: Thank you, Mr. Clerk. Mr. Clerk, next item.

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CLERK: Mr. President, LB210 is a bill introduced by Senator Burke Harr. (Read title.) Introduced on January 15, referred to the Banking, Commerce and Insurance Committee, advanced to General File. There are committee amendments, Mr. President. (AM100, Legislative Journal page 344.) [LB210]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Harr, you're recognized to open on LB210. [LB210]

SENATOR HARR: Thank you, Mr. President. LB210 is a bill introduced on behalf of the Secretary of State's Office. The concept of this bill is to develop...was developed pursuant to an interim study resolution LR483 which was conducted by the Banking, Commerce and Insurance Committee. LB210 would add procedures to the Uniform Code Article IX secured transactions by which victims of unauthorized financing statements filings can obtain relief. Typically, individuals are identified without authorization as debtors in financing statements with the Office of the Secretary of State for the purpose of harassment and retaliation. The victims, often public officials, must expend considerable resources in order to have filings corrected. The Secretary of State's Office has been sued in recent years by the U.S...the United States government because a federal judge and federal employees were fraudulently named in UCC filings. This bill would establish procedures by which an individual who is improperly identified as a debtor on a financing statement can file an affidavit with the Secretary of State seeking a termination with regards to the financing statement. The bill would further establish procedures by which a secured party of record identified on a financing statement as to which a termination has been filed under the new provision of the bill may bring an action in district court to challenge that termination statement if they feel it is invalid. When coming together to produce this legislation, we met with the Uniform Law Commission, with the bankers, the co-ops, with Bill Marienau who is counsel for Banking, Commerce and Insurance, and with the Bar Association to come up, to make sure that this language is consistent and it is proper. LB210 was then heard by the Banking, Commerce and Insurance commission...Committee on January 29, 2013. There were no opponents who testified at the hearing. The committee advanced the bill to the floor by a unanimous decision, 8 to 0. I would ask that you please vote green on LB210 with the amendments that you will hear about shortly. Thank you. [LB210]

SENATOR CARLSON: Thank you, Senator Harr. As the Clerk indicated, there are committee amendments. Senator Gloor, as Chair of the committee, you're recognized to open on AM100. [LB210]

SENATOR GLOOR: Thank you, Mr. President. Good morning, members. Committee amendments would tweak the bill in three ways. As has been explained by Senator Harr, LB210 would allow the victims of a bogus financing statement to file an affidavit with the Secretary of State seeking the filing by the Secretary of State of a termination statement with respect to the bogus financing statement. The bill provides that an

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affidavit may not be filed with respect to a financing statement filed by a financial institution. At the request of the co-ops, the committee amendments...I mean co-ops as we would define them generically, the committee amendments would expand this rule to provide that an affidavit may not be filed with respect to a financing statement filed by an agricultural input supplier. Purpose in the case of financial institutions and in the case of agricultural input suppliers is to keep a bill intended to thwart the activities of a bogus filer from becoming a tool in the hands of those bogus filers bent on harassing organizations providing lending and credit services. Committee amendments would also provide a definition of agricultural input supplier for purposes of the provisions of this bill. Next, the committee amendments would provide that an affidavit filed by the victim of a bogus financing statement shall include pertinent information the Secretary of State may reasonably require. These are provisions the Secretary of State would like to see added by...added to the bill. Finally, the committee amendments would clarify the time frame within which secured party of record, that would be the bogus filer, must file a court action to challenge a termination statement filed with respect to a bogus financing statement. The action would have to be brought within 20 days after the day of termination statement was filed and notice was sent to the secured party of record in the financing statement. Both those things happen on that day, and that date is a matter of record. Those are the committee amendments to LB210. They make what we feel is a good bill better, and the bill itself will provide an avenue of relief for victims of bogus financing statements. Those victims are often elected and appointed officials who should not have to expend considerable time, effort, and money to obtain relief from bogus filers. Thank you, Mr. President. [LB210]

SENATOR CARLSON: Thank you, Senator Gloor. Members, you've heard the opening on LB210 and AM100. The floor is now open for debate. Seeing no senators wishing to speak, Senator Gloor, you're recognized to close on the amendment. He waives closing. The question is, shall AM100 to LB210 be adopted? All those in favor vote yea; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB210]

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB210]

SENATOR CARLSON: AM100 is adopted. We return to discussion of LB210. Are there senators wishing to speak? Seeing none, Senator Harr, you're recognized to close. [LB210]

SENATOR HARR: I'll waive. [LB210]

SENATOR CARLSON: Senator Harr waives closing. The question is, shall LB210 be advanced? All those in favor vote yea; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB210]

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CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB210. [LB210]

SENATOR CARLSON: LB210 does advance. Mr. Clerk, next item. [LB210]

CLERK: LB40 by Senator Harms. (Read title.) Introduced on January 10 of this year, referred to the Government, Military and Veterans Affairs Committee. The bill was advanced to General File. I have no amendments to the bill, Mr. President. [LB40]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Harms, you're recognized to open on LB40. [LB40]

SENATOR HARMS: Thank you, Mr. President and colleagues. LB40 is simply a cleanup bill that updates statutory references to the government auditing standards for both our legislative Audit Office and the Auditor of Public Accounts. Both offices are required by law to follow these standards which are published by the federal Government Accountability Office or the GAO. The GAO describes these standards as providing a framework for performing high-quality audit work. The audit standards are revised periodically and we have to update the statutory references because the Nebraska Supreme Court dictates that these kinds of references be specific to the current version. LB40 does strike reference to a 2007 version standards and replace them with reference to the 2011 version. No one testified in opposition of the bill at the Government Committee hearing and the committee advanced it to the floor with a unanimous vote. I would ask you to advance LB40, and I would be happy to answer any questions. Thank you, Mr. President. [LB40]

SENATOR CARLSON: Thank you, Senator Harms. You've heard the opening on LB40. Are there senators wishing to speak? Seeing none, Senator Harms, you're recognized to close. He waives closing. The question is, shall LB40 be advanced? All those in favor vote yea; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB40]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB40. [LB40]

SENATOR CARLSON: LB40 does advance. Mr. Clerk, next item. [LB40]

CLERK: Mr. President, LB137 offered by Senator Avery. (Read title.) Introduced on January 11, referred to the Government, Military and Veterans Affairs Committee, advanced to General File. I have no amendments to the bill, Mr. President. [LB137]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Avery, you're recognized to open on LB137. [LB137]

SENATOR AVERY: Thank you, Mr. President. Good morning, colleagues. LB137

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creates state fleet card programs. These programs allow state agencies to have a payment card that can be used to purchase gasoline, diesel, and other fuels for state vehicles. The card can also be used to pay for vehicle and equipment maintenance and expenses. According to the State Treasurer's Office, the Department of Roads currently administers a state fleet card program. This was started around 1999 when the state contracted for the state purchasing card and the state fleet card was added. In 2010, the state purchasing card contract was rebid; and under the new contract, rebates for use of the state fleet card were offered. The problem is that there are no provisions in statute to distribute the rebates because there are no provisions in law actually establishing the fleet card program or a fleet card fund. The University of Nebraska also has a state fleet card program. With LB137, the fleet card programs will be administered separately by the University of Nebraska and by the Department of Roads. The Department of Roads will administer the program on behalf of state government other than the University of Nebraska which will continue to operate its own program. Political subdivisions may also utilize a fleet card for the lawful purposes of that political subdivision. The State Treasurer will determine the type of fleet card or cards utilized in the program as well as contract and financial institutions capable of operating a fleet card program on behalf of the state. The bill also outlines what detailed transaction information is needed for tracking expenditures, including fleet card identification, merchant name, transaction numbers, date, time, produce, quantity, and cost. No officer or employee of the state or political subdivision will use the card for any unauthorized use. Finally, the bill creates the State Fleet Card Distributive Fund. All rebates received by the state from the program will be credited to this fund. The rebates will be distributed by the State Treasurer to the state agencies and political subdivisions based upon volume spent and contract terms. This simply says that the rebates generated will go back to the agencies where they were created. You may remember or you may not, the Government Committee members will remember, that last year Senator Fulton introduced a similar bill. The bill was amended in committee and advanced to the floor, but we ran out of time and the bill was not prioritized, so we never did get to it. The State Treasurer asked me to reintroduce the bill this year and I agreed to do that. He testified in support of this at the hearing. There were no opponents. The committee advanced the bill on an 8 to 0 vote. And I would ask you to advance this to Select File. Thank you, Mr. President. [LB137]

SENATOR CARLSON: Thank you, Senator Avery. Members, you've heard the opening on LB137. The floor is now open for debate. Senator Conrad, you're recognized. [LB137]

SENATOR CONRAD: Thank you, Mr. President. Good morning, colleagues. I rise indifferent essentially to the policy considerations advanced in LB137, but with concerns about the fiscal impact that accompanies this legislation. I've had a chance to visit with some members of the Appropriations Committee and also with Senator Avery about these concerns previous to our initiating debate on this topic this morning, and I'm

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hopeful that we can work together in between General File and Select File to amend the negative fiscal impact to the General Fund that the bill currently allows for. If you look at the fiscal note, I think this is probably a good opportunity to do a little refresher on fund type and also on budget process. There is an approximate negative General Fund impact of about \$100,000. And I would hope that we could amend the bill through the next few processes of debate to ensure that we can recapture these funds to the General Fund which they should, really should be housed. For example, it's been noted in our conversations off the mike. They said, well, these agencies are the ones who are utilizing these funds that capture the rebates, and so they should have them back. Well, the agencies can't act without General Funds or cash fund appropriation in the first instance, so these are, in fact, taxpayer dollars that should be afforded back into the General Fund. Also please note that any time we have a fiscal note with a negative General Fund impact for that matter, it can't get out in front of our budgetary process. So as this or any other legislation with this type of fiscal note moves through the process, it would ultimately probably need to be held on Final Reading before it could be adopted so that we have a context to examine that in conjunction with the full budget. So I'll vote in support of this legislation today. I'm happy to work with Senator Avery and others in between General and Select File to minimize that negative fiscal impact and return these funds to the appropriate place where they should be. Thank you. [LB137]

SENATOR CARLSON: Thank you, Senator Conrad. There are no other senators wishing to speak. Senator Avery, you're recognized to close. [LB137]

SENATOR AVERY: Thank you, Mr. President. I turned on my light. I was going to respond to Senator Conrad, but I will do that in my closing. We did discuss this in committee, the issue that she raised, and for us it was not really a big issue. It's only about a little over \$96,000. We felt that the agencies that generated the expenditure probably ought to be able to recapture the rebates that go with those expenditures. We don't feel strongly about this, so I think we can work something out between now and Select File. And I urge you to authorize this program which already exists and that is in this bill. It is something that saves the state a little bit of money or at least it creates a little bit of income for the state, not a great deal, but a little bit. And all that we can get, we should. And we'll decide later who should actually be authorized to receive those rebates. But for now I'd ask you to advance this to Select File. Thank you, Mr. President. [LB137]

SENATOR CARLSON: Thank you, Senator Avery. Members, you've heard the closing on LB137. The question is the advancement of LB137 to E&R Initial. All those in favor vote yea; all opposed vote nay. Have all voted who wish to vote? Record, Mr. Clerk. [LB137]

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB137. [LB137]

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SENATOR CARLSON: LB137 does advance. Mr. Clerk, next item. [LB137]

CLERK: Mr. President, LB78 is a bill by Senator Avery. (Read title.) The bill was introduced on January 10; referred to the Government, Military and Veterans Affairs Committee; advanced to General File. I do have committee amendments, Mr. President. (AM104, Legislative Journal page 344.) [LB78]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator Avery, you're recognized to open on LB78. [LB78]

SENATOR AVERY: Thank you, Mr. President. Those of you who were here four years ago are familiar with this bill because every four years the Government Committee is required statutorily to survey or examine each board and commission in the state. The last year we did this, we did it over the summer of last year; the objective of this exercise is to identify those boards and commissions that are dormant or nonfunctioning for the purpose of eliminating them. The committee sent surveys to more than 220 statutorily created state boards and commissions. Four years ago we did this and I think we were at 250 and we eliminated 20-some. This time we don't have quite as many to eliminate. The way this process works is that every survey is to be returned to the committee and that was done; although one was received after the report was published. The 2012 boards and commissions report is available for your examination on the Legislature's Web site if you wish to look at it. Every survey was reviewed by staff and we prepared a report. That report was examined by the committee to determine...the point of this survey is to determine whether any of the boards or commissions are active, and if they're not active, then what should we do about it. We typically set the bar very low. If the boards have not met for the past four years, then we think they belong on the list. If they cannot list any accomplishments on the survey, they are likely to be included on the list. That's a very, very low bar. If you can't clear that, then perhaps you should be eliminated. Originally, LB78 proposed the elimination of seven boards and commissions including the Affirmative Action Committee, the State Airline Authority, the Athletic Advisory Committee, the Livestock Auction Market Board, the Private Postsecondary Career Schools Advisory Council, the Riparian Vegetation Management Task Force, and the Rural Development Commission. There are a couple of boards that are included on this list for different reasons other than not meeting and listing no accomplishments. Let me identify those. The Rural Development Commission was put on the list because all of their funding was eliminated by the Legislature in the last biennium. So that seemed to be a good reason to eliminate them. The Riparian Vegetation Management Task Force was put on the list because it is due to sunset in June of this year. Now keep in mind, we did not make any judgments about the value of these boards or the substance of their work. What we looked at was merely: Are you meeting? And do you have any accomplishments? If you're not meeting and you have had no accomplishments, then there is little reason to justify continuation. During the

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public hearing on this bill, several requests were made to remove some boards and commissions from the bill. One of those is the Riparian Vegetation Management Task Force and the other one is the Private Postsecondary Career Schools Advisory Council. The committee amendment reflects the Government Committee's decision on which boards and commissions we recommend for elimination, which I will be happy to explain to you when I am recognized for that purpose. Thank you, Mr. President. [LB78]

SENATOR CARLSON: Thank you, Senator Avery. As the Clerk mentioned, there are committee amendments and, Senator Avery, you are recognized to open on AM104. [LB78]

SENATOR AVERY: Thank you, Mr. President. AM104, at the committee hearing a representative from the Private Postsecondary Career Schools Advisory Council testified that the council is still active and meeting on a regular basis and, therefore, requested that the committee consider not eliminating them and the committee decided to agree with them. I should explain that the Postsecondary Career Schools Advisory Council in their survey response submitted a blank survey. So we had no evidence that they were still active. And when they showed up at the committee to state otherwise, we thought that they should be retained. The committee also received a letter from Senator Carlson asking that the Riparian Vegetation Management Task Force be taken out of the bill because Senator Carlson has a bill this year to extend the sunset on that task force for another two years, and we agreed to do that. Also during that hearing the current chair of the Department of Economic Development, Catherine Lang, testified that she believes the Economic Development Commission could be eliminated from statute. She testified that in 2012, she did not call a meeting of the commission. And she stated also that it had been difficult to schedule meetings for the group and get enough people to attend to create a quorum. Apparently, the members of that commission are very busy. She also testified that she had spoken with several members of the commission who agreed that the commission really no longer was needed. The committee decided to honor the request to add the Economic Development Commission to the list of boards and commissions to be eliminated from statute. So to summarize, the committee amendment eliminates the following boards: the Affirmative Action Committee, the State Airline Authority, Athletic Advisory Committee, the Livestock Auction Market Board, and the Rural Development Commission and the Economic Development Commission. That is all I have on AM104, Mr. President. [LB78]

SENATOR CARLSON: Thank you, Senator Avery. Mr. Clerk for an amendment to the amendment. [LB78]

CLERK: Mr. President, Senator Harms would move to amend the committee amendments with AM123. (Legislative Journal page 376.) [LB78]

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SENATOR CARLSON: Senator Harms, you're recognized to open on AM123. [LB78]

SENATOR HARMS: Thank you, Mr. President. What this does is on page 16, line 8, strike beginning with "3-801 through 3-805" and what it does is leaves in statute the Nebraska State Airline Authority. And let me talk to you a little bit about this particular airline authority. This is critical for rural Nebraska. We have no connection from Scottsbluff, Nebraska, to North Platte to Kearney to Grand Island and to Lincoln and Omaha directly from the west. This has been in existence for a long time. And unfortunately, our Governor has chosen not to appoint a commissioner and not to appoint the board to begin to develop this process. We need a long-range plan; we need to study it. And it's important for us to have that connection. And so I'm...we're not wanting us to give this up because I think it's important for what happens in the future. It gives us a little bit of hope for the future. And I'm just...we're wanting to just kind of ride out this present administration and hopefully with a new Governor we'll be able to open up that avenue and that discussion. Not being critical of our Governor or anyone else, I'm just telling you the facts as they are. This is important for us. There is no other way to get here. We have to fly into Denver and from Denver into...directly to Lincoln and Omaha. And to be honest with you, sometimes the connections, it's shorter in time to drive it than it is to try to fly it and it is extremely expensive today. And I think along with the way we would like to do this is through an entrepreneurial development where cities and counties would contribute. We're not asking probably in the future for a lot of money, but just some help to put this together because it's important for us. So I thank you, Mr. President. [LB78]

SENATOR CARLSON: Thank you, Senator Harms. Members, you've heard the opening on LB78, AM104, and the amendment to the committee amendment, AM123. The floor is now open for debate. Senator Dubas, you're recognized. [LB78]

SENATOR DUBAS: Thank you, Mr. President. I do appreciate Senator Harms raising this issue. And, you know, it's unfortunate when we have these commissions in place and we aren't using them in the way they're intended. And I think his point is very well taken and made that, you know, we have to have these kinds of commissions in order to help support, especially with what's going on in rural Nebraska. Transportation is a huge thing for us in rural Nebraska, so I certainly do support where he is coming from. But I do have a question for Senator Avery, if he would yield. [LB78]

SENATOR CARLSON: Senator Avery, would you yield? [LB78]

SENATOR AVERY: I will. [LB78]

SENATOR DUBAS: Senator Avery, I saw on the committee statement that there was opposition from the Livestock Marketing Association. I'm guessing they were opposed to the elimination of the marketing board. Could you give me the background on that,

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please. [LB78]

SENATOR AVERY: Yes, they showed up to oppose it and their reasoning, we thought, was weak because essentially whatever work this board does is being done by the director already. And there was no compelling reason, we thought in the committee, to continue this board. It hasn't met; it hasn't had any activity at least for four years, and perhaps longer than that. And if we thought that there was an activity that they performed that was not being performed elsewhere, we would not have put them on the list. But that activity is being conducted by the director. [LB78]

SENATOR DUBAS: What type of activities is the director doing? [LB78]

SENATOR AVERY: I think there has something to do with working with veterinarians to make sure that the auction activity is conducted in a lawful manner. And there may be some certificates involved and certification. [LB78]

SENATOR DUBAS: Was it stated why the board hasn't been meeting? [LB78]

SENATOR AVERY: They haven't had anything to do. In fact, the person who had testified admitted that there is very little for any board of this kind to do. There's been a consolidation, you probably know more about this than we do on the committee, but we understand there's been a consolidation of auction houses across the state and there are not as many now as there used to be and that has reduced the need for such a board. [LB78]

SENATOR DUBAS: Thank you, Senator Avery. [LB78]

SENATOR CARLSON: Thank you, Senator Dubas and Senator Avery. And, Senator Avery, you are now recognized. [LB78]

SENATOR AVERY: Thank you, Mr. President. I want to address a little bit of the history that the committee has been involved in with the Airline Authority. We are not insensitive to Senator Harms's argument. In fact, we don't feel strongly about this. The committee did revisit our initial decision when we were drafting the amendment and we decided to keep the Airline Authority on the list largely because they haven't met for two decades. And I understand that Senator Harms has a good reason for why they haven't met. And I can tell you that if there is the slightest chance, the most remotest chance that this Airline Authority can help western Nebraska improve its air service, we will do everything we can to cooperate with Senator Harms on this. So we're not going to stand in the way of this amendment. Thank you, Mr. President. [LB78]

SENATOR CARLSON: Thank you, Senator Avery. Senator Crawford, you're recognized. [LB78]

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SENATOR CRAWFORD: Thank you, Mr. President. I just rise to express reservation about eliminating the Economic Development Commission at the request of the director. It seems to me that we create these statutes for commissions when we feel that we want the director to get this advice from certain individuals that we identify that are important. And so we have the statutes that lay out the Economic Development Commission and we lay out the need to represent agriculture and manufacturing and transportation and logistics and information and communications and community development, and I recognize that those people are very busy and it may be difficult to get them together. But the job of the director is to make that happen. And in that case it seems to me also, unlike a commission where maybe their funding is eliminated, it seems to me the Economic Development Commission is a commission where we have relatively active statutes directing their activities. Looks like maybe the last time we changed a statute on their statutes was in 2011 or 2012. They're supposed to help set the salary of the Director of Economic Development; set CDBG guidelines and assessment processes for CDBG grants; plan the rules and regs for our fairly new Site (and Building) Development Fund and the Business Innovation Act. So, I mean there may...I'm just raising reservations about the justification of eliminating them at the director's request when it is the director's responsibility for getting them together and having them meet. And it seems to me that we would need to make sure that we are comfortable that we do not need this advice from this wide diversity of economic development interests rather than taking the director's word that the commission is not necessary. And would Senator Avery yield to a question, please? [LB78]

SENATOR CARLSON: Senator Avery, would you yield? [LB78]

SENATOR AVERY: I will. [LB78]

SENATOR CRAWFORD: Do I understand correctly that the Economic Development Commission, they are not on the list because of your study or survey results, is that correct? [LB78]

SENATOR AVERY: That is correct. It was a specific request by the director. [LB78]

SENATOR CRAWFORD: Thank you. [LB78]

SENATOR CARLSON: Thank you, Senator Crawford and Senator Avery. Senator Avery, you're recognized. [LB78]

SENATOR AVERY: Thank you, Mr. President. I just want to remind you that the director did come to the hearing; did express a desire to terminate this commission. And one of the reasons that she gave is that they've had a great deal of difficulty getting enough...the members interested in meeting to show up in order to create a quorum.

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And they've tried over the last four years to have meetings, and because they have difficulty reaching a quorum, they simply haven't been able to do anything. And she then consulted with several members of the commission and they all agreed that they ought to request that the commission be terminated. So we granted the request. I would have to say the committee probably doesn't feel strongly about it. Thank you. [LB78]

SENATOR CARLSON: Thank you, Senator Avery. Senator Price, you're recognized. [LB78]

SENATOR PRICE: Thank you, Mr. President, members of the body. As a member of the committee, we listened to all the testimony. We had our normal Exec Session and considered all the things before us. And it was the consensus of the committee to put before you what you saw in our amendment. And as such, I will not be supporting the floor amendment. If a commission hasn't met in 20 years, and we haven't heard anybody come up and say that they plan to meet in the next year when we would be out of session and unable to address it, at which point then obviously we want to do something. But we'll be back next year, we'll be back every year, someone will be here every year; and if the need should arise where one of these boards needs to be reinstated, it will be done so quickly and with a glad heart. But we already heard on the floor this morning about creating bills or laws in response to things that are unfounded. And the committee did its work, it's unfounded. It's been two decades. I don't believe we need it. I believe it's a good thing to move forward and support the committee's amendment and that's it. Thank you, Mr. President. [LB78]

SENATOR CARLSON: Thank you, Senator Price. There are no other senators wishing to speak. Senator Harms, you're recognized to close on AM123. [LB78]

SENATOR HARMS: Thank you, Mr. President. I would urge you to support this. It is important for rural Nebraska. And don't kid yourself, colleagues, it's a lot harder to put something like this back on the books than it is to take it off. And I will tell you that we have been working with a number of different groups to try to build a coalition to do this, and it's hard to put the coalition together because we need a coordinator. We need someone from the state level that has a little more authority to bring people together. And I can tell you we're not going to be asking for a great deal of money in the future. We just want to be able to have this authority to be able to provide it and provide that connection. So I would urge you to support this. It's important for many parts of rural Nebraska. And I'm hoping that we can continue to put this together, but the blockage has not been with us, it's been with the present administration. Again, not being critical of them; I'm sure they have their reasons. We just need to keep it there so we can get this thing resolved in the future. So thank you, Mr. President. [LB78]

SENATOR CARLSON: Thank you, Senator Harms. Members, you've heard the closing on AM123. The question is, shall the amendment be adopted? All those in favor vote

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yea; all opposed vote nay. Have all voted who wish to vote? Senator Harms. [LB78]

SENATOR HARMS: Mr. President, I'd like a call of the house and a roll call vote, please. [LB78]

SENATOR CARLSON: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB78]

CLERK: 32 ayes, 0 nays, Mr. President, to place the house under call. [LB78]

SENATOR CARLSON: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. The house is under call. Senators Harr, McGill, Nordquist, Conrad, Pirsch, Ashford, Lautenbaugh, the house is under call, please return to the floor. Senator Ashford, would you please record your presence. Senator Nordquist, Senator Burke Harr, the house is under call. Senator Burke Harr, the house is under call. Senator Harms, we've been told Senator Harr is on his way. Would you like to wait or would you like to proceed? [LB78]

SENATOR HARMS: I'd like to go ahead and proceed. Mr. President, could I clarify what this amendment does before we have the vote, is that proper? [LB78]

SENATOR CARLSON: No, no, Senator Harms. Simply... [LB78]

SENATOR HARMS: Thank you. Mr. President, there is just some confusion, and so I will leave it at that. So thank you very much. And I'd like this to be in regular order roll call. [LB78]

SENATOR CARLSON: Request has been made for roll call vote in regular order. Mr. Clerk, please proceed. [LB78]

CLERK: (Roll call vote taken, Legislative Journal pages 376-377.) 25 ayes, 12 nays, Mr. President, on the amendment to the amendment. [LB78]

SENATOR CARLSON: The amendment is adopted. The call is raised. We return to discussion on AM104 and LB78. Senator Lautenbaugh, you're recognized. [LB78]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I was on the losing side of that vote. So I'm hoping the 25 of you who saved this thing are now going to start the drumbeat to get new members appointed to this thing that's been empty for two decades because it must be important enough that we...we probably

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shouldn't wait another day to do something about this. And if I sound like I'm being a little sarcastic, I feel like I defended what we did in committee and we did not vote as a committee bloc, that much is certain. It makes it very hard to trim anything back. Maybe we just need to sunset every bill we pass every year so that we have to rejustify this thing...everything we do time and time again because, honestly, if we can't trim something that's been vacant for two decades, I don't know what we can successfully trim. We should probably just fold up and go home. I'll wish us luck as we go forward, but this was kind of a disappointment. Thank you, Mr. President. [LB78]

SENATOR CARLSON: Thank you, Senator Lautenbaugh. Senator Chambers, you're recognized. [LB78]

SENATOR CHAMBERS: Mr. Chairman, members of the Legislature, I hear all kind of talk about reducing the size of government. This is not even a part of government. This is a tack on. I'm taking the word of the people who I heard speak that this place...this commission, or whatever you call it, has been vacant for 20 years. I'd like to ask Senator Harms a question for clarification before I go further. [LB78]

SENATOR CARLSON: Senator Harms, would you yield? [LB78]

SENATOR HARMS: Yes, I will, Mr. President. [LB78]

SENATOR CHAMBERS: Senator Harms, we are talking about a commission, is that true? [LB78]

SENATOR HARMS: We are talking about an airport authority. Are you talking about what we just voted on, Senator? I was outside. [LB78]

SENATOR CHAMBERS: Yes. [LB78]

SENATOR HARMS: Yes. [LB78]

SENATOR CHAMBERS: Okay, an airport authority. [LB78]

SENATOR HARMS: We're talking about the Nebraska State Airlines Authority. [LB78]

SENATOR CHAMBERS: And is it true that it has been moribund for 20 years, that it hasn't been doing anything for 20 years? [LB78]

SENATOR HARMS: That's...I don't know what the length of the time of it, Governor...I mean, Governor, I just lowered your standard, Senator. [LB78]

SENATOR CHAMBERS: But you want to resuscitate it. [LB78]

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SENATOR HARMS: No, I don't know what the exact length of time that is. [LB78]

SENATOR CHAMBERS: Okay, that's all I'll ask you. [LB78]

SENATOR HARMS: Yeah. [LB78]

SENATOR CHAMBERS: I'd like to ask Senator Lautenbaugh a question. Senator Lautenbaugh, I got the number 20 from something you said. Is it true that this authority has been nonoperational for 20 years? [LB78]

SENATOR LAUTENBAUGH: It is not my nature to pass the buck, but I believe I obtained that figure from our committee Chairman, Senator Avery. [LB78]

SENATOR CHAMBERS: Thank you. Mr. President, I'd like to ask Senator Avery a question. [LB78]

SENATOR CARLSON: Senator Avery, would you yield? [LB78]

SENATOR AVERY: I will. [LB78]

SENATOR CHAMBERS: Senator Avery, you're the Chairperson of the committee. [LB78]

SENATOR AVERY: I am. [LB78]

SENATOR CHAMBERS: You've heard that expression: the buck stops here. [LB78]

SENATOR AVERY: Yes, I have, that was... [LB78]

SENATOR CHAMBERS: Does the buck that has been bouncing around through my question stop with you? [LB78]

SENATOR AVERY: I'm willing to accept that responsibility. [LB78]

SENATOR CHAMBERS: Was the number of years 20 that this authority has not been operational? [LB78]

SENATOR AVERY: That is what I'm told by legal counsel. (Laughter) [LB78]

SENATOR CHAMBERS: Thank you. (Laughter) And we cannot question legal counsel, but I'm going to assume that it has been nonoperational for a long time. This reminds me of that old biblical story of the valley of the dry bones. And somebody wanted to

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bring those bones to life again. I think that in honor of Senator Carlson, people voted to show that that story could be replicated today. Life could be breathed into the dry bones of a useless, worthless, nonactive operation. And with all the talk I'm going to say again, of reducing the size of government, those are just words that people say in Nebraska because they heard somebody in another, bigger state say it and people in Nebraska echo what they hear. If I say in New York, "brotherhood," I get out "brother," and I hear in Nebraska, "hood, hood, hood," because they can't think. So they go by what somebody else tells them. If we are talking about a governmental system, a part of which is the Legislature, and we are presumed to be people of at least ordinary intelligence, that vote that was taken would rebut the presumption that we are intelligent collectively. People do things as favors for people. [LB78]

SENATOR CARLSON: One minute. [LB78]

SENATOR CHAMBERS: Some of you all heard the plea that this thing is going to help rural Nebraska. How is it going to help rural Nebraska when it does nothing? It is as weak as soup made by the shadow of a malnourished pigeon flying over the...over Lake Michigan. In other words, it is of no value. My time is up. Thank you, Mr. President. [LB78]

SENATOR CARLSON: Thank you, Senator Chambers and others. Mr. Clerk for a motion. [LB78]

CLERK: Mr. President, Senator Chambers would move to reconsider the vote just taken, that vote being the adoption of amendment as offered by Senator Harms, AM123. [LB78]

SENATOR CARLSON: Senator Chambers, you're recognized to open on your amendment for reconsideration. [LB78]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, when I think something has occurred which ought not to have occurred, I will make it clear, as I attempted to do when I just spoke. But there should be corrective action taken which is available to me if I really believe in and mean what I said. I think that last vote will lead to ridicule of this Legislature as a body. When we have in the rules the provision that a member can ask for a point of personal privilege, the first and paramount reason for granting that point of personal privilege is if the reputation of the Legislature is involved. The reputation, the integrity of the Legislature, I believe, is involved. The committee discharged a duty and a responsibility. If an operation, whether you call it an authority, a commission, or any other name you want to put on it, has been nonoperational for 20 years and a Legislature is going to say, keep it around as a favor to somebody or to rural Nebraska, that is doing a disservice to our brothers and sisters in rural Nebraska who don't have, in my opinion, meaningful representation on this floor. If all that the

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people in rural Nebraska can look for from this Legislature is the retention of a so-called authority which has not met, which has done nothing, then what are our brothers and sisters in rural Nebraska looking for from their representatives? This fits in a way the formula articulated, if I remember correctly, by my former colleague, Loran Schmit from Bellwood, Nebraska. The kind of bill that anybody can support is one that helps nobody, hurts nobody, doesn't cost anything, doesn't do anything. That's what this thing is. Who does it help? Nobody. Who does it hurt? The reputation of the Legislature since it's been presented to us within the context of a committee having done its work; having taken its charge seriously. There are things a committee will do around here that I disagree with. One is probably going to kill my bill that I presented to them yesterday. And I don't agree with that, but that's one of the vagaries that we face when we're in the Legislature and the process is allowed to function. If they kill it, I may offer a motion to pull it from committee, which I'm allowed to do. So there are ways we can try to get things done in a way different from the way they have been done. I think that no one of us should be so hidebound that we will stick to a vote we gave that was not wise. Wisdom includes the ability to acknowledge that you made a mistake and that you're willing to correct it. Who even cares what we do here? The public is not going to pay great attention, but when we do something stupid, they know that. Most people think you all are off in Washington someplace making a salary of over \$100,000 and you won't work with the President. (Laughter) And you won't do this and you won't do that, yet you're just sitting down here in metropolitan Lincoln, Nebraska, vegetating. Every now and then somebody will nudge you and you'll wake up and say, oh, there's a vote to be taken and you'll punch the button. I am going to ridicule those things that I think deserve ridicule. I'm going to criticize those things that I think are worthy of criticism. I'm a part of the Legislature. When stupid things are done, it reflects on me. My children are grown, they know their father is not stupid. But I have grandchildren and they may not be as well informed. And when somebody says the Legislature is stupid, they'll walk away hanging their head in shame because my granddaddy is in the Legislature so I'd better keep my head low; because of stupidity. Am I saying any individual here is stupid? I didn't use stupid as an adjective to describe anybody here. I used the word "stupidity" as a noun. And that's what was done here. Something has not functioned for 20 years and you all keep it around, why? Well, someday maybe it will do something. Do what? They don't even know what they're supposed to do. But I can't even say that, because nobody is on it. The house is empty, has been empty 20 years, the sideboards are falling off, no panes in the window frames, door hanging by one hinge, wildlife lives in it. And people are wondering, why does this ugly thing encumber the ground and reduce the property value of everything around it and create a hazard? Well, somebody is sentimental. Who is sentimental about that? I'm going to listen and be informed by my colleagues of just what level of intelligence this body operates on. If I had voted for it out of sentiment or for any other invalid reason and somebody gave me the chance to undo it, I would leap at it, I would embrace it. Abraham Lincoln made a mistake one time, and he said that when you make a bad bargain, hug it all the tighter. Abraham Lincoln is smarter than that, in my opinion, but he must have had some deep mystical meaning

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that escaped me. Now you all may not like what I'm saying. You think that means anything to me? You think it makes any difference to me? Am I not going to be able to sleep because you don't like what I'm saying? I don't like what you did. But the difference between me and you is that you won't say anything. You go mutter out in the hall, go muttering to somebody out in the corridor; but I'll say it here, I will speak where the mistake was made to try to correct it. And next time I will vote no. I had to remain not voting so I could offer a reconsideration motion, because I knew...I suspected what was going to happen. But my feeling is no. And if some of you all would authorize the Clerk and the Chair to accept my vote no for you because you don't want to give it, I'll vote no in your place, but I can't do that. And I don't think I can persuade you. I can't change your mind. But I can let you know what's on my mind. And that's what I'm always going to do. I will be an example on this floor of the way I say we should behave. So let me change that "we" to "I," an example of the way I know I should behave. And if ever I take a position on this floor and you persuade me that that position was invalid, you'll see me turn around. Consistency, that slavish consistency is the bugaboo of small minds. Little minds think little thoughts. Mature people behave like mature adults, not like adolescents... [LB78]

SENATOR CARLSON: One minute. [LB78]

SENATOR CHAMBERS: ...who are worried about somebody saying: you said that yesterday, and you said something over here today. Yeah, because I'm smarter today than I was yesterday; and I hope to be smarter tomorrow than I am today. I want to grow. And if we cannot see a reality and accept it, then we're engaging in self-deception. The only way you can respect yourself is to do that which will allow you to respect yourself. And if after casting that vote you can respect yourself, Senator Carlson, in desperation, I will pray for them. [LB78]

SENATOR CARLSON: Thank you, Senator Chambers. You've heard the opening on the motion to reconsider the vote on AM123. The floor is now open for debate. Senator Lautenbaugh, you're recognized. [LB78]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. I did obtain some information that I sort of dodged earlier when I did not have the source. But there were surveys sent out to these commissions and entities. And under the accomplishments section for this one: Since July 1, 2008, the Nebraska State Airline Authority disbanded over two decades ago. Members were appointed according to statute and contracted with Aviation Systems Research Corporation of Golden, Colorado, to assist in determining the need for new, additional, and/or expanded air service. A study was completed in November of 1990, and submitted to the Nebraska State Airline Authority, to the Legislature in compliance with Nebraska Revised Statutes Section 3-806. The conclusions reached by the Nebraska State Airline Authority regarding the viability and the advisability of an interstate airline resulted in the

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disbanding of the airline authority. So they believe they're disbanded. And 20 years was generous. This was, apparently, over two decades ago, and I think this information might date from 2008. So we may be pushing three decades of, you know, muddling through without the guidance from this commission. And when I stood up before and angrily said, oh, I hope the 25 of you are running out to the phone and trying to find new members for this thing that we just preserved, I was having a little fit of pique there, and I apologize. But I do think this is weak pigeon soup. And they can't all be gold, Senator Chambers, but I have to vote for the motion to reconsider as well. I just...I think this is a mistake. I think if the need arises we will surly reauthorize this or a future Legislature will. I mean, none of us has any...this is not a rural/urban thing. None of us has anything against greater Nebraska. I went out past York once, it was spectacular. (Laughter) So maybe more than once, who knows, but in any event, I think we just made a wrong call there and I would ask us to reconsider this and trim this one back. And if it ever comes back into needed existence, I'm sure the Legislature will oblige. Thank you, Mr. President. [LB78]

SENATOR CARLSON: Thank you, Senator Lautenbaugh. Senators wishing to speak include: Dubas, Avery, Krist, Chambers, Harms. Senator Dubas, you're recognized. [LB78]

SENATOR DUBAS: Thank you, Mr. President. Would Senator Harms yield to some questions? [LB78]

SENATOR CARLSON: Senator Harms, would you yield? [LB78]

SENATOR HARMS: I would be happy to, thank you. [LB78]

SENATOR DUBAS: Thank you, Senator Harms. I know where you're coming from with what you did with your amendment. I guess I just want to have...to flesh it out a little bit more. Do you have an intention of following through if this amendment does stay in place in trying to reenergize or reactivate this authority? [LB78]

SENATOR HARMS: Yes, I do. Let me just tell you what has happened up to this point. We've had a number of people across...in rural Nebraska meet on more than one occasion trying to create an airline to be able to connect rural and urban America together. And what we have to have is we have to have some assistance from the state in order to accomplish this. We are really disconnected. There is no way for us to get here. There is no way for us to do this. And what people have to understand here, regardless of what Senator Chambers is talking about, is a simple fact is that we had an airline that connected us. And that airline expanded into New Mexico and got expanded out too far and couldn't financially afford to keep it alive and so it died. Our only connection here is simply to go through Denver, which is way too expensive for us. So it really does disconnect us. And so that's what is happening to us now, we're trying to get

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this thing regrouped. I disagree with the fact that it's not needed. I mean, you don't live in rural Nebraska; how would you know, the people here? How do you understand what we have to go through to get here? How do you understand that the fact that it's rural Nebraska that has to come to Lincoln and to Omaha for a lot of its business dealings? And it's very difficult for us to do that. We're kind of cut off. And my thoughts are that this is one of our only hopes. And we hope to be able to get this established and to use this particular tool to make it better for us in the future. [LB78]

SENATOR DUBAS: So you believe that this existing authority, even though it appears to have been disbanded, is the better way to go rather than coming back with something new that creates something, maybe, more specific to what you're looking for? [LB78]

SENATOR HARMS: It's whatever this body wants to do. It's a policy decision. You can decide, you know, basically, whether you want to keep it alive or we come back and revamp it. What I have found historically is it's much more difficult once you take something off the books to get it back onto the books. And the fact that we have the issues with the cost of people traveling back and forth, this just makes good sense to me to be able to do this. And they haven't used it because they've had an airline for a number of years; until the last five or six years, we've not been able to get back and forth. And that's part of the problem that we have. So it's just hoping to be able to generate and to encourage people and counties and cities to come together to find a way to finance this along with some, probably, some assistance from the state. [LB78]

SENATOR DUBAS: So my understanding is then that you feel that if we did go out and start making phone calls trying to recruit people to serve on this authority that there would be people interested. [LB78]

SENATOR HARMS: Well, I don't think there is any question about that. But you also have to have a budget for it; you also have to have, you know, you'd have to have a director that would have to be appointed. And so, you know, maybe it's time just to revamp it and kill it and move on with our lives and say there's no need for an airline service between rural and urban. But I know better than that. Maybe this is not the tool to do that. But it's our only hope that we have right now. [LB78]

SENATOR DUBAS: You know, I know with some of the smaller airports that I have had connections with, you know,... [LB78]

SENATOR CARLSON: One minute. [LB78]

SENATOR DUBAS: ...they are always...thank you...they're always looking for funding or ways to improve their service to the locale. Do you feel that...like if we kept this authority in place, that that...and if it was active and actually doing what it is supposed to be doing, it would be able to help our existing airports expand their service, provide better

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service, and support our efforts out in rural Nebraska as well as making that connection with the urban areas? [LB78]

SENATOR HARMS: I think it would. I think it would increase the number of people coming into our own Lincoln airport right here. There are an awful lot of people that use that service. And I think it would help tremendously. [LB78]

SENATOR DUBAS: Thank you very much, Senator Harms. [LB78]

SENATOR CARLSON: Thank you, Senator Dubas and Senator Harms. Senator Avery, you're recognized. [LB78]

SENATOR AVERY: Thank you, Mr. President. Some of you may have noticed that I voted for AM123. Let me tell you why. I believe that rural Nebraska needs all the help it can get. All too often they are at a disadvantage when it comes to economic development, when it comes to distribution of resources in the state, when it comes to the distribution of power in this Legislature. They are often at a disadvantage. It is difficult to get reasonably priced air travel to western Nebraska. I don't know if retaining this board will actually help rural Nebraska. But there might be a chance. I would note that the board's charge is to be given the power to engage in developing and improving intrastate commercial airlines. Well, yeah, they've had two decades to work on it, and they haven't actually brought that about. But Senator Harms is right when he says that it is much harder to create new authority than it is to end existing ones. And he has been asking us to give him a chance. And I voted to give him that chance and I think I did the right thing. I probably didn't make my committee very happy when I did that. If there is a glimmer of a chance, however slight it might be, we are, I think, obligated to try. If we can stimulate air service to western Nebraska, I want to help do that and I want to help my friend, John Harms, in those efforts. Thank you, Mr. President. [LB78]

SENATOR CARLSON: Thank you, Senator Avery. Those wishing to speak include: Krist, Harms, Price, Chambers, and Brasch. Senator Krist, you're recognized. [LB78]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska. Occasionally, we hear people talk about things that they know nothing about. And we need people to come to our aid and say, what is this issue really? What this issue is really is that this administration and a few other administrations prior have not put a priority on developing the air travel across the state of Nebraska. Let me say that again, if the Governor and the executive branch does not put a priority on developing air connectivity across the state using these kinds of boards, it's not going to happen. I recently had an opportunity, actually not recently, Senator Campbell created an opportunity for me to go to Scottsbluff. I was doing some training in my air profession, pilot profession, in Seattle. I had to get to Scottsbluff and then come home to Omaha commercially. I had to go to Denver to get to Scottsbluff. And

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then to get to Omaha I had to go to Denver to get to Omaha. Folks, that is almost unacceptable in my mind that we can't attract air travel that connects what I would consider to be major cities, major economic development points within the state. The fact that this commission has not been in place or a committee has not been in place or no one has taken any action for years is reflective of what kind of economic development we thought was a priority or the executive branch thought was a priority in developing air connectivity in association with economic development. So I'm going to say the same thing that Senator Harms said a few minutes ago. If you want to reconsider and take out again five...3-801 to 3-805 and you think it's inconsequential, then I will come back next year or the year after and I will try to reintroduce something that puts a priority on developing air travel across this state and develop a commission that can speak to it with qualified individuals who know the business, who know how to develop it. Now I'm carrying another bill that's going to go come up, I hope, to this floor. And we're going to talk about the priority of setting aside those instruments or procedures that take air traffic in and out of some of our areas around the state. And the number one, absolutely, number one opponent that I have been working with, and we've come to consensus with, are the wind developers because they don't want to be told where to put the pole, they want it all, they want it now, and they want to put it right there. Now I respect the fact, and I voted for wind two years ago, but I also, if you remember, pointed out that we can't put these test towers everywhere all across the state that exceed 125 feet and not let our crop dusters know that they are out there. You know what that is? That is a consensus of development between economic development that is points of interest and special interests across the state and that's what we get paid to do. We get paid to look at legislation that allows people to govern themselves and to develop the kinds of things that need to be developed in terms of economic development across the state. So I will not vote to reconsider, respectfully. I believe that this section and these authorities need to stay in place. I have talked to the executive branch about reenergizing this effort, and I'll continue to talk about aviation because it's near and dear to my heart and I understand it. [LB78]

SENATOR CARLSON: One minute. [LB78]

SENATOR KRIST: Thank you, Mr. President. I also believe that we have not exploited the federal system that puts into effect essential routes of traffic across the United States. There's money in development there. How do we do that? Do you think every airport authority is going to know the federal regulations and look into it across the state? No. That's what a commission or an authority or a committee like this could do. So once again, you'll have to make your own mind up. But I agree with Senator Harms. We'll come back in a couple years and somebody will say, some body, this body, with different representation might say, let's put it back on the books. I will not vote for the reconsideration in terms of going back and rediscussing it again, because I think we've already discussed it and that would be my stand. Thank you. [LB78]

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SENATOR CARLSON: Thank you, Senator Krist. Senator Harms, you're recognized. [LB78]

SENATOR HARMS: Thank you, Mr. President and colleagues. Let me give you just a little bit of background. Long before I ever got into this Legislature, I've had an interest in economic development. I've played a role in my own region and community in economic development. And I understand that airline service is critical. I have, since I've been here, put together a committee of representatives from Sidney, people from North Platte, Grand Island, Lincoln, Norfolk, and Valentine, and have talked about creating a service that will connect rural Nebraska to other parts of Nebraska, more into the urban area. And we have been working on that and I'm hoping that we can bring this together. There's a phenomenal need just in the Valentine area with the kind of things they have which really surprised me when we brought people together. There is a need for this kind of service. And I think that it's important for us to at least give us that opportunity to continue to and to work towards accomplishing this task. And if we don't, then I say the next time this thing comes up, then kill it. But we are working towards this. And I do oppose the reconsideration decision. So thank you, Mr. President. [LB78]

SENATOR CARLSON: Thank you, Senator Harms. Senator Price, you're recognized. [LB78]

SENATOR PRICE: Thank you, Mr. President, members of the body. So we're back revisiting, so we've heard that, just now from Senator Harms, and I'm not...I am not deaf to the plight and the desire to develop the economy in greater Nebraska. I have been there; I've driven through it; I've been further than York. I've been out there numerous times; I've actually toured the Wildcat Hills with Senator Harms. He said, yeah, if they keep it and in a few years we want to get rid of it because it doesn't work, then feel free to. Well, we gave them that opportunity four years ago and it didn't work yet. But let's focus on what this body does, not what the Governor or the executive branch is supposed to do. Let's focus here. When there are problems at Beatrice, three weeks later we had a solution. We commit and we form numerous commissions and bodies and studies at the introduction of a bill. And if we have to, we can suspend the rules to take care of a problem. We can go to special session. That hasn't happened, it hasn't risen to that level. The debate that I have with this is, as you've heard numerous times, they don't meet. They dissolved themselves. I begin to wonder even at the purpose for a body that doesn't exist, we'll commission you to continue to not exist, because they dissolved themselves from what I heard. But, again, if we want it, we can make it happen. We can make it happen very quickly. I'm a strong proponent of economic development. You know, we had a bill here a few years ago where Senator Council wanted to put grocery stores in certain economically challenged areas. And the debate on the floor was, the business model doesn't support it. Now if the business model supported the airline traffic today, right now, it would be there. People are out to make a buck. I hope that doesn't come as a shock. Capitalist type of economy here, I'm sure

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that if we can make that happen it could drive the dollars, numerous senators would be up there, and we would find a way to make that happen. We would consider the air traffic routes and so we wouldn't have the windmills and the sampling towers and things of that nature. But, colleagues, 20-plus years, we have not heard the cry for this. Four years ago when we tried this, and we went through the same process, the committee said, we're not going to have it anymore. It came back amended because there was a plea of organization and nothing happened. Again, resurveyed, it doesn't happen. So I would support this motion to reconsider. And, again, I appreciate your indulgence; and if you have questions, feel free to ask me. Thank you. [LB78]

SENATOR CARLSON: Thank you, Senator Price. Those wishing to speak include: Chambers and Davis. Senator Chambers, you're recognized. [LB78]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I was in this place 38 years before I left, and then I came back because there was unfinished work. I tried repeatedly to get the representatives from rural Nebraska to make some of that money available that went to corporations in Omaha to the businesses that operate in rural Nebraska--the little storefronts, the mom and pop store, some of the types of things that are scorned when it comes to giving away a lot of money. And you know who my strongest opposition came from? Rural senators. And you know what they told me? They had made deals with Omaha senators not to in any way encumber the bill. I said, and you're not going to get anything? Well, I'm a state senator. And Senator Harms talked about people looking at this and listening to that, but they did it because of him, not this authority. He didn't go to that authority and say, you all talk to the people I'm talking to. Senator Krist the same thing. This authority has done nothing. And they can't show that it has done anything because it hasn't done anything. And this appeal to poor rural Nebraska is pointless. Who on this floor would vote money to underwrite an airline to put air traffic...to fly their planes into Nebraska? You're going to do that? You're not going to do it and you know it. And it's hypocritical to talk about getting an airline to fly into Nebraska when nobody wants to come here. You have people on the east side of this state ridiculing what happens in the rest of Nebraska. Not even all people in this state want to go to other parts of the state. So you're going to say, we've got a lot of space in the Sandhills. We don't want a pipeline to go under it, so let's build the longest runway in the world. For what? Well, maybe someday somebody will want to land an airplane there. Why would they do that? Maybe they're flying to Denver and an engine goes out and they need some place to land. That's not as preposterous as what I'm hearing on this floor. We are a Legislature formulating the policy of the state with reference to the type of entities that will remain in existence. We're not talking today about whether there should be air traffic in Nebraska; whether there should be more airlines or airports. We're talking about the responsibility of this Legislature to review the existence of these entities and determine whether they ought to continue to exist. I cannot get you to focus on that. That's all that this is about. All of these wavings of the bloody shirt; poor rural Nebraska, they can't get an airport to fly from Lincoln to...I think

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there's...there might be air traffic between Omaha and Lincoln. We're not talking about...you all are, but what we're supposed to be talking about, and for the sake of the committee Chair, we're not talking about giving poor rural Nebraska a chance. Do that when bills come up where you're going to be giving out the largess of the state. That's the time to talk about that. But I bet a lot of you are not going to say, let's vote and take some of this money from these big corporations in Omaha and put it out in rural Nebraska. They're not going to put the state's money where their mouth is. It's easy to say, do this. And my rural colleagues ought to be outraged that you can get all of these oral expressions of sympathy, but you cannot get a penny. I left more on the table of the Education Committee... [LB78]

SENATOR CARLSON: One minute. [LB78]

SENATOR CHAMBERS: ...when I left yesterday than these people will vote for rural Nebraska. And you know what I left on that table? One penny, a concrete penny. They won't vote a penny. But they will talk. Well, if talk is what my colleagues in rural Nebraska want, let's do the job we're assigned to do as a Legislature. Get rid of these useless entities. Then I will make the next talk I give one that begs and tries to jerk tears of sympathy and sorrow for our rural brothers and sisters who for all we know are still living in log cabins, who are trying to get a pair of shoes that they can wear in the wintertime as they go to school in that deep snow and it's uphill both ways, up to your chest, and no way to get there. [LB78]

SENATOR CARLSON: Time. [LB78]

SENATOR CHAMBERS: Thank you, Mr. President. [LB78]

SENATOR CARLSON: Thank you, Senator Chambers. Senator Davis, you're recognized. [LB78]

SENATOR DAVIS: Thank you, Mr. President, and members of the body. I just want to rise in opposition to the motion to reconsider and to support Senator Harms's plea to the Legislature to continue the commission. Rural Nebraska has had a long history of efforts to try to develop aviation across the state. Back into the '60s when my father was doing it, it was extremely difficult. But if we do away with this commission now, we're basically saying to rural Nebraska, well, you're just on your own. You know, we don't have local television; we don't have local newspapers anymore; so we're at sea out there. Give us another couple years to see if we can't do something with the...by revitalizing this commission. So I would urge the body to vote to not reconsider. Thank you. [LB78]

SENATOR CARLSON: Thank you, Senator Davis. There are no other senators wishing to speak. Senator Chambers, you're recognized to close on your motion to reconsider.

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[LB78]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, people have a charge on their phone bill because of something I did to put a charge on there to help put some telephone services in rural Nebraska. That's what I did. It wasn't spearheaded by anybody from rural Nebraska. And you can get as upset with me as you want to. But I'm going to keep doing this and doing it and doing it. Keep every one of these commissions then. Keep every one of these entities. Don't waste our time. And it won't hurt anything, because they're not going to do anything. Senator Harms, Senator Davis, Senator Krist talk about being worried about there not being air traffic or whatever. Have they gone to this commission and talked to them? No, because it doesn't exist. Who said they shouldn't exist? The members who were there and saw how worthless it was. When John Adams was Vice President, he said words to this effect: My country has contrived for me the most worthless, useless office imaginable in a civilized society. And that was the position of Vice President. I guess at the state level it's Lieutenant Governor. But at least as Lieutenant Governor, you can inject some money into the economy of the phone company. (Laughter) You can at least do that. You all won't do that for these rural interests. You can vote against my reconsideration motion. But I'll tell you this, when the bill gets to Select File, I'm going to try again to get rid of it. I'm not going to stop. And when it gets to Final Reading, I'm going to do the same thing. And if those alternatives don't work, I'm going to show you what can be done under the rules to a bill that somebody who is determined thinks ought not pass. We are not discharging our duties to the public and the citizens when as a favor we're going to keep some entity in operation that has not been operational for nearly 30 years, based on the new information that we got. How much time do you give? This is a conservative state, ultraconservative. In fact, it's so ultraconservative it would make a reactionary seem like a wild-eyed liberal from New York. And they're standing up here saying, we don't want to reduce the size of government, we want to keep something around that has done nothing for 30 years because we think it ought to do something, but it's not doing it. That makes no sense to me. Not one person stood up and explained to me, who have said that I have an open mind, why we ought to keep something around for 30 years when what we're looking at in these proceedings before us now is whether some entities have justified their continued existence. That's what we're voting on. That's what we should have been debating. Not what we would like...(singing) wishing and hoping and thinking and praying. Hoping is not going to get it. But for this Legislature, despite my efforts, it's going to be the butt of jokes and ridicule. But they'll say, by god, that Chambers is not like the rest of them; he tries to talk to them, but they won't listen. Think, if you can, on this vote what it is we're voting on. We're not voting against improved transportation, air traffic, or anything else for rural Nebraska. We're voting whether or not... [LB78]

SENATOR CARLSON: One minute. [LB78]

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SENATOR CHAMBERS: ...we're going to support the work of a committee which did the job it was assigned to do. That committee took testimony, looked at facts, and made a determination that in order to carry out their duty, an entity that had been around for over two decades going on a third one, and has not met, hasn't done anything, does not meet the standard for continued existence. If you think this 30-year nonfunctioning entity should continue to exist, then we ought to repeal the statute that would want the Legislature to review these things from time to time. There is nothing so extraordinary about this entity other than the fact that it has people who otherwise can exercise good judgment saying, keep it around... [LB78]

SENATOR CARLSON: Time. [LB78]

SENATOR CHAMBERS: ...so it will continue to do nothing. Thank you. Mr. President, I'll ask for a call of the house. [LB78]

SENATOR CARLSON: There has been a request for a call of the house. The question is, shall the house go under call? All those in favor vote yea; all opposed vote nay. Record, Mr. Clerk. [LB78]

CLERK: 41 ayes, 0 nays, Mr. President, to place the house under call. [LB78]

SENATOR CARLSON: Thank you, Mr. Clerk. The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Nordquist, Ashford, the house is under call. Senator Ashford, Senator Nordquist, the house is under call, please return to the Chamber. Senator Chambers, you're recognized. [LB78]

SENATOR CHAMBERS: We can proceed and I'll take a machine vote. [LB78]

SENATOR CARLSON: Thank you, Senator Chambers. The question is, shall the motion to reconsider the vote on AM123 be adopted? All those in favor vote yea; all opposed, vote nay. Record, Mr. Clerk. [LB78]

CLERK: 25 ayes, 13 nays, Mr. President, on the motion to reconsider. [LB78]

SENATOR CARLSON: The motion to reconsider is adopted. Mr. Clerk, for an announcement. [LB78]

CLERK: Mr. President, I have items. [LB78]

SENATOR CARLSON: The call is lifted. [LB78]

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CLERK: Mr. President, Banking, Commerce and Insurance Committee reports LB27 to General File; LB38 to General File; LB283 General File; LB616 General File; LB628 General File, and LB337 to General File with amendments; and likewise with LB426. Transportation: LB117 to General File; LB165 General File. Both signed by their respective Chairs. Enrollment and Review reports LB147, LB213, LB209 to Select File. And Enrollment and Review also reports LB1, LB2, LB16, LB30, LB35, LB72, LB91, LB100, LB102, LB146 as correctly engrossed. An amendment to be printed, Senator Schumacher to LB213. And Senator Chambers would like to add his name to LB44. (Legislative Journal pages 378-380.) [LB27 LB38 LB283 LB616 LB628 LB337 LB426 LB117 LB165 LB147 LB213 LB209 LB1 LB2 LB16 LB30 LB35 LB72 LB91 LB100 LB102 LB146 LB44]

And, Mr. President, a priority motion. Senator Gloor would move to adjourn the body until Thursday morning, February 7, at 9:00 a.m.

SENATOR CARLSON: Members, you've heard the motion. All in favor say aye. Opposed, nay. Motion carried, we are adjourned until tomorrow morning at 9:00.