

JANUARY 3, 2001

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FLOOR DEBATE

January 3, 2001

NINETY-SEVENTH LEGISLATURE
FIRST SESSION

PRESIDENT MAURSTAD PRESIDING

PRESIDENT MAURSTAD: Good morning. Welcome to the George W. Norris Legislative Chamber. Our prayer this morning is by former Chaplain Coordinator Harland Johnson.

HARLAND JOHNSON: (Prayer offered.)

PRESIDENT MAURSTAD: Thank you, Mr. Johnson. The colors will now be presented by the Nebraska Army and Air National Guard.

PRESENTATION OF COLORS

PRESIDENT MAURSTAD: Members, pursuant to the provisions of Section 10, Article III of the Constitution of Nebraska, the Ninety-Seventh Legislature, First Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol, at the hour of 10:00 a.m. on Wednesday, January 3, 2001, is called to order. Members, would you please record your presence. Mr. Clerk, please record.

CLERK: Mr. President, checking in Senators Aguilar, Baker, Beutler, Bourne, Brashear, Bromm, Brown, Bruning, Burling, Byars, Chambers, Connealy, Coordsen, Cudaback, Cunningham, Dierks, Engel, Erdman, Foley, Hartnett, Hilgert, Hudkins, Janssen, Jensen, Jones, Kremer, Kristensen, Kruse, Landis, Maxwell, McDonald, Dwite Pedersen, Don Pederson, Preister, Price, Quandahl, Raikes, Redfield, Robak, Schimek, Schrock, Smith, Stuhr, Suttle, Thompson, Tyson, Vrtiska, Wehrbein, and Wickersham. I do have a quorum present, Mr. President.

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. President. Mr. President, I move to appoint Mr. Patrick J. O'Donnell as temporary Clerk of the Legislature, and Ms. Lynne Haas as temporary Sergeant at Arms.

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PRESIDENT MAURSTAD: Thank you, Senator Chambers. Is there any discussion? Those in favor say aye. Those opposed nay. Motion carries. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I move that we proceed to the election of five persons to serve as the Committee on Credentials, who will forthwith report to the Legislature on the credentials of those claiming to be elected to the Legislature in the general election in November 2000.

PRESIDENT MAURSTAD: Thank you, Senator Chambers. All those in favor say aye. Those opposed nay. Motion carries. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I move to elect the following five elderly senators to the Credentials Committee (laughter): Senators Chambers, Landis, Hartnett, Beutler, and Coordsen.

PRESIDENT MAURSTAD: Thank you, Senator Chambers. Is there any discussion? There are no other nominations. Those in favor say aye. Those opposed nay. Motion carries. Could the committee please come forward. Senator Chambers.

SENATOR CHAMBERS: Mr. President and members of the Legislature, I move to approve the Committee on Credentials Report as certified and presented to the Secretary of State.

PRESIDENT MAURSTAD: Thank you, Senator Chambers. Is there discussion? Those in favor say aye. Those opposed nay. Motion carries. Senator Dierks.

SENATOR DIERKS: Thank you, Mr. President, members of the Legislature. I move that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the members of the Legislature.

PRESIDENT MAURSTAD: Thank you, Senator Dierks. Those in favor say aye. Those opposed nay. The motion carries. Would the

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five following members please escort the Chief Justice: Senator Bourne, Senator Erdman, Senator Price, Senator Suttle, and Senator Vrtiska. If you'll retire to the rear of the Chamber, escort the Chief Justice. Madam Sergeant at Arms Haas.

SERGEANT AT ARMS: Mr. President, your committee now escorting the Chief Justice of the Supreme Court, John Hendry.

PRESIDENT MAURSTAD: (Gavel)

CHIEF JUSTICE HENDRY: Be seated, please.

PRESIDENT MAURSTAD: Mr. Chief Justice.

CHIEF JUSTICE HENDRY: Thank you. Mr. President, members of the Legislature, as I stated two years ago when I was first afforded the honor of swearing in the newly elected members of the Legislature, I want to thank you for inviting me to your Chamber. I want you to know you'll always be welcome in mine. As I call the names of the newly elected and reelected members of the Legislature, would you please come forward and stand in front of the podium. (Read names of senators to be administered oath of office.) Good morning. Would each of you raise your right hand, please. (Oath of office administered. Legislative Journal page 4.) Congratulations to you.

PRESIDENT MAURSTAD: The committee would escort the Chief Justice. Senator Hudkins.

SENATOR HUDKINS: Mr. President, I move that the rules, as now in our possession, be adopted for today only, Wednesday, January 3, 2001.

PRESIDENT MAURSTAD: Thank you, Senator Hudkins. Is there discussion? All those in favor say aye. Those opposed nay. Motion carries. Senator Coordsen.

SENATOR COORDSEN: Mr. President, I move that the following officers, recommended by the Executive Board, be elected to serve for the Ninety-Seventh Legislature: Clerk of the Legislature Patrick J, O'Donnell; Assistant Clerk of the

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Legislature Richard K. Brown; Sergeant at Arms Lynne Haas. I move for the adoption.

PRESIDENT MAURSTAD: Thank you, Senator Coordsen. Is there discussion? Those in favor say aye. Those opposed nay. Motion carries. Senator Byars.

SENATOR BYARS: Mr. President, I respectfully request that we move to proceed to the election of the Speaker of the Legislature.

PRESIDENT MAURSTAD: Thank you, Senator Byars. You've heard the motion. Those in favor say aye. Those opposed nay. Motion carries. Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Mr. President. It's with great humility that I place my name in nomination for Speaker of the Unicameral. Today is not an event, although it may seem like it to many of the people here in the Legislature. Today is the first day of the process and I hope that your good nature and your good judgment will be here on the ninetieth day as it is on the first day. I know your good judgment will be and if you keep those smiles all ninety days we'll do just fine. I don't want to start a precedent this morning of long speeches, but I do want to tell you that patience and good judgment will be the key. I wanted...would like to be part of this process, a small part in being Speaker. You've all been very, very good to me the last few years as Speaker. I hope that I can continue to live up to your expectations. I don't know all the answers, but I do know that the process will help us do the state's business. I'd like to be part of that process. I'd ask for your vote as Speaker. Thank you, Mr. President.

PRESIDENT MAURSTAD: Thank you, Senator Kristensen. Are there further nominations? Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. President. There being no further nominations, I would move that we suspend the ballot and cast a unanimous ballot for Senator Douglas Kristensen as Speaker of the Legislature.

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PRESIDENT MAURSTAD: Thank you, Senator Coordsen. Members, you've heard the motion. Is there discussion? Those in favor say aye. Those opposed nay. Motion carries. Congratulations, Mr. Speaker. Senator Cudaback.

SENATOR CUDABACK: Mr. President, members, I move that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the officers of the Legislature.

PRESIDENT MAURSTAD: Thank you, Senator Cudaback. Five members that I previously indicated did such a fine job that we'll let those five escort the Chief Justice once again: Senator Bourne, Senator Erdman, Senator Price, Senator Suttle, Senator Vrtiska. If you could please escort the Chief Justice. Madam Sergeant of Arms.

SERGEANT AT ARMS: Mr. President, your committee now escorting the Chief Justice of the Supreme Court, John Hendry.

CHIEF JUSTICE HENDRY: Please be seated.

PRESIDENT MAURSTAD: (Gavel) Mr. Chief Justice.

CHIEF JUSTICE HENDRY: Thank you, Mr. President. Members of the Legislature, would the newly elected Speaker of the Legislature, Doug Kristensen, please come forward to be sworn in. (Oath of office administered to Speaker Kristensen.) Next, would the newly elected Clerk of the Legislature, Patrick J. O'Donnell, come forward and be sworn. Would you raise your right hand. (Oath of office administered to Clerk O'Donnell.) Would Mr. Richard Brown please come forward, newly elected Assistant Clerk. Good morning. Would you raise your right hand. (Oath of office administered to Assistant Clerk Brown.) All right, would Lynne Haas please come forward. Good morning. Would you please raise your right hand. (Oath of office administered to Sergeant at Arms Haas.) Congratulations.

PRESIDENT MAURSTAD: Thank you, Mr. Chief Justice.

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CHIEF JUSTICE HENDRY: Thank you, Mr. President.

PRESIDENT MAURSTAD: Members, if you would please escort the Chief Justice from the Chamber. Members, if I may suggest, before we proceed to the election of the various Chairs of the committees, now may be an appropriate time for your family and guests to move off to the side of the Chamber. Senator Hartnett.

SENATOR HARTNETT: Mr. President, members of the body, I move to proceed to the election of the Chairperson of the Committee on Committees.

PRESIDENT MAURSTAD: Thank you, Senator Hartnett. Those in favor say aye. Those opposed nay. Motion carries. Senator Pedersen, Dwite Pedersen.

SENATOR Dw. PEDERSEN: Mr. President and members of the Legislature, I nominate myself as Chairman of the Committee on Committees. All I'll tell you is I'll do my very best to fill the shoes of our loved Senator Crosby. I'll do my best to be fair and consistent and to be your servant. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Pedersen. Are there further nominations? Senator Kristensen.

SPEAKER KRISTENSEN: I move that nominations cease and a unanimous ballot by acclamation be cast for Senator Pedersen.

PRESIDENT MAURSTAD: Thank you, Senator Kristensen. Those in favor say aye. Those opposed nay. Motion carries. Congratulations, Senator Pedersen. Senator Landis.

SENATOR LANDIS: I move to proceed to the election of the remaining twelve members of the Committee on Committees, and that we authorize the members residing within each of the three districts, as enumerated in Rule 3, Section 2, to nominate four members to be elected by the legislative body to serve on the Committee on Committees.

PRESIDENT MAURSTAD: Thank you, Senator Landis. Those in favor

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of the motion indicate by saying aye. Those opposed nay. The motion carries. Members, we'll stand at ease for a moment. Mr. Clerk.

CLERK: Mr. President, I have received the reports from the three caucuses. The first caucus has selected Senators Landis, Schimek, Kremer, and Price as their representatives on the Committee on Committees. The second caucus has selected Senators Bourne, Hilgert, Jim Jensen, and Don Preister as its members to the Committee on Committees. And the third caucus has selected Senators Coordsen, Kristensen, Cudaback, and Dierks as its representatives to the Committee on Committees.

PRESIDENT MAURSTAD: Senator Dwite Pedersen.

SENATOR DW. PEDERSEN: Mr. President, I move the approval of the nominees to the Committee on Committees.

PRESIDENT MAURSTAD: Thank you, Senator Pedersen. Is there discussion? Those in favor say aye. Those opposed nay. Motion carries. Senator Janssen.

SENATOR JANSSEN: Mr. President and members, I move to proceed with the election of Chairperson of the Executive Board of the Legislative Council.

PRESIDENT MAURSTAD: Thank you, Senator Janssen. Those in favor say aye. Those opposed nay. Motion carries. Senator Coordsen, you're recognized.

SENATOR COORDSEN: Thank you, Mr. President, members of the body. I would at this time place my name in nomination for Chairperson of the Executive Board. There are no promises to make. I think those of you that have been here know how the Executive Board operates and how the Chair carries out the policies of the Legislature as established by the Executive Board. My only pledge to you would be to continue to enforce and carry out those principles and policies in as fair of a way for all of the members as we have done, hopefully, in the past. Thank you, Mr. President.

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PRESIDENT MAURSTAD: Thank you, Senator Coordsen. Are there further nominations? Mr. Speaker.

SPEAKER KRISTENSEN: Mr. President, I move that nominations cease and a unanimous ballot for Senator Coordsen be cast.

PRESIDENT MAURSTAD: Thank you, Mr. Speaker. Those in favor say aye. Those opposed nay. Motion carries. Congratulations, Senator Coordsen. Senator Jones.

SENATOR JONES: Mr. President and members, I move that we proceed with election of the Vice Person of the Executive Board of the Legislative Council.

PRESIDENT MAURSTAD: Thank you, Senator Jones. Those in favor of the motion say aye. Those opposed nay. The motion carries. Senator Cudaback.

SENATOR CUDABACK: Mr. President and members, I place my name as Vice Chairman of the Exec Board. I've been there the last two years. It's been a pleasure to serve you. I try to be as fair as possible. It's a good board and it operates fairly. I just ask for your vote and your confidence to elect me as Vice Chair of the Exec Board. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Cudaback. Are there further nominations? Senator Coordsen.

SENATOR COORDSEN: Thank you. I move that nominations cease and that we cast a unanimous ballot for Senator Jim Cudaback as Vice Chair of the Executive Board.

PRESIDENT MAURSTAD: Thank you, Senator Coordsen. Those in favor say aye. Those opposed nay. The motion carries. Congratulations, Senator Cudaback. Senator Price.

SENATOR PRICE: Mr. President, I move to proceed to the election of the other six members of the Executive Board of the Legislative Council, as outlined in 50-401.01.

PRESIDENT MAURSTAD: Thank you, Senator Price. Members, you've

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heard the motion. Those in favor say aye. Those opposed nay. The motion carries. Mr. Clerk.

CLERK: Mr. President, I have reports. I understand the third caucus would like to meet in Room 2022 now, third caucus. That consists of Senators Engel, Cunningham, Tyson, Robak, Burling, Cudaback, Kristensen, Schrock, Dierks, McDonald, Dwite Peder...I'm sorry, Don Pederson, Don Pederson, Jones, Baker, Erdman, Smith, Wickersham. If you would gather in Room 2022, please.

PRESIDENT MAURSTAD: Members, we will stand at ease. Mr. Clerk.

CLERK: Mr. President, I have received reports from the various Executive Board caucuses. The first caucus has selected Senators Byars and Beutler to represent the interests of that caucus on Executive Board, second caucus has selected Senator Suttle and Senator Chambers, and the third caucus selected Senator Jones and Senator Engel.

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. President. I move the approval of the nominees to the Executive Board of the Legislative Council.

PRESIDENT MAURSTAD: Thank you, Senator Coordsen. Is there discussion? Those in favor say aye. Those opposed nay. Motion carries. Senator Wickersham.

SENATOR WICKERSHAM: Mr. President, I move to proceed to the election of the Standing Committee Chairpersons by secret ballot in accordance with Rule 3, Section 7(a).

PRESIDENT MAURSTAD: Thank you, Senator Wickersham. Those in favor of the motion say aye. Those opposed nay. The motion carries. We'll proceed to the election of the Chairperson of Agriculture. Senator Dierks.

SENATOR DIERKS: Thank you, Mr. President and members of the Legislature. I stand to place my name in nomination for Chair

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of your Committee on Agriculture. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Dierks. Are there other nominations? Senator Coordsen.

SENATOR COORDSEN: Thank you. Mr. President, I move that the nominations cease and that we declare...elect Senator Dierks by unanimous ballot.

PRESIDENT MAURSTAD: Thank you, Senator Coordsen. You've heard the motion. Those in favor say aye. Those opposed nay. The motion carries. Congratulations, Senator Dierks. For the office of Chairperson of Appropriations, Senator Wehrbein.

SENATOR WEHRBEIN: Yes, Mr. President, members of the body, I'd like to place my name in nomination for Chairperson of the Appropriations Committee. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Wehrbein. Are there other nominations? Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. President. There being no further nominations, I move that we elect Senator Roger Wehrbein Chairman of the Appropriations Committee by unanimous ballot.

PRESIDENT MAURSTAD: Thank you, Senator Coordsen. Members, those in favor of the motion say aye. Those opposed nay. The motion carries. Congratulations, Senator Wehrbein. Now proceed to Banking, Commerce and Insurance. Senator Landis.

SENATOR LANDIS: Mr. Speaker, members of the Legislature, I rise to put my name in as nominee for the Chairman status of the Banking, Commerce and Insurance Committee. It would be my honor to continue to serve in that capacity if you would allow me to do so. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Landis. Are there further nominations? Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. President. I move that nominations cease and that Senator David Landis be elected

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Chairperson of the Banking, Commerce and Insurance Committee. I've got to have it right. Thank you.

PRESIDENT MAURSTAD: Senator Coordsen. Those in favor of the motion say aye. Those opposed nay. Motion carries. Congratulations, Senator Landis. For Chair of Business and Labor, Senator Vrtiska.

SENATOR VRTISKA: Thank you, Mr. President, members of the body. I rise to place my name in nomination for the position of the Chair of the Business and Labor. I have served as Chair for this committee the last couple years and we have worked hard to bring both business and labor to the table to discuss issues. We've spent a lot of time during the past summer working with the various organizations in trying to develop legislation that's certainly good for the state of Nebraska. I have appreciated serving on the committee and serving as Chair of the committee. I would continue...pledge to you that I would continue to work actively in carrying out the work that we started and, with that, I would ask for your support. Thank you very much.

PRESIDENT MAURSTAD: Thank you, Senator Vrtiska. Senator Connealy.

SENATOR CONNEALY: Mr. President, members, I rise to place my name in nomination and ask for your vote for Chair of Business and Labor. I have a strong interest in this committee and its work. While the Committee on Business and Labor works on a variety of issues from the claims against the state to workmen's compensation, one of the things that's in the forefront and interest to me is work force development. I was at a work force development meeting in West Point a couple weeks ago and there employers identified 150 jobs that are going unfilled, 150 jobs in that small area. If we fill those jobs that's real economic development so I'm excited about the opportunity to work on work force development and other issues that the Business and Labor Committee does as its Chair. We need that work from Scottsbluff to Sioux City. There are unfilled jobs in Omaha and Ogallala. The state of Nebraska needs to step up to that challenge. During my time in the Legislature, I've worked hard to build

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consensus, to build bridges between rural and urban, between conservative ideas and liberal ideas, between the small businesses and big business here in the state. I pledge to continue that. The consensus is needed in everything we do here in Legislature, but maybe even more in the Business and Labor Committee where conflict is sometimes a natural course of that committee. In addition to bringing opposing points of view together, I pledge to work hard for you. I pledge to listen to you and it would be an honor to serve as your Chair of Business and Labor.

PRESIDENT MAURSTAD: Thank you, Senator Connealy. Are there further nominations? I appoint the following three members to act as tellers: Senator Janssen, Senator Preister, and Senator Tyson. Members, you should have little pads of blank paper near your desks. If you will merely indicate there your choice, they will be picked up. And would the tellers please come forward to count. Senator Tyson, could you please join your colleagues. Members, the Chairman of the Business and Labor Committee is Senator Connealy. Congratulations, Senator. We'll proceed to the Chairperson of the Education Committee. Senator Stuhr.

SENATOR STUHR: Thank you, Mr. President and members of the Legislature. I rise to place my name in nomination for Chair of the Education Committee. Let me begin by saying that I have great respect for my fellow colleagues and especially those that have also entered this race. I want to state that I'm not running against anyone. I am here today to give you my commitment, my time and energy in serving in this position of guiding education policy. I care deeply about education and the children in our state. Education has always been a high priority for me and my family. In high school, I had the privilege of having a dedicated teacher who influenced my decision in...to pursue a degree in education. I have taught in the public schools, worked as an assistant instructor for the University of Nebraska assisting student teachers, and substitute taught for a number of years. It has been my privilege to serve on the Education Committee for the last six years. I have had the opportunity to travel across the state attending hearings and to visit and to work with administrators, teachers, students, and boards, in K through six schools, in our

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colleges, and our university. Both on the committee and in my district I've had the opportunity to work with schools in both urban and rural areas and of different class sizes, which has given me a broad perspective. I know that whether a school is large or small, each has unique challenges and situations. I believe fair and effective leadership is crucial to our legislative process. During my years in the Legislature I have demonstrated my ability to work with fellow senators. I have served as Chair of the Retirement Committee. As a committee Chair, my goal is always to conduct the committee's work in an impartial, approachable and disciplined manner, and represent positions and policies adopted by the committee. I pledge to continue to work with members in keeping them informed and involved in an effort to make the best possible legislative solutions. I have also had the privilege of serving on the Education Commission of the States for the past three years, attending many conferences and workshops on educational issues that face our state as well as the rest of the nation. I believe as legislators we have a responsibility to see that all children of this state receive a quality education. It should not matter what a student's ethnic background is or if they attend a school in Omaha or a small school in Arthur, the fact is that Nebraska is a very diverse state of over 77,000 square miles, and schools of all sizes and makeup are a reality. The rapid changes in our society, advances in technology and limited resources have brought additional challenges to our schools, to our families, and our communities. This session the Education Committee will continue to deal with many complex issues and I pledge to work hard with you in finding solutions to these issues. This session I will be proposing legislation to establish an education round table. Henry Ford said, "Coming together is a beginning, keeping together is progress, working together is success." The purpose of the round table will be to bring leaders from education, industry, and the private sector in together in an effort to make better use of our resources by sharing knowledge, building partnerships, and collaborating on education issues facing our state. As I said earlier, I care deeply about the students and education in our state. I feel the people of Nebraska are our greatest resource, and believe the future of our state and our children depend on maintaining quality education systems that we take pride in and are proud

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of. I commit to you my time, my energy, my skills and experience in giving and guiding Nebraska's policy on education. With your help and support I will, as Abraham Lincoln said, do the very best I know how and the very best I can. Thank you for your consideration, and I would appreciate your support.

PRESIDENT MAURSTAD: Thank you, Senator Stuhr. Senator Raikes.

SENATOR RAIKES: Thank you. Mr. President and members of the Legislature, please consider me a nominee for Chair of the Education Committee. The reason I seek this position is that I want to help. I know that this motive doesn't distinguish me from you. If...you too want to help, or you wouldn't be here. I'm grateful to my constituents for the opportunity to serve in the Legislature. I'm asking you to extend my opportunity to serve by granting me this additional responsibility. What can you expect if I am given this opportunity? Well, first, for a disturbingly large number of you, a main advantage would be that I would no longer have authority to determine whether your travel requests are approved. (Laughter) Some of you I am sure, in an effort to describe me as appropriately fiscally conservative, instead used words like "cheap" and "atingy". But, second, and hopefully more important, you could expect me to try to help fashion policies that are broadly supported and serve our long-term best interest. I don't want to deny that I have certain biases regarding state policy toward education. Among these are a preference for local control coupled with local effort, equalization in the distribution of state aid, public school funding, and a narrow focus on those areas where state involvement is essential with the goal of achieving excellence. I can promise, however, that I will consider views different than mind and, in fact, represent those views if they are the consensus of the committee. My goal would be to arrive at the best policy we can while weighting my own views only as heavily as those of my colleagues. I have been in the Legislature for just over three sessions. Till recently, that was a modest amount of experience. Now it's about half a career, but that gets us into a different area. I've been on Education Committee all that time and one area of focus for me has been the state aid formula and I thought now would be a good time to delve into some of the intricacies...no, not really. I

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admit that at times I have lost sight of the fact that not everyone finds the formula as interesting as I do, but, very simply, it is of interest because it involves a lot of money. If we are not careful and thorough, many of the state's schools and students are not adequately or fairly funded and/or we don't have money to meet the other critical needs the state faces, but I've tried to get a good grasp on the other educational issues as well. It is particularly important, I think, to understand policy precedence on those issues. Ideally, we choose our policy directions very carefully and then persist. If we decide to change directions, we need to be aware and we need to make those we represent aware that that is what we are doing. My district includes part of a large urban system--Lincoln, a Class III K-12 system--Waverly, and a Class I district in Cheney. There are both urban and rural residents. I'm, therefore, able to get several perspectives right in my own district. But I found it very useful as well to travel to other parts of the state to listen to views of school administrators and others. Many of you, my colleagues, have also been very important to the development of my policy philosophy because you have related good ideas and sound thinking, and in a few instances because you haven't; I'm hopeful that this grounding will enable me to work well with the many different issues and interest groups. The people we represent have a history of great support for public education. They remain committed to the goal of providing high quality educational opportunity for each young person in our state. Our task in this Legislature is to do our part to carry on the Nebraska educational tradition. Among the issues we must address are teacher salaries, policies dealing with declining enrollment in school systems, variability and equity in the distribution of state aid, and building and maintaining excellence in our higher education system. I'm anxious to go to work. To do that I need your vote, then I will need your ideas and energy. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Raikes. Senator Thompson.

SENATOR THOMPSON: Thank you, Mr. President, members of the body. I place my name in nomination to be Chair of the Education Committee of the Legislature. As you may have noticed

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in the last few sessions, an area of high interest to me is the area of teacher shortage. It's an area that transcends all parts of the state--small school districts, large urban districts. We are at a point in our history that we will be judged, as this Legislature, working in partnership with local school districts, on how we address this issue, which isn't just Nebraska's issue but is also a national issue. Just a month or two ago, the cover of Newsweek magazine said, Who Will Teach Our Kids, and mentions that half of all teachers will retire by the year 2010. I think this issue is one that we, as a Legislature, need to have options. We need to look at ways that we can come together, that we can compromise, discuss, and, as Chair of the committee, I would do my very best to bring all the ideas that we have as we look at this very critical issue to our state to give you choices, as members of the Legislature, to help resolve this issue. I have introduced bills in this regard and you did pass two of those last year. They don't have funding and I'm hoping this year they will. But there are other ideas out there that need to be brought to the table in this regard. I also have introduced bills dealing with school truancy and that ties to my interest, as you know, in juvenile justice, and I think that from my work in that area I know, as you know, that school success is critical to the ability of our young people to be able to achieve their goals and to stay connected to their schools and communities, and that takes special training, that takes a commitment of teachers and administrators to make school a welcoming place and to help those children with special needs. As far as my experience, I've been a public official before I came to the Legislature. I served eight years on the Sarpy County Board of Commissioners, and I served as its Chairperson. I also chaired the Budget and Finance Committee for six of the eight years that I was on that county board. I worked in state government as director of Youth Services Planning, working on implementation of reform to the juvenile justice system, and also to address rising juvenile crime in the state, all issues that connect to the issues of the Education Committee, at least indirectly if not directly. And I also worked as executive director of the Omaha Community Partnership and we, as a community collaborative group in Douglas and Sarpy County, focused on issues of truancy and on issues of substance abuse and crime as it affected youth in our community, and two bills

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that you assisted me in passing dealt with the issues of truancy and hopefully we have some better methods to address those problems because of that. I want to close to share with you where I will be coming from if I'm elected your Chair and I think about this poem often because, when I was a fourth grade teacher, I had my students memorize it. It's a poem by Langston Hughes and it says: Hold fast to dreams, for when dreams die life is a broken-winged bird that cannot fly. Hold fast to dreams, for when dreams go life is a frozen field covered with snow. It's my goal, whether I'm on the Education Committee as Chair or not, to work to see that every Nebraska child, no matter where they live, no matter what their family circumstances, has the opportunity through an excellent education through qualified teachers teaching in their subject areas, through a healthy school atmosphere, through schools that are safe and welcoming atmospheres, to be able to achieve their dreams, and I ask your support for Chairmanship. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Thompson. Are there other nominations? If not, members, if you could mark your ballots again, and I would like to ask these three senators to act as teller: Senator Bromm, Senator Bourne, and Senator Cudaback. I would remind you, as we have a multiperson race, that if one member does not receive 25 votes the individual receiving the fewest number of votes will drop and we will proceed to a second ballot. As no one received 25 votes, we will proceed to a second ballot--Senator Stuhr and Senator Raikes. Members, if you'll please cast your second ballot for either Senator Stuhr or Senator Raikes. I would like to ask the following three senators to serve as tellers on this ballot: Senator Beutler, Senator Kruse, and Senator Don Pederson. Members, the Chairman of the Education Committee is Senator Raikes. Congratulations, Senator Raikes. We now proceed to General Affairs. Nominations for General Affairs? Senator Janssen.

SENATOR JANSSEN: Thank you, Mr. Lieutenant Governor, members of the body. I would like to...for you to consider me and to have my name placed in...in contention for Chairman of the General Affairs Committee. It's been a distinct pleasure for me to serve in this capacity as Chairman of the General Affairs for

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the last year. I've always attempted to be fair and consistent in running the committee. Those goals I would like to continue to meet during the next two years. I sincerely enjoyed the...the job because of the many controversial topics that come before this committee, such as gaming, liquor taxation and licensing. In addition, there are...there are other things, other topics that the committee addresses, such as libraries and cemeteries that people often forget about. I believe that the committee has run smoothly over the last year and...and we've had to address many of those tough subjects while I've been there. I appreciate the time that you've given me to be the Chairman of that committee and I would think it would be a privilege for me to continue in this capacity. I thank you very much.

PRESIDENT MAURSTAD: Thank you, Senator Janssen. Further nominations? Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I listened to Senator Janssen and I agree with everything he said. I want to add something that maybe you all don't know. He makes some of the best smoked meat in the state and that's the best qualification for that position. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Chambers. Senator Coordsen.

SENATOR COORDSEN: In spite of that sterling endorsement, Mr. President, I would move the nominations cease and Mister...that Senator Ray Janssen be elected unanimously Chair of the General Affairs Committee.

PRESIDENT MAURSTAD: Thank you, Senator Coordsen. Members, you've heard the motion. Those in favor say aye. Those opposed nay. The motion carries. Congratulations, Senator Janssen. The next election is for the Government, Military and Veterans Affairs Committee. Senator Schimek.

SENATOR SCHIMEK: Yes, Mr. President, members of the body, I rise to place my name in nomination for Chair of Government, Military and Veterans Affairs Committee, and I'd like to thank

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the members of this body who have given me the privilege of serving in that capacity the last two years. I'd also like to thank members of the committee who served for the past two years. It was a good committee and I think that we got a lot accomplished, had a good time while we were doing it, so I especially want to thank them. I'd like to ask for your support for that...for reelection as Chair. I think that, by and large, I have a passion for democracy. I believe in the public participation in our process. I believe that we should encourage as many people as we can to be involved. I think that's what makes our democracy work. I also care about the treatment and the care of our veterans and those members of the National Guard who serve us every day. I think we've also accomplished some major pieces of legislation. One of them, actually, that I'd like to mention to you was a bill that Senator Withem and I worked very hard on and some of you were in the body when we finally got it passed, and that was the total recodification of the election laws in the state, and that was LB 76. And I think because of that, you can be assured that we have an election process that works pretty darn well, and that we may have to tweak it a little bit. We're going to look at it, I think, this year, in light of everything that happened at the national level, but I think that, by and large, we have a good set of election laws. I've been eight years on the committee. I've served four years as Chair and two as Vice Chair, and I think, in summary, I care, am fairly knowledgeable about the issues, and I will work hard. And with that, I would simply ask for your support. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Schimek. Senator Tyson.

SENATOR TYSON: Thank you, Mr. Lieutenant Governor and members of the body. I place my name in nomination for Chairperson of Government, Military and Veterans Affairs. I served on that committee the first two years that I was here until forces of evil, that would be "Cap" Dierks and Stan Schellpeper, I believe, put me on Health and Human Services. I think that I offer a clear choice. I have spoken to many of you about this. Most of the people here I think know who I am, what I stand for. I haven't been too shy about stating my positions on a number of issues. I have got a deep interest in government. I served in

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my own community in most of the positions that you do in a community, and I think this gives me a good feel of it. I am not going to take a lot of time on this. I believe that I can serve, serve you well, serve you fairly and consistently, and I ask that you give me your confidence in your vote. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Tyson. Are there further nominations? We will proceed to the ballot and I would like to ask the following to serve as tellers: Senator Kremer, Senator Dwite Pedersen, Senator Smith. The Chairperson of the Government, Military and Veterans Affairs Committee is Senator Schimek. Congratulations, Senator Schimek. We will now move to Health and Human Services, nominations for Health and Human Services. Senator Jensen.

SENATOR JENSEN: Thank you, Mr. President, members of the body. It is a privilege and also a humbling experience to place my name in nomination for the Health and Human Services Committee Chair. This is a committee that touches every single person's life in the state of Nebraska, and I would pledge to you the openness, honest and integrity that I have exhibited in the last two years and would just ask for your support for nomination of Chairman of Health and Human Services. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Jensen. Are there further nominations? Senator Coordsen.

SENATOR COORDSEN: Thank you. Mr. President, I would move that nominations cease and that Senator James Jensen be declared...be elected unanimously Chairperson of Health and Human Services Committee.

PRESIDENT MAURSTAD: Thank you, Senator Coordsen. Members, you've heard the motion. Those in favor say aye. Those opposed nay. The motion carries. Congratulations, Senator Jensen. Judiciary Committee. Senator Brashear. Excuse me.

SENATOR BRASHEAR: Mr. President, members of the body, I rise to nominate myself for reelection as Chairman of your Judiciary Committee. It would be my thought that if the satirical pillorying which was done at the last sine die night with regard

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to my leadership of the committee didn't convince you not to vote for me, then nothing will. I respectfully request your vote. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Brashear. Further nominations? Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, this is not a nomination, but Senator Brashear has done a good job on the committee. However, I do not stand today exactly to praise or to bury him. Being a man of few words is not my reputation. But I feel in view of the solemnity of the occasion I have to say a few words, and because I want to not make a mistake, I...I'm going to do what I usually don't do and that's to speak from a prepared text: Senator Brashear for Judiciary Chair. The "Silver Fox", Kermit, that is, wants to retain the Chair that's been his. Having observed "the Fox" as he works, mindful am I of occasional quirks, none of which impairs his ability, neither diminishes his civility. I stand prepared to recommend to my colleagues that we extend for the coming legislative session Senator Brashear's possession of that committee's chairmanship, fraught with heartburn and "despairmanship". Served have I a long 30 years, sometimes provoking, but shedding no tears, 30 hard years on that cursed committee. Things that crop up often aren't pretty. People have brought strangest notions in baskets, photos of bodies, yeah, corpses in caskets, hoping, thereby, to compel us in haste to grant their desires but, ugh, such bad taste. We're not counselors, to say the least. They should be seeking not us but a priest. Despite how the "Silver Fox" may feel, generally, he holds a calm even keel. Although I'm statesmanly, really quite nice, sometimes I'm forced to lay harsh advice in my role of "Guido". Have fear, if you think to challenge Brashear. Bid adieu to both of your thumbs, then the demise of kneecaps comes. Are my words designed as a threat? A threat? From the dean? Ha, ha, you bet! Obviously, though, each member is free to run or to vote as he or she determines best for his or her own good, however, to choose "the Fox", we should. Usually success is a matter of timing; he's better at chairing than I am at rhyming. Old and new colleagues, I bid you take note, 'twill be most wise if for Kermit you vote. 'Twill be most wise if for Kermit you

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vote. That's for emphasis. Kermit knew not that today I had planned in this embarrassing manner to stand, heaping such praise on his silver-haired head. Tell me please, colleagues, is Kermit's face red? (Laughter)

PRESIDENT MAURSTAD: Thank you, Senator Chambers. Are there further nominations? Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. President. I stand at this time bereft of rhyme. With that in mind, then I will move that nominations cease and that Senator Kermit Brashear be elected unanimously Chair of Judiciary Committee.

PRESIDENT MAURSTAD: Thank you, Senator Coordsen. Those in favor of the motion say aye. Opposed nay. Motion carries. Congratulations to Senator Brashear.

PRESIDENT MAURSTAD: We will move to Natural Resources. Senator Schrock.

SENATOR SCHROCK: Mr. President, members of the Legislature, I'd like to place my name in nomination to continue to serve as your Chairman of the Natural Resources Committee. Your support would be appreciated and I will try and always keep an open mind and an open office to your ideas.

PRESIDENT MAURSTAD: Thank you, Senator Schrock. Are there further nominations? Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. President. I would move that nominations cease and that the Legislature cast unanimous ballot for Senator Ed Schrock as Chair of Natural Resources Committee.

PRESIDENT MAURSTAD: Thank you, Senator Coordsen. Those in favor of the motion say aye. Those opposed nay. The motion carries. Congratulations, Senator Schrock. The Chairperson of the Retirement Systems Committee. Senator Bruning.

SENATOR BRUNING: Mr. President, members of the Legislature, I rise to place my name in nomination for the Nebraska Retirement Systems Committee. I do so pledging to you that I will work my

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hardest to keep up the good work that has been the hallmark of this committee for years. I've served on the committee now for two years. In my day-to-day life outside the Legislature, I serve as general counsel to Tagge Rutherford Financial Group. We do retirement planning. Typically, I do the legal work, but to remain safe as we talk to people about their retirement, I've become licensed with a Series 7 license, a Series 63 license. What those are, are NASD, National Association of Securities Dealers, licenses that say essentially I understand the subject matter. I also have a life insurance license with the state of Nebraska. Again, I don't sell those products but I have the licenses basically for the education purpose. With that, I would be grateful for your support. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Bruning. Senator Stuhr.

SENATOR STUHR: Mr. Speaker and fellow colleagues, I would like to place my name in nomination for the Retirement Chairman. As most of you know, education is my passion, but I have served as Chair for the last two years and would continue and very much like to serve you in that capacity. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Stuhr. Senator Redfield.

SENATOR REDFIELD: Thank you, fellow members of the Legislature. As you know, I sent a letter to you placing my name in nomination for this office. At that time, I indicated that if at any time Senator Stuhr were to place her name in nomination, I would step aside. And so I stand today to withdraw my name knowing that she has invested two years in that committee. She has built up an excellent staff and they have done a lot of legwork in that committee. And so it is with pleasure that I stand aside. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Redfield. Are there further nominations? If not, we will proceed to vote for either Senator Stuhr or Senator Bruning. Name the following three individuals to serve as tellers: Senator Wehrbein, Senator Brashear, and Senator Cunningham. Chairperson of the Retirement Systems Committee is Senator Bruning. Senator Bruning,

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congratulations. Revenue Committee. Nominations for Revenue Committee, Senator Wickersham.

SENATOR WICKERSHAM: Mr. President and members of the body, I rise to offer my name as a nominee for the position of Chair of the Revenue Committee. That is, as I am sure you appreciate, one of the busier committees in the Legislature. I don't expect it to be any less busy this next session, either because of the bills I introduce or because of the bills you introduce, but the committee, and I think the Chair, has a responsibility to you, as a Legislature, to make sure that those bills have a fair hearing, that they get a fair discussion in the committee, and then as the committee makes its recommendation to you as a Legislature and ultimately as we act for the people of the state of Nebraska, that we understand what we are doing and we appreciate why or why not to take the particular actions that are suggested to us. The Chair has, obviously, a role to play in carrying out those functions. I hope you feel that I have discharged those roles appropriately in the past, and if so, that you will support me as the continuing Chair of the Revenue Committee. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Wickersham. Are there other nominations? Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. President. I move that nominations cease and that Senator W.R. Wickersham be elected unanimously Chair of Revenue Committee.

PRESIDENT MAURSTAD: Thank you, Senator Coordsen. Those in favor of the motion say aye. Those opposed nay. The motion carries. Congratulations, Senator Wickersham. Nominations for the Chairperson of the Transportation and Telecommunications Committee. Senator Bromm.

SENATOR BROMM: Thank you. Thank you, Mr. Lieutenant Governor. It has been my honor to serve you in the last three years as Chair of the Transportation and Telecommunications. I would certainly appreciate the opportunity to do it again. I do have a confession to make, however. I had a little trouble when we started this morning pushing the right button to check in, so I

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don't know if I'm qualified anymore to be Telecommunications Chair but, in any event, I am willing to do that. And I wanted to tell you that because Senator Landis was going to announce it anyway. So I'll just get it out of the way and tell you what my weaknesses are. So thank you for the opportunity to serve in this position.

PRESIDENT MAURSTAD: Thank you, Senator Bromm. Further nominations? Senator Coordsen.

SENATOR COORSEN: Thank you, Mr. President. I move that nominations cease and that Senator Curt Bromm be declared by unanimous vote Chair of Transportation and Telecommunications Committee.

PRESIDENT MAURSTAD: Thank you, Senator Coordsen. Those in favor of the motion say aye. Opposed nay. Motion carries. Congratulations, Senator Bromm. Nominations for Committee of Urban Affairs. Senator Hartnett.

SENATOR HARTNETT: Mr. Speaker, members of the body, I'd like to simply place my name as the Chairman of the Urban Affairs Committee again. I appreciate the support of the body over the years, and so I simply ask for your support for my chairmanship to continue as Chairman of the Urban Affairs Committee.

PRESIDENT MAURSTAD: Thank you, Senator Hartnett. Further nominations? Senator Coordsen.

SENATOR COORSEN: Thank you, Mr. President. I move that nominations cease and that Senator Paul Hartnett be declared Chair of the Urban Affairs Committee by unanimous vote.

PRESIDENT MAURSTAD: Thank you, Senator Coordsen. Those in favor of the motion say aye. Opposed nay. Motion carries. Congratulations, Senator Hartnett. Speaker Kristensen.

SPEAKER KRISTENSEN: Thank you, Mr. President and members of the Legislature. Before we move on to the next portion of our agenda today, while you are all still here and attentive, tomorrow, I want to explain what our process is going to be. We

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will meet at 10 a.m., tomorrow morning. We will be open for bill introduction. We will try to introduce as many bills tomorrow morning as we can. I would anticipate that being somewhat close till noon. We will recess, not adjourn, but we will recess until 1:30 and then we will come back to meet. At 1:45 p.m., we will have the inaugural ceremonies where we bring in the Workers' Comp Court, the Regents, Board of Education, PSC members, Secretary of State and some of the judges of the Supreme Court for the inaugural ceremony. I don't anticipate that lasting a long time but, certainly, something that I would expect members to be present for, and I would just want to bring that to your attention for our schedule tomorrow. Thank you, Mr. President.

PRESIDENT MAURSTAD: Thank you, Mr. Speaker. Senator Bromm.

SENATOR BROMM: Mr. Lieutenant Governor, I move to proceed to the election of the Special and Select Committee Chairpersons by secret ballot.

PRESIDENT MAURSTAD: Thank you, Senator Bromm. Those in favor of the motion say aye. Opposed nay. The motion carries. Nominations for Chair of Intergovernmental Cooperation. Senator Aguilar.

SENATOR AGUILAR: Mr. President, members of the body, I humbly place my name in consideration for nomination of Chairman of the Intergovernmental Cooperation Committee. I'd be honored to serve in this capacity. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Aguilar. Are there other nominations? Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. President. I move that nominations cease and that a unanimous ballot be cast for Senator Raymond Aguilar as Chair of Intergovernmental Cooperation.

PRESIDENT MAURSTAD: Thank you, Senator Coordsen. Those in favor of the motion say aye. Opposed nay. Motion carries. Congratulations, Senator Aguilar. Are there nominations for the

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Rules Committee? Senator Hudkins.

SENATOR HUDKINS: Thank you, Mr. President and members of the body. I would like to place my name into consideration for Chair of the Rules Committee. It has been my privilege to serve in this capacity the last two years and I would welcome the opportunity to serve in this capacity for the next two years, so I would appreciate your support. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Hudkins. Are there further nominations? Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. President. I would move that nominations cease and an unanimous ballot be cast for Senator Carol Hudkins as Chair of our Rules Committee.

PRESIDENT MAURSTAD: Thank you, Senator Coordsen. Those in favor of the motion say aye. Opposed nay. The motion carries. Congratulations, Senator Hudkins. Nominations for Chair of Enrollment and Review, a lofty position I once held, if I can editorialize for just a moment. Senator Smith.

SENATOR SMITH: Mr. President, members, it's my honor and privilege to nominate a gentleman from western Nebraska, that means beyond North Platte. But I do want to nominate Phil Erdman and I am pleased to know that he has gotten to learn each and every name of his, the largest, staff in the Capitol, and with that, I urge your vote for Senator Erdman. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Smith. Are there further nominations? Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. President. I move that nominations cease and that a unanimous ballot be cast for Senator Phil Erdman as Chair of our Enrollment and Review Committee.

PRESIDENT MAURSTAD: Thank you, Senator Coordsen. Those in favor of the motion say aye. Opposed nay. Motion carries. Congratulations, Senator Erdman. Senator Wehrbein.

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SENATOR WEHREIN: Yes, Mr. President, I move that a committee of three be appointed to escort the Secretary of State to the Chamber to deliver the election returns of the General Election of November 2000.

PRESIDENT MAURSTAD: Thank you, Senator Wehrbein. Those in favor of the motion say aye. Opposed nay. The motion carries. I appoint the following senators to escort the Secretary of State: Senator Brown, Senator Don Pederson, and Senator Raikes. Sergeant...Madam Sergeant of Arms.

SERGEANT AT ARMS: Mr. President, your committee now escorting the Secretary of State, John Gale.

PRESIDENT MAURSTAD: (Gavel) Mr. Secretary.

SECRETARY OF STATE GALE: Thank you, Mr. Speaker. As Secretary of State of the state of Nebraska, I present to the Nebraska Legislature the certified results of the election as approved by the State Canvassing Board. Thank you.

PRESIDENT MAURSTAD: Thank you, Mr. Secretary. Senator Jensen.

SENATOR JENSEN: Thank you, Mr. President. I move to approve the report of the Secretary of State and the candidates stated therein be duly declared elected.

PRESIDENT MAURSTAD: Thank you, Senator Jensen. You've heard the motion, those in favor say aye. Opposed nay. Motion carries. Mr. Secretary, if the escort committee would please escort Mr. Secretary. Senator Schimek.

SENATOR SCHIMEK: Yes, Mr. President, I move to arrange to hold the inaugural ceremonies for the newly elected state officials on Thursday, January 4, 2000, at 1:45 p.m.

PRESIDENT MAURSTAD: Thank you, Senator Schimek. Discussion? Those in favor of the motion say aye. Opposed nay. The motion carries. Senator Coordsen.

SENATOR COORDSEN: Thank you, Mr. President, members of the

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body. Before you leave, in case you noticed, there are some devices that commonly are called laptops, although we've sort of nailed these in place, for a new generation of information technology that we've had for use on the floor of the Legislature for the last several years. There are some minor changes from the procedures and processes that we learned in past years. So we have arranged for training for the members of the body. New senator training will be tomorrow, the 4th of January at 8:30 a.m., and then I am sure that new senators who aren't able to be here then or feel that they need a little more information on how the system works would be welcome at the other new training sessions which will be Friday after the session adjourns here in the Chamber, and Monday, the 8th of January, here in the Chamber after adjournment. Although I authorized everything that is on the new system or the remodeled system, I, too, plan on being present to make sure that I'm aware of how everything functions. So I think it would be appropriate and helpful in the actions for this session if you make an effort to be present and be updated on the new system. So, thank you, Mr. President.

PRESIDENT MAURSTAD: Thank you, Senator Coordsen. Mr. Clerk, messages or announcements.

CLERK: Mr. President, one item, the Committee on Committees will meet at three o'clock in Room 1510; Committee on Committees at three o'clock in Room 1510. That's all that I have, Mr. President.

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Erdman.

SENATOR ERDMAN: I move to adjourn us till ten o'clock, Thursday, January 4.

PRESIDENT MAURSTAD: Thank you, Senator. Those in favor say aye. Opposed nay. We are adjourned.

Proofed by: LaVera Benischek