

**FEBRUARY 2, 2001**

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FLOOR DEBATE

February 2, 2001 LB 67, 68, 111, 118, 131, 156, 252, 275, 365  
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SPEAKER KRISTENSEN PRESIDING

SPEAKER KRISTENSEN: Good morning, and welcome to the George W. Norris Legislative Chamber. This morning our pastor for the day is Pastor Jim Miller. He's from the Grace United Methodist Church in Hastings, which is in Senator Burling's district. Pastor.

PASTOR MILLER: (Prayer offered.)

SPEAKER KRISTENSEN: I call the twenty-first day of the Nebraska Unicameral Legislature to order. Senators, please record your presence. Roll call.

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

SPEAKER KRISTENSEN: Thank you, Mr. Clerk. Any corrections?

CLERK: No corrections, Mr. President.

SPEAKER KRISTENSEN: Any reports, announcements, or messages?

CLERK: Enrollment and Review reports LB 67, LB 68, LB 111, LB 131, LB 118, LB 131, LB 156, LB 252, LB 275, LB 365 as correctly engrossed. A priority bill designation, Senator Kruse has selected LB 773. Lobby report for this week, Mr. President, and reports from the Health and Human Services System, and the Department of Administrative Services. Both will be acknowledged in the Journal, available for legislator review. that's all that I had, Mr. President. (Legislative Journal page 493-495.)

SPEAKER KRISTENSEN: Thank you, Mr. Clerk. We next move to confirmation reports. Our first one is from Business and Labor. Mr. Clerk.

CLERK: Mr. President, Business and Labor, chaired by Senator Connealy, offers a report found on page 472.

SPEAKER KRISTENSEN: Chairman of the Business and Labor Committee, Senator Connealy, you're recognized to open on...

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SENATOR CONNEALY: Thank you.

SPEAKER KRISTENSEN: ...the confirmation report.

SENATOR CONNEALY: Thank you, Mr. Speaker. The Business and Labor Committee would like to recommend the confirmation of Dale Starr and Martin Kasl. Dale Starr was represented by Senator Coordsen, who is a long-time friend, and Martin Kasl was there. Martin Kasl is a mechanical engineer. These are both new appointments to the Boiler Safety Code Advisory Board. Thank you.

SPEAKER KRISTENSEN: You've heard the opening. Debate on the confirmation report? Seeing no debate, Senator Connealy, you're recognized to close. He waives that closing. The question before the body is the adoption of the confirmation report from Business and Labor Committee. All those in favor vote aye; all those opposed vote nay. Please record.

CLERK: (Record vote, Legislative Journal pages 495-496.)  
36 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SPEAKER KRISTENSEN: The confirmation report is adopted. Before we move to Final Reading and, members, if you'd please take your seats in preparation of Final Reading, Senator Schimek would like to recognize the doctor of the day today. (Doctor of the day introduced.) This morning, as we go through Final Reading, the last four bills on the Final Reading list have motions to return for specific amendments. If we get additional motions to return bills from Final Reading today I will just place them at the end of the list for Final Reading today so that we can just read through the bills. If they do get motions to return or for specific amendment we will take them and move them to the back of the Final Reading order. Members, please take your seats for Final Reading. Mr. Clerk, LB 1.

CLERK: (Read LB 1 on Final Reading.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure

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having been complied with, the question is, shall LB 1 pass? All those in favor vote aye; all those opposed vote nay. Please record.

CLERK: (Record vote read, Legislative Journal page 496.) 44 ayes, 0 nays, 5 excused and not voting, Mr. President.

SPEAKER KRISTENSEN: LB 1 passes. LB 2.

CLERK: (Read LB 2 on Final Reading.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure having been complied with, the question is, shall LB 2 pass? All those in favor vote aye; all those opposed vote nay. Record.

CLERK: (Record vote read, Legislative Journal page 497.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

SPEAKER KRISTENSEN: LB 2 passes. LB 3.

CLERK: (Read LB 3 on Final Reading.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure having been complied with, the question is, shall LB 3 pass? All those in favor vote aye; all those opposed vote nay. Record.

CLERK: (Record vote read, Legislative Journal pages 497-498.) 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

SPEAKER KRISTENSEN: LB 3 passes. LB 4.

CLERK: (Read LB 4 on Final Reading.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure having been complied with, the question is, shall LB 4 pass? All those in favor vote aye; all those opposed vote nay. Record.

CLERK: (Record vote read, Legislative Journal page 498.)

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46 ayes, 0 nays, 3 excused and not voting, Mr. President.

SPEAKER KRISTENSEN: LB 4 passes. LB 5.

CLERK: (Read LB 5 on Final Reading.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure having been complied with, the question is, shall LB 5 pass? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record.

CLERK: (Record vote read, Legislative Journal page 499.)  
45 ayes, 0 nays, 1 present and not voting, 3 excused and not voting.

SPEAKER KRISTENSEN: LB 5 passes. LB 6.

CLERK: (Read LB 6 on Final Reading.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure having been complied with, the question is, shall LB 6 pass? All those in favor vote aye; all those opposed vote nay. Record.

CLERK: (Record vote read, Legislative Journal pages 499-500.)  
46 ayes, 0 nays, 3 excused and not voting, Mr. President.

SPEAKER KRISTENSEN: LB 6 passes. LB 7. The first question before the body is, shall LB 7 be read without an at-large reading? Those in favor vote aye; those opposed vote nay. Record.

CLERK: 40 ayes, 1 nay, Mr. President, to dispense with Final Reading.

SPEAKER KRISTENSEN: Final Reading is suspended. Mr. Clerk, read the title.

CLERK: (Read title of LB 7.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure

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having been complied with, the question is, shall LB 7 pass? All those in favor vote aye; all those opposed vote nay. Record.

CLERK: (Record vote read, Legislative Journal pages 500-501.) 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

SPEAKER KRISTENSEN: LB 7 passes. LB 8.

CLERK: (Read LB 8 on Final Reading.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure having been complied with, the question is, shall LB 8 pass? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record.

CLERK: (Record vote read, Legislative Journal page 501.) 45 ayes, 0 nays, 1 present and not voting, 3 excused and not voting, Mr. President.

SPEAKER KRISTENSEN: LB 8 passes. LB 9.

CLERK: (Read LB 9 on Final Reading.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure having been complied with, the question is, shall LB 9 pass? All those in favor vote aye; all those opposed vote nay. Record.

CLERK: (Record vote read, Legislative Journal page 502.) 46 ayes, 0 nays, 3 excused and not voting.

SPEAKER KRISTENSEN: LB 9 passes. LB 222E.

CLERK: (Read LB 222 on Final Reading.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure having been complied with, the question is, shall LB 222 pass, with the emergency clause attached, pass? All those in favor vote aye; all those opposed vote nay. Record.

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CLERK: (Record vote read, Legislative Journal pages 502-503.)  
46 ayes, 0 nays, 3 excused and not voting.

SPEAKER KRISTENSEN: LB 222, with the emergency clause attached,  
passes. LB 36E has a motion to return. We'll next move to  
LB 49E, Mr. Clerk.

CLERK: (Read LB 49 on Final Reading.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure  
having been complied with, the question is, shall LB 49, with  
the emergency clause attached, pass? All those in favor vote  
aye; all those opposed vote nay. Record.

CLERK: (Record vote read, Legislative Journal page 503.)  
46 ayes, 0 nays, 3 excused and not voting, Mr. President

SPEAKER KRISTENSEN: LB 49E, with the emergency clause attached,  
passes. LB 54E. The first vote is, shall LB 54 be considered  
for a vote without an at-large reading? All those in favor of  
dispensing with Final Reading vote aye; all those opposed vote  
nay. Record.

ASSISTANT CLERK: 40 ayes, 2 nays on the motion to dispense with  
Final Reading, Mr. President.

SPEAKER KRISTENSEN: Final Reading is dispensed with.  
Mr. Clerk, please read the title.

ASSISTANT CLERK: (Read title of LB 54.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure  
having been complied with, the question is, shall LB 54, with  
the emergency clause attached, pass? All those in favor vote  
aye; all those opposed vote nay. Have you all voted? Record.

ASSISTANT CLERK: (Record vote read, Legislative Journal  
page 504.) Vote is 45 ayes, 0 nays, 1 present and not voting,  
3 excused and not voting, Mr. President.

SPEAKER KRISTENSEN: LB 54E, with the emergency clause attached,

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passes. LB 122E.

ASSISTANT CLERK: (Read LB 122 on Final Reading.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure having been complied with, the question is, shall LB 122, with the emergency clause attached, pass? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 505.) Vote is 46 ayes, 0 nays, 3 excused and not voting, Mr. President.

SPEAKER KRISTENSEN: LB 122, with the emergency clause, passes. LB 130.

ASSISTANT CLERK: (Read LB 130 on Final Reading.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure having been complied with, the question is, shall LB 130 pass? All those in favor vote aye; all those opposed vote nay. Record.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 505-506.) Vote is 46 ayes, 0 nays, 3 excused and not voting.

SPEAKER KRISTENSEN: LB 130 passes. LB 134.

ASSISTANT CLERK: (Read LB 134 on Final Reading.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure having been complied with, the question is, shall LB 134 pass? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 506.) Vote is 45 ayes, 0 nays, 1 present and not voting, 3 excused and not voting.

SPEAKER KRISTENSEN: LB 134 passes. LB 194.

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ASSISTANT CLERK: (Read LB 194 on Final Reading.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure having been complied with, the question is, shall LB 194 pass? All those in favor vote aye; all those opposed vote nay. Have you all voted? Record.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 507.) Vote is 46 ayes, 0 nays, 3 excused and not voting.

SPEAKER KRISTENSEN: LB 194 passes. LB 210.

ASSISTANT CLERK: (Read LB 210 on Final Reading.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure having been complied with, the question is, shall LB 210 pass? All those in favor vote aye; all those opposed vote nay. Record.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 507-508.) Vote is 46 ayes, 0 nays, 3 excused and not voting.

SPEAKER KRISTENSEN: LB 210 passes. LB 135.

ASSISTANT CLERK: (Read LB 135 on Final Reading.)

SPEAKER KRISTENSEN: All provisions of law relative to procedure having been complied with, the question is, shall LB 135 pass? All those in favor vote aye; all those opposed vote nay. Have you all voted? Please record.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 508-509.) Vote is 45 ayes, 0 nays, 1 present and not voting, 3 excused and not voting, Mr. President.

SPEAKER KRISTENSEN: LB 135 passes. LB 136.

ASSISTANT CLERK: (Read LB 136 on Final Reading.)

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SPEAKER KRISTENSEN: All provisions of law having been complied with, the question before the body is, shall LB 136 pass? All those in favor vote aye; all those opposed vote nay. Record.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 509.) Vote is 46 ayes, 0 nays, 3 excused and not voting.

SPEAKER KRISTENSEN: LB 136 passes. LB 247.

ASSISTANT CLERK: (Read LB 247 on Final Reading.)

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 247 pass? All in favor vote aye, opposed nay. Have you all voted who care to? Record, please, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 510.) Vote is 46 ayes, 0 nays, 3 excused and not voting.

SENATOR CUDABACK: The bill passes. Mr. Clerk, next bill.

ASSISTANT CLERK: Mr. President, on LB 138 I do have a motion. Senator Kristensen would move to return the bill to Select File for specific amendment. That amendment is found on page 490 of the Journal. (AM0235)

SENATOR CUDABACK: Senator Kristensen, you're recognized to open.

SPEAKER KRISTENSEN: Thank you, Mr. President. Members of the Legislature, obviously, this is a, for those that are new, this is a two-step procedure to return the bill. We vote to return the bill and then, if there needs to be a specific amendment, we vote on that specific amendment, so you'll see a two-step process. LB 138 is a bill dealing with the model Business Corporation Act. For those who were here the last time, this is a correction. This is a good reason sometimes why a bill should be here for a couple of years to look at, as this one has been. This deals with whether there needs to be a corporate seal or

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not for the transfer of real estate by a corporation. The basic underlying policy of what we were trying to do remains the same. The amendment that I'm going to propose to you is the new language in the bill on line 6, says that the instrument shall be acknowledged by the officer of the corporation and shall be presumed to be valid and may be recorded by the corporation in the proper office. The problem becomes that if the corporation is the one selling the property they give the deed to the buyer at the real estate closing, and oftentimes it may be the buyer or what we call the grantee who will be doing the recording. So there is no confusion, all my amendment does is strike out the words "by the corporation". That way, it just says that the instrument may be recorded in the proper office and we don't have any ambiguity as to whether it's the grantee or the corporation, a relatively simple amendment. I would ask your permission to return it to Select File to adopt that amendment. Thank you, Mr. President.

SENATOR CUDABACK: We're open for debate on the motion to return. There are no lights on. Senator Kristensen, do you wish to close? He waives closing. The question before the body is, shall LB 130 be returned to Select File for specific amendment? All in favor vote aye, opposed nay. Have you all voted? Mr. Clerk, record.

CLERK: 45 ayes, 0 nays, Mr. President, on the motion to return the bill.

SENATOR CUDABACK: The bill is returned. Senator Kristensen, to open.

SPEAKER KRISTENSEN: Thank you, Mr. President. Members of the Legislature, this amendment merely strikes the words "by the corporation", as I outlined in my motion previously to return the bill. I'd ask for its adoption. Thank you.

SENATOR CUDABACK: Any discussion? Seeing none, Senator Kristensen, did you wish to close? He waives closing. The question before the body is adoption of the amendment. All in favor vote aye, opposed nay. Have you all voted who care to? Record, please, Mr. Clerk.

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CLERK: 43 ayes, 0 nays, Mr. President, on the motion to adopt the Select File amendment.

SENATOR CUDABACK: Senator Kristensen, for a motion.

SPEAKER KRISTENSEN: I move that we advance LB 138E to E & R for engrossing.

SENATOR CUDABACK: The question is to advance to E & R for engrossing. All in favor say aye. Opposed nay. It is advanced. Mr. Clerk, next item.

CLERK: Mr. President, LB 197. Senator Chambers would move to return the bill for specific amendment. (AM0174, Legislative Journal page 471.)

SENATOR CUDABACK: Senator Chambers, you're recognized.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature and Senator Dierks, this is just one...that amendment that I said I'm going to offer to bills that refer to a federal regulation or a federal statute, and it will say: as it existed on the effective date of this act. That is all that the amendment does. And just so that the record, if anybody ever peruses it, will know why this is done, the Legislature cannot make such an open-ended reference because it is an unconstitutional delegation of our legislative authority to another. The most devastating impact, aside from the bill being struck down, would be if Congress chose to repeal outright whatever is being referred to. Then there no longer exists anything to which the Nebraska statute would attach. So what this kind of language does is to pinpoint a point at which this reference to the Nebraska law is attaching. Even should that law that we have referred to be subsequently amended or repealed by Congress, it would be possible to find what the law stated on the effective date of the act by the Legislature in question and know what the Nebraska law is. If you have any questions, I'll answer them.

SENATOR CUDABACK: We're open on the discussion to return

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to...for a Select amendment. Senator Dierks.

SENATOR DIERKS: Thank you, Mr. President. Senator Chambers, when you talked about the law, you're talking about part 9, the Code of Federal Regulations one...part 161. Is that the...

SENATOR CHAMBERS: I don't have it open, but if it refers to a federal statute or regulation, that would be what this would attach to.

SENATOR DIERKS: Yeah, okay. I...I don't have any objections to the amendment. That's...that will be fine. I really thought it was covered, but we'll...it's sure doesn't hurt anything. We'll take the amendment.

SENATOR CUDABACK: Thank you, Senator Dierks. Seeing no further lights, Senator Chambers, do you wish to close on your motion? Senator Chambers waives closing. The question before the body is, shall LB 197 be returned for a Select amendment? All in favor vote aye, opposed nay. Have you all voted? Record, please, Mr. Clerk.

CLERK: 42 ayes, 0 nays, Mr. President, on the motion to return the bill.

SENATOR CUDABACK: LB 197 is returned. Senator Chambers, to open on your amendment.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'm moving that the amendment, as explained, be adopted. Thank you.

SENATOR CUDABACK: Any discussion? Seeing no discussion, Senator Chambers waives closing. The question before the body is, shall AM0174 be adopted to LB 197? All in favor vote aye, opposed nay. Have you all voted who care to? Record, please, Mr. Clerk.

CLERK: 44 ayes, 0 nays, Mr. President, on the adoption of the Select File amendment.

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SENATOR CUDABACK: The amendment is adopted. Senator Chambers, for a motion.

SENATOR CHAMBERS: I move that the bill be readvanced.

SENATOR CUDABACK: The motion before the body is readvancement of LB 197 to E & R for engrossing. All in favor say aye. Opposed nay. It is readvanced. Mr. Clerk, next bill.

CLERK: Mr. President, next bill is LB 198. Senator Chambers would move to return that bill for specific amendment, AM0175. (Legislative Journal page 471.)

SENATOR CUDABACK: Senator Chambers, to open on your amendment.

SENATOR CHAMBERS: Mr. President, members of the Legislature, as some occupants of the Chair will say, same sign. This is the same type of amendment except that it's going to LB 198, and the language would say, on page 8, at line 9, we will reinstate some language similar to this which had been stricken, so we will reinstate these words, "as such documents existed on", then add to that, "the effective date of this act". If you look at the Final Reading copy of this bill, you'll see that the language that I'm offering had been in that section of statute, but when it was amended this time that language was stricken. This simply reinstates the language to make it clear that the reference is to the federal provision as of the effective date of this act.

SENATOR CUDABACK: We're debating the motion to return to Select File. Senator Dierks, did you wish to...

SENATOR DIERKS: Thank you, Mr. President. Senator Chambers, I've had a chance to look at the amendment that you've offered and the legal counsel for the Ag Department has suggested that the National Conference of Interstate Milk Shippers will meet in May and discuss potential changes to the documents listed in this section. These are usually published by the Department of Health and Human Services over the summer and become effective in September. It's possible that, with your amendment, we could inadvertently cause us to adopt the...this update that occurs

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after the session is over. I've got an amendment up there I think that might serve the purpose better and I wonder if the...well, I'd like...can I read that then, Patrick? Is that... Senator Chambers, do you...

SENATOR CUDABACK: Senator Chambers.

SENATOR DIERKS: If you would amend LB 198 as follows: on page 8, line 6, after the word "Supplies," insert "1999 Revision," and on line 9, after "Shippers," the same thing, "1999 Revision". The amendment refers to a revision that we are adopting in reference to the 1999 Revision. With your amendment we could effectively adopt the 2001 Revisions without any action here within our body and also this would...I think this would...if you look at Section 1 of the bill, page 2, line 20...lines 17 to 21, it would make it consistent with that section; page 2, line 17 and 20...through...17 through 21.

SENATOR CHAMBERS: Do you want me to respond?

SENATOR DIERKS: Yes.

SENATOR CUDABACK: Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, Senator Dierks, since it is your bill, whatever way you want to pin it down I have no objection to, and whatever you want to refer to I have no objection to, just so it's clear that there is a specific existing item that we're making reference to, and whatever that reference is, as long as it's pinned down to that, I certainly don't have any objection. And if you didn't want this amendment at all I wouldn't object. All I'm doing is calling attention to these bills that have the open-ended references and am offering a way to correct that, but if any of these bills that I talk about is being introduced by somebody who objects to the amendment I'm offering, I'm not going to fight for the amendment because I have no interest in the bills or how the introducer would like to handle it. So, Senator Dierks, what ever way you have determined is the best to do only what you want the bill to do, in other words, deal with certain existing regulations or whatever and not have an amendment that

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would automatically adopt future regulations without any action by the Legislature. I have no objection to that and I think it's a good move to make. I haven't had time to review it so I cannot say that it is properly done, but on this I'm going to do like Senator Landis did the other day. I have confidence in you, the staff of the Ag Committee, and if this is agreed to, in terms of its accomplishing the job, I'm going to go along with what you're offering and, based on that, I would withdraw my motion.

SENATOR CUDABACK: It is withdrawn. Mr. Clerk.

CLERK: Senator Dierks would then return...move to return the bill, Mr. President, for FA21. (Legislative Journal page 511.)

SENATOR CUDABACK: Senator Dierks, to open on your motion to return for a specific amendment.

SENATOR DIERKS: Thank you, Mr. President. The amendment that I want to offer I read to you a little bit ago. It would just...would specify the 1999 Revisions. I think this is what Senator Chambers had in mind; that we actually put specific references there, specific dates. On line 6 of page 8, and on line 9 of page 8, after "Supplies," on line 6, after "Shippers," on line 9, the words "1999 Revision" would go in there. And, with that, I would just ask your approval of that amendment.

SENATOR CUDABACK: Open for discussion on the motion to return. Seeing none, Senator Dierks, do you wish to close on your motion to return? He waives closing. The question before the body is, shall LB 198 be returned for specific amendment? All in favor vote aye, opposed nay. Have you all voted? Mr. Clerk. Record vote. Have you all voted? Mr. Clerk. Record vote. Have you all voted? Record, please.

CLERK: (Record vote read, Legislative Journal pages 511-512.) 42 ayes, 0 nays, Mr. President, on the motion to return the bill.

SENATOR CUDABACK: LB 198 is returned. Senator Dierks, to open on your amendment.

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SENATOR DIERKS: Thank you, Mr. President. I've described the amendment twice. I think maybe that will be enough. Let's just vote on the amendment. Thank you.

SPEAKER KRISTENSEN PRESIDING

SPEAKER KRISTENSEN: Debate on the amendment? Seeing none, Senator Dierks, you're recognized to close. He waives that closing. The question before the body is the adoption of the specific amendment of Senator Dierks. All those in favor vote aye; all those opposed vote nay. Been a request for a record vote. Have you all voted? Record.

CLERK: (Record vote read, Legislative Journal page 512.) 43 ayes, 0 nays, Mr. President, on the adoption of the Select File amendment.

SPEAKER KRISTENSEN: The amendment is adopted. Anything further on the bill, Mr. Clerk? Senator Dierks, you're recognized for a motion to readvance.

SENATOR DIERKS: Thank you, Mr. President and members of the Legislature. I would move to advance LB 198 to E & R for engrossing.

SPEAKER KRISTENSEN: Heard the motion.

SENATOR CHAMBERS: (Microphone malfunction) Machine vote. Record vote.

SPEAKER KRISTENSEN: The question before the body is the re-advancement of LB 198 to E & R for engrossing. All those in favor vote aye; all those opposed vote nay. Been a request for record...have you all voted. Record.

CLERK: (Record vote read, Legislative Journal pages 512-513.) 44 ayes, 0 nays on the advancement of LB 198.

SPEAKER KRISTENSEN: LB 198 is readvanced. Next move to LB 137.

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CLERK: LB 137, Mr. President. Senator Chambers would move to return the bill for specific amendment. (AM0173, Legislative Journal page 471.)

SPEAKER KRISTENSEN: Senator Chambers, you're recognized on your motion.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, on this particular one I'm doing the same thing, adding language on page 2, line 26. After the last underscored period we would insert: as they existed on the effective date of this act. I did talk to the person who is representing the group interested in this bill and he was pleased that this amendment is being offered and the group itself had said this reference...this language did not accompany these references in the existing statute, so probably what they had referred to all those years ago has been totally obliterated by Congress so they're pleased that this amendment is being offered. So I'm asking that LB 137 be returned to Select File for this specific amendment that I've just discussed.

SPEAKER KRISTENSEN: Debate on the motion to return, Senator Schrock.

SENATOR SCHROCK: Mr. Speaker, members of the Legislature, Senator Chambers, I thank you for this amendment. It appears to be clarifying language. I will be supportive.

SPEAKER KRISTENSEN: Further debate? Seeing none, Senator Chambers is recognized to close. He waives that closing. Question before the body is, shall LB 137 be returned for a specific amendment? All those in favor vote aye; all those opposed vote nay. Been a request for a record vote. Have you all voted? Record.

CLERK: (Record vote read, Legislative Journal page 513.) 45 ayes, 0 nays, Mr. President, on the motion to return the bill.

SPEAKER KRISTENSEN: Bill is returned. Mr. Clerk.

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February 2, 2001 LB 1-9, 49, 54, 122, 130, 134-137, 194, 210  
222, 247

CLERK: Senator Chambers offers AM0173, Mr. President.

SPEAKER KRISTENSEN: Senator Chambers, you're recognized to open on your specific amendment.

SENATOR CHAMBERS: Mr. President, I move for adoption of the amendment as explained. Some people have noted that on the back of my shirt is the word "terminator". Well, because I'm being so creative this morning, we will substitute "germinator".

SPEAKER KRISTENSEN: Debate on the amendment? Seeing none, Senator Chambers, you're recognized to close. He waives that closing. The question before the body is the adoption of the specific amendment AM0173. All those in favor vote aye; all those opposed vote nay. Have you all voted? There's been a request for a record vote. Record.

CLERK: (Record vote read, Legislative Journal page 514.)  
44 ayes, 0 nays on the adoption of the Select File amendment.

SPEAKER KRISTENSEN: The amendment is adopted. Senator Chambers, you're recognized for a motion.

SENATOR CHAMBERS: Mr. President, I move that LB 137 be readvanced. I would like a machine vote and a record vote.

SPEAKER KRISTENSEN: The question before the body is, shall LB 137 be readvanced to E & R for engrossing? All those in favor vote aye; all those opposed vote nay. There has been a request for a record vote. Record.

CLERK: (Record vote read, Legislative Journal pages 514-515.)  
45 ayes, 0 nays on the motion to readvance the bill,  
Mr. President.

SPEAKER KRISTENSEN: The bill is advanced. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB 1, LB 2, LB 3, LB 4, LB 5, LB 6, LB 7, LB 8, LB 9, LB 222, LB 49, LB 54, LB 122, LB 130, LB 134, LB 194, LB 210, LB 135, LB 136, and LB 247. Mr. Clerk.

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February 2, 2001 LB 36, 52, 191, 298, 303

CLERK: Mr. President, Legislative...your Committee on Education reports LB 303 to General File with amendments. Transportation reports LB 191 to General File. Banking Committee reports LB 52 and LB 298 to General File with committee amendments attached; those reports all signed by the respective Chairpersons. (Legislative Journal pages 515-517.)

SPEAKER KRISTENSEN: We next move to LB 36E, Mr. Clerk.

CLERK: Mr. President, Senator Foley would move to return the bill for specific amendment, that amendment being to strike the enacting clause.

SPEAKER KRISTENSEN: Senator Foley.

CLERK: Senator, I'm sorry. Would you prefer...I've got...I've got that motion, and I also have the referral to committee. Which one did you want to take up first? Do you have a preference?

SENATOR FOLEY: I have no preference, Mr. Clerk. I think we can take them as they're listed.

SPEAKER KRISTENSEN: Senator Foley, you're recognized to open on your motion to return to strike the enacting clause.

SENATOR FOLEY: Thank you very much, Mr. Speaker. Members of the body, I want to begin this morning with a...just a word of apology, both to Senator Thompson and to all of you. I apologize for raising concerns about this bill at this late date. And I realize that it would have been far more appropriate for me to have raised these concerns at an earlier date. We're now at day twenty-one in the legislative...in my legislative career, and things have moved quite quickly for me. Quite frankly, I had no idea that this bill would advance to Final Reading so quickly. At about five o'clock, yesterday afternoon, I learned that this bill was on the agenda for Final Reading and I immediately called Senator Thompson and notified her that I had asked my staff to do some research on this bill, and that that research was incomplete, and I was waiting for

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them to get...my staff to get back to me with the report on what they had learned about the bill and its implications, and that I would talk with her first thing this morning to confer with...after conferring with my staff and discussing with her what they had learned. I then frantically searched for a member of my staff who had been researching this; she was off in Crete, Nebraska, she had to make a quick trip home. And anyway, I tracked her down last night. Anyway, to make a long story short, we pulled together the information just this morning and I visited briefly Senator Thompson to see if there wasn't some middle ground or some way of resolving the difficulties that I had with this bill. And Senator Thompson, of course, can speak for herself, but I don't think we were able to find any agreement. And with that, I made the motion to return this bill to committee and to strike the enacting date. About ten days ago or so I received an e-mail from a gentleman who identified himself as a 25-year veteran of the State Patrol, Mr. Leon Cederlind, and I think many of you received this same e-mail. And, of course, we all receive a great quantity of e-mails and it's always difficult to assess whether or not the person is bringing forward valid concerns that we ought to pay attention to. Well, this particular e-mail caught my attention and I'd just like to read a paragraph from this e-mail, just to refresh your memories. I think most of you have already seen this. He says, I recently retired, after more than 25 years as a State Patrol traffic officer. During this time I inspected many school buses as a trooper and a corporal. I also supervised many further inspections as a sergeant and a lieutenant. These buses had all been inspected by mechanics, but the mechanics checked items like engines, transmissions and brakes and I, personally, found many discrepancies after the mechanics made their checks, and these included fire extinguishers with no pressure, nearly empty first-aid kits, padlocked or chained emergency rear doors, inoperative alarms for unlatched rear doors, and so forth. Well, I...as luck would have it, a Mr. Harold LeGrande, who is the former superintendent of the State Patrol, happens to live in my district. And I contacted him and asked him if he knew of this gentleman, Leon Cederlind. And he said, indeed, he did know him, and that he had the highest regard for this gentleman; and that if Leon is raising concerns, it's something that I, as a senator, ought to pay

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attention to, because Leon had a stellar work record for over 25 years with the State Patrol. I asked Mr. LeGrande further if at any time during his career, as Superintendent of the State Patrol, had he ever entertained the notion of removing the State Patrol from the school bus inspection program? And he said, absolutely not, that he felt that that...those school bus inspections were absolutely essential to the health and safety of our school children and that he would never make such a recommendation. With that, I asked my staff to go over to the Department of Education and to begin combing through the reports of these inspections to see what kinds of infractions and violations the State Patrol was finding after the buses had previously been inspected by the mechanics hired by the school districts. As a senator who represents at least a portion of Lancaster County, naturally I had a particular concern about my own county. Well, Lancaster County's file was mysteriously missing, as was Douglas County. But we do have quite a bit of documentation from some of the other counties. And I think you ought to be aware of some of the inspection violations that the State Patrol has been finding and they are very serious. And I think if we don't...if we act quickly on this bill and pass it without giving it further thought, that we may find ourselves in a very difficult situation with some of our children being injured, if not killed. There are school buses out there that are nearly 21 years old or older; they're in shambles; they're falling apart; they've got bad tires; they've got latches missing from the emergency doors; they've got emergency doors that have been padlocked; they've got first-aid kits that are empty; they've got fire extinguishers that don't work or are gone. I could go on and on in regard to these reports, but it's all right here in the documentation, if anybody cares to peruse it. I then asked my staff to contact Legislative Research and find out what other states are doing in this matter, and they wrote back to me and stated that a majority of the states do have their State Patrol involved in the school bus inspection program. This bill before us today would move Nebraska into the minority; we would become one of the few states that does not have the State Patrol involved in school bus inspection. We also did some further research, talked to some folks at the National Highway Traffic Safety Administration in Washington, D.C., and they're very concerned about school bus safety, and

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they confirmed the number of deaths, annually, from these school bus accidents. Eleven children die every year on school buses, and many, many more people die who are pedestrians struck by school buses because of equipment failures on those buses, lights that don't work, horns that don't work, brakes that aren't properly working, functioning, and so forth, and bad tires. And these are all the kinds of things that we're finding on our school buses in Nebraska. And I'm very concerned that we're about to turn over the inspection of our school buses to school districts who are struggling financially and are not going to have the financial wherewithal to properly protect our children. I urge you to send this bill back to committee and to effectively kill this bill. We need the State Patrol involved in this school bus inspection. I'm not willing to take a gamble with the children in my district, and I hope you aren't either. Thank you very much.

SPEAKER KRISTENSEN: Debate on the motion to return? Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, one thing Senator Foley has come to a realization about, that the media will misrepresent what a person says. I read where Senator Foley had said earlier that things...not much was happening during this session. That's an obvious misrepresentation, because he just said that things are moving so fast that he just now caught up to what was going on. What I do want to point out to Senator Foley and all the new members, we have three stages of debate for the purpose of being able to catch problems that may relate to a bill which had escaped notice prior to Final Reading. So the fact that you're making your motion at this stage is not a negative. Now to get to the meat of your motion, I would like to ask Senator Foley a question or two, if he would yield.

SPEAKER KRISTENSEN: Senator Foley, would you respond?

SENATOR FOLEY: Yes.

SENATOR CHAMBERS: Senator Foley, when your staff member was researching, did the staff member determine that the State

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Patrol inspects every school bus in the state each year?

SENATOR FOLEY: I...

SENATOR CHAMBERS: How many buses were inspected by the State Patrol,...

SENATOR FOLEY: I believe...

SENATOR CHAMBERS: ...while they were inspecting?

SENATOR FOLEY: I believe there is something on the order of 4,000 buses in the state, and I have not been able to confirm that every one of those buses has been inspected by the State Patrol. I believe they are required to, but I'm not sure that they're actually doing it.

SENATOR CHAMBERS: So, if the State Patrol was doing it, wouldn't it have made sense to have your staff member determine whether they were actually inspecting all of these buses; whether they have the troopers to spare so that they can inspect every bus? Did that not occur to you or your staff?

SENATOR FOLEY: No, we've made every effort to determine whether or not the State Patrol is properly inspecting these buses, and I don't have any evidence to suggest that they are not. In fact, the evidence that I have shows that they are doing a fine job inspecting these buses, and that's why I want it to continue.

SENATOR CHAMBERS: Did you ask the State Patrol, do you inspect every bus? Did you present that question to the State Patrol?

SENATOR FOLEY: I don't recall; I may have, I don't recall.

SENATOR CHAMBERS: So you don't really know whether they're inspecting every bus?

SENATOR FOLEY: Well, we don't have the records. As I indicated, the Lancaster County file and Douglas County files are missing, so we don't know.

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SENATOR CHAMBERS: No, no, you could have asked the Patrol. What I'm saying is, based on all of your research, all of the research by your staff member, you don't know whether the State Patrol was investi...inspecting every bus, do you?

SENATOR FOLEY: I do not know that they have inspected every, single bus in the state of Nebraska.

SENATOR CHAMBERS: Okay. So, if a bus had a problem because of an equipment failure, it could have been one of those buses that the State Patrol neglected to inspect, is that true?

SENATOR FOLEY: There's a possibility that there are buses out there that have not been inspected by the State Patrol that had equipment failures.

SENATOR CHAMBERS: Who do you think has the primary responsibility for the vehicles used by a school district, the school district which insists on local control, or the state? Which has the primary responsibility, in your opinion?

SENATOR FOLEY: On questions of school bus safety, both jurisdictions have...have equal responsibility regarding the safety of that bus.

SENATOR CHAMBERS: So then the state should determine how many school buses any individual district will buy?

SENATOR FOLEY: No.

SENATOR CHAMBERS: Then they don't have equal responsibility,...

SENATOR FOLEY: ...regarding the safety of the buses, not the quantity of buses.

SENATOR CHAMBERS: Now, if...you say they have equal responsibility, if the State Patrol is going to conduct the inspection, should the local school district put up 50 percent of the cost of those inspections to show this equal responsibility?

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SENATOR FOLEY: Well, this bill does not speak to the cost of inspections, just...it just speaks to who is going to do it.

SENATOR CHAMBERS: No, I'm not talking about this bill right now. We're talking about this idea of school bus safety. You stated that the state and the local school district have equal responsibility when it comes to school bus safety, I heard you say that. Now, if they have equal responsibility and inspections go to discharging that responsibility, and you think the State...

SPEAKER KRISTENSEN: One minute.

SENATOR CHAMBERS: ...Patrol does a better job, if this is left to the State Patrol, do you think the local district should be required to pay half the cost of carrying out these inspections? That's what I'm asking you.

SENATOR FOLEY: I don't have any particular perspective on the payment of these inspections, I just want to make sure that the inspections are being performed and being performed properly.

SENATOR CHAMBERS: Don't you think the cost of the inspection is a part of the responsibility?

SENATOR FOLEY: Right now the cost is being borne by both the local district and by the State Patrol, and I think that's appropriate.

SENATOR CHAMBERS: Does...does the...does the school district pay 50 percent of the inspection cost? Is that what you're telling me, the way it's done now?

SENATOR FOLEY: The inspections are...the inspections are separate; the school bus hires local mechanics to perform certain inspections...

SPEAKER KRISTENSEN: Time.

SENATOR FOLEY: ...and the State Patrol hires...has their own

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personnel performing the second inspection.

SPEAKER KRISTENSEN: Time. Senator Thompson.

SENATOR THOMPSON: Thank you, Mr. Speaker. Members of the body, I just want to give you a little history of how we got to the point where we are today. Several years ago the law enforcement agencies of the state of Nebraska organizations came together and reviewed a number of issues dealing with criminal investigations and law enforcement in the state and were particularly concerned by the number of duties that had been added to the State Patrol's list of mission-related duties in the last 20, 25 years; and that list had doubled and the troop strength had stayed the same. This Legislature created a task force composed of troopers, chiefs of police, sheriffs, lay people and two State Senators, Senator Chambers and I, to look at that list of duties, to look at the structure of the Patrol and to make recommendations. One of the areas that we looked at was school bus inspections. And you received this report from the group which unanimously recommended that school bus inspections be looked at as an area of duplication, and it should be one that should be considered for removal from their list of duties. The task force held a press conference in December. We had wide press coverage on this and the school bus issue I know was covered on at least two or three television stations. And I would like for the record to say that I have not received an objection from anyone, member of the public or otherwise, on this issue to date. Now, that doesn't mean I...I don't want to take away from Senator Foley's research, but I do want it, for the record, known that it wasn't opposed in committee; we received no response to all the press coverage and the information that we disseminated to the various people throughout the state who had been part of this process. To address a couple of the issues that Senator Foley has raised, the school bus inspection documents are kept in each troop area; they are not required to file them with the state Department of Education. The Department of Education keeps their own records of the mechanics that the school districts hire. The troop areas keep that and then provide it to the school district, so there are no missing records for Douglas and Lancaster County, they just weren't...aren't kept at the state Department of

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Education; they are with the troop area and given to the school district. I would mention also that we...obviously we're scrambling a little bit this morning to try to respond to some of these things, but in 1999, from the Department of Motor Vehicles, the school bus accidents in Nebraska were all due to an error by the driver. There were no school bus incidents, there were no deaths, there were four injuries, two that were fairly minor and two that we don't know what the outcome was, but can probably find out. But all of those...none of those were due to the safety features. Let's talk about what other states do a little bit and talk about the inspection that is done by the Patrol. Troopers have no training in school bus inspections. They have a checklist, it would be like you or me going out, checking to see if there is a first-aid kit, checking for all of these items on their checklist. The school districts must hire a licensed mechanic; this is the law, this is what they are required to do. And the licensed mechanic looks at a lot of the same things the troopers are looking at and probably even more so in terms of an inspection. If you want to talk to any of the troopers off the floor, who are around here, who might have had some experience with this, the inspection is not an inspection...

SPEAKER KRISTENSEN: One minute.

SENATOR THOMPSON: ...such as you would have with Carrier Enforcement looking at a truck. I did talk and we had meetings, over the summer, with the school organizations that might have an interest in this. And I've been trying to get a hold of one of the people I talked with about the difference between Nebraska and the other states; he's out of the state today, and I'm unable to make connections. But this is what I know, and hopefully it's as accurate as I can bring it to you. School bus inspections have been on the record and on the law in Nebraska since the forties. Since that time, additional inspection requirements have been made through the Department of Education through their regulations. And the big stack you have in front of you is the regulations of the department, which are far more extensive than the trooper checklist that they go through. Other states require inspections similar to a carrier enforcement type of inspection by...which is someone who's more

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highly trained, which would be similar to the mechanic that...licensed mechanic that would be...

SPEAKER KRISTENSEN: Time.

SENATOR THOMPSON: ...hired by the school district.

SPEAKER KRISTENSEN: Senator Brown.

SENATOR BROWN: Mr. President, members of the Legislature, I serve on the Transportation Committee; we heard this bill. No one testified against it; the State Patrol testified in favor of it. I...I received the e-mail; I, obviously, did not do the same amount of work that Senator Foley and his staff did in terms of looking into it. But I guess my feeling about it is that maybe we need to just look at how many inspections are enough to make us feel secure rather than who actually does it, because it...you know, we're fin...I think we can find, in some instances, discrepancies in any number of inspections by qualified individuals. And so the question comes down to how many we think is sufficient. Do we need...do we believe that the school bus needs to be inspected a number of times over? The thing that I guess I feel about this is that (laugh) we...I...I've become a little cynical about our ability to change structures since I've been in the Legislature. I have seen instances where we have determined that entire commissions or agencies have changed in their focus or their function, and we might want to try to change them, and it becomes very difficult because there are always people who know something that they feel was good about the way things were done, and so they want to hold onto that. And so what I look for is, have we gone through a thoughtful process to arrive at the conclusion? And I think that, certainly, with the task force that was established, with the fact that the State Patrol testified for this bill, that we have gone through the process. That is not to say that we can't...that we should not be concerned that...that what we have in place is going to protect the children and that what we have in place is...is...is doing the job that it needs to do. But when we are presented with information that says that we...we have in place a process that hopefully by and large works, then...then we need to move

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forward with making the structural changes that are recommended by groups that we have that looked at it, like the task force. And so I feel very strongly that, from the perspective of somebody who heard the testimony in the committee, that we really need to move forward with this, and to not adopt the motion to strike the enacting clause and to go ahead and vote forward this recommendation. It's not just from...from one individual, it is from a task force that we put in place who looked very seriously at this issue, and I think that we need to move forward with their recommendation. Thank you. And if Senator Thompson would like the rest of my time, I...

SPEAKER KRISTENSEN: Senator Thompson, you have roughly a minute and a half.

SENATOR THOMPSON: Will do. I'm collecting my thoughts. A couple of...I'm trying to remember some of the arguments that I missed, and just to kind of go back over that. We, as a body, tend to add duties frequently to state agencies. I don't feel this hurts the safety. As you know, I've been up here advocating seatbelts for kids in cars,...

SPEAKER KRISTENSEN: One minute.

SENATOR THOMPSON: ...and other pro children issues. And I'm not saying you should listen to me over anyone else, but I do feel very comfortable with this recommendation. I heard about this issue when I was first appointed. I met with my school district on it; I talked with Troop A in Omaha. I don't feel any of those people would have supported this had they not felt that we could continue to insure safety of school children. I also would cite the two letters that are in your packet here from the school boards and the School Administrators Association, both of whom support this and feel that they can carry on with the inspection piece through the education part. And the other thing I would like to stress is we have two elected bodies other than us that will be looking at this issue. We have elected school boards...

SPEAKER KRISTENSEN: Time.

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SENATOR THOMPSON: ...who look at this from an administrative standpoint and also the state Board of Education, through regulation.

SPEAKER KRISTENSEN: Senator Aguilar.

SENATOR AGUILAR: Thank you, Mr. President. Members of the body, first of all, I'd like to point out I signed onto this legislation because I felt I had something to offer, had some experience and background in this matter. I've driven a school bus thousands and thousands of miles across the state of Nebraska, been directly involved with some of the inspections that we're referring to here. I'd like to point out that we have our bus inspected by a mechanic quarterly, just like everyone else in the state, and then we have to have it inspected by the State Patrol, as well. One thing I think is necessary to point out that the mechanics that do inspect buses have to have a specific certification. Now, if they're not doing an adequate job, then they're at risk of losing that certification; I think maybe that's the case that would need to happen in some of the instances where there are problems. Also, I'd like to point out that I have a CDL and a School Bus Permit, both of which are required to drive a school bus. The School Bus Permit teaches you and instructs you that you must also inspect that bus before you take it out on the road each time. Now, at risk of losing your license, I think that's a very, very important criteria in this situation. I think it's... I think that probably weighs more than anything else, and that's another situation where if that's not being done, then perhaps that person should lose his CDL and School Bus Permit. If there's infractions going on, they need to be corrected at the point. I don't think it should be up to the State Patrol, unless they want to follow through and check on the mechanics and make sure they're doing an adequate job; I think that would be fine and, you know, any time there's a problem that they address that and not have to go out and inspect every bus over and over again after they've been done. I think that's a waste of taxpayer money and not quite necessary. I also care about the lives of school bus children, that's why I went through the training, to make sure that I did it in a safe and proper manner. At this time I would yield any time I have left to Senator Thompson.

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SPEAKER KRISTENSEN: Senator Thompson, you have roughly three minutes.

SENATOR THOMPSON: Thank you, Mr. Speaker. Members of the body, just a couple of things for your clarification in your mind. The Department of Education division that handles school bus inspection regulation and paperwork tells me that if the school districts do not provide the assurances that they've performed the checks, that they cannot...they can lose their accreditation. And there are statutes that you could refer to, 79-607 and 79-318, that they report to me, so there is teeth behind the importance of inspections in school districts. Also, just to kind of go back over who's in support of this amendment or this bill, we can, if we choose, have the State Patrol go into school districts for a lot of reasons. Right now this is the only one. They could be inspecting for safety, they could be inspecting mechanical systems, and so forth, that also impact child safety. But this is the responsibility of school district school boards and the state Department of Education. I think it's better to use those hundreds of hours of inspections by troopers for their core duties of criminal investigation and law enforcement. It would be nice if we had resources to continue to do all these things and to add them on, but we have to make hard choices. And the hard choice here is whether to have four inspections required by the school bus...school districts. And I thank Senator Aguilar for pointing out also that people who have commercial drivers licenses also have to inspect before and after each trip,...

SPEAKER KRISTENSEN: One minute.

SENATOR THOMPSON: ...that there are numerous ways that we do have double checks here. We can continue to ask the Patrol to do this, but it's at the cost of other things they could be doing. What should their priority be? And I again remind you that it is not mechanics at the Patrol that are doing this, this is your uniformed officers that you see investigating crime, patrolling our highways, and so forth, it's the same troop area group that handles school bus inspections. So, I feel we should not return this to Select File, we should remove this duty from

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the Patrol and move forward.

**SPEAKER KRISTENSEN:** Senator Chambers, followed by Senator Foley, Senator Bromm and Senator Jones. Senator Chambers.

**SENATOR CHAMBERS:** Mr. President, members of the Legislature, I imagine if Trooper Leon had come to the committee during the hearing he might could have convinced all of them that the work of the task force, that the study undertaken by the State Patrol, I was a member of that task force, was all for naught. They might know something, but they don't know what Trooper Leon knows. Now, Trooper Leon is no longer a trooper. I don't know what troopers do when they stop being troopers, but they certainly don't troop anymore. So they pour through newspaper articles, and although a bill is before the Legislature for a period of time, Trooper Leon can wait to pounce until the last minute, because when Trooper Leon speaks, everybody listens, even E.F. Hutton. So I imagine you could call E.F. Hutton and say, have you heard from Trooper Leon on any issue? Now, does it sound like I'm being facetious? Yes. If the Legislature would turn aside work that has been engaged in seriously, painstakingly, because an ex-trooper called a senator and the senator didn't even know this ex-trooper, and the senator had to call somebody else who used to be the head of the State Patrol, I knew Colonel LeGrande. Colonel LeGrande was a semifriend of mine. Trooper Leon is not a Colonel LeGrande. Colonel LeGrande has been gone a long time. We don't object to citizens coming to hearings; we don't object to them sending us letters. I don't have these gadgets that receive e-mail, they can do that, all of that is fine. But we are the ones who make the final decision. We are hired to inform ourselves and exercise our judgment. Now maybe if I knew somebody as profound as Trooper Leon, then that might be my final source and I'd do the best I could, then I'd contact Trooper Leon and say, this is the way I look at it; how do you feel? And if Trooper Leon said, you did pretty well, but that's not the way it should go, do it this way, then I'd say, thank you, Trooper Leon, then I'd tell the Legislature, you all have done okay up to now, but I have something to offer, I'm going to give you the wisdom of Trooper Leon. What Trooper Leon needs to do is start coming to hearings and expressing his view so that we can all have the benefit of

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his wisdom. We will have the opportunity to question him as we do witnesses who seem to have a particular form of expertise and see what developmental activities and experiences went into producing the opinion, the expert opinion, that he's giving to us that, if the State Patrol does not continue these inspections, there may be carnage on the highways, which I don't believe. I think this is a good exercise for us this morning and it might give us an idea of how much credence we should lend to what somebody just throws on our desk and say, this is the whole story. Senator Thompson pointed out where some of these records are located. If the staff member doesn't know where to go to find the record, the staff member is not going to find it, but should not imply that mysteriously or significantly these records are missing. Well, if they don't even belong there, they're not really missing; they never were there. Absence is based on the notion of one who is supposed...

SPEAKER KRISTENSEN: One minute.

SENATOR CHAMBERS: ...to be present but is not present. If it never was to be there,...

SPEAKER KRISTENSEN: One minute.

SENATOR CHAMBERS: ...absence does not apply, strictly speaking. So I'm going to listen to the debate; I'm going to be further informed by Senator Foley. I have to step to my office for a minute, but one of the gadgets of electronic wizardry that I do utilize is the television. I've reached the point where I'll accept television. If I'm not back up here immediately, then I will listen to his comments, because he may be able to persuade me that in Trooper Leon we have a modern day oracle. But as of this point, I'm not convinced. I think the more factual presentation, the more substantive presentation was given by my seatmate, a member of the culture corner, the Honorable Senator Nancy Thompson.

SPEAKER KRISTENSEN: Senator Foley.

SENATOR FOLEY: Thank you, Mr. Speaker. Again, I suppose some members would take...would enjoy having some fun at

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poking...poking some fun at a former State Trooper, a 25-year veteran. Well, I take his concerns very seriously. And I checked this fellow out and I talked to people who know him, and they say that he was a first class trooper; he did his job and he took his responsibilities very seriously. And we ought to show due respect to someone who served for 25 years in one of our state agencies, performs well and then offers some of his knowledge back to us. And I don't think we should poke fun at somebody like that. And I'm concerned that we have discount the information that is presented to us simply because this man did not make it to a public hearing. Well, I take his concerns very seriously, despite the fact that he was not able to attend that public hearing. Now on this whole matter of the missing records, those records are missing; they can't find them. And they didn't even know they were missing until my staff pointed it out. We asked for the records for Lancaster County and Douglas County, and they said, well, they're right over there. Well, we went right over there and those records were not there. What do you mean they're missing? We don't know where they are; call the state troopers. Well, we did and they can't find them either; and they don't know; nobody has an answer as to where those records are. But we do have some of the records. Here's a record from Stanton County; here's a 21-year-old school bus, it has no stop arm lights. And here's the explanation--the school officials say, don't worry about it, this bus is being used to transport football players. We're not using it on our regular routes. Here's a report from Wayne County--state troopers report that this bus was not being inspected by the local district as is required by law, 10-year-old school bus. Here's a bus from Custer County, exhaust pipe has a leak, it's being held on with wire. Here's a bus in Morrill County, 16-year-old school bus, leaky exhaust system. Leaky exhaust systems mean carbon monoxide poisoning. Here's a bus in Antelope County, no emergency door handle on the rear emergency door. I could go on and on, and I can...anybody who has the interest in knowing what's going on in your county with school buses that are rolling around today, that in theory have been inspected by the local district, you ought to take a look at these State Patrol reports before you abolish the role of the State Patrol in this function. Again, I'm not willing to take a gamble with the lives of the school children in our state; maybe

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you are, but I'm not, quite frankly. Senator Chambers, would you yield to a question?

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Senator Chambers, would you yield, please?

SENATOR CHAMBERS: Yes, I will.

SENATOR FOLEY: Senator Chambers, in the course of all your work on this matter, did you ever look at even one State Patrol Inspection Form?

SENATOR CHAMBERS: No.

SENATOR FOLEY: Thank you.

SENATOR CUDABACK: Are you...are you through, Senator Foley?

SENATOR FOLEY: I...I've completed for now, thank you.

SENATOR CUDABACK: Are you through, Senator Foley?

SENATOR FOLEY: I'm through for now. Thank you. I may be back later.

SENATOR CUDABACK: Thank you. Thank you, Senator Foley. We are debating the motion to strike the enacting clause to LB 36E. Those wishing to speak are Senators Bromm, Jones, Thompson, Chambers. Senator Bromm.

SENATOR BROMM: Thank you, Mr. President. I want to reiterate, although I'll try not to repeat exactly, what Senator Brown stated on behalf of the committee, and that was that we did provide, of course, opportunity for any comment. I also attended at least one of the meetings that Senator Thompson's task force held this summer in looking at the duties of State Patrolmen and studied their report. And I just think that I don't discount anything Senator Foley is telling us about finding problems with school buses. When you've got the number of school buses there are in the state, there are going to be

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repairs needed, there are going to be exhaust pipes that need to be replaced, there is no question about that. The question is really and the issue is, how do you best address the inspection process and make sure that these repairs that are needed are found and that they're done? And for my part, I don't think being a State Trooper necessarily gives you any special credentials for being a good inspector of buses for mechanical problems. I think the mechanics that are certified and who have had the training and are familiar with the mechanics of a bus are the best people to do the inspections. And for that reason, plus the fact that we have saddled troopers with 55 other duties dealing with very specific public safety issues, and this is a safety issue but it's a mechanical...it's a mechanical related safety issue. And I think the mechanics that are certified can do the job and we can take this...this one duty off of the State Patrol's shoulders. It is a duplication, it is a duplication and I don't think all of our troopers are necessarily mechanically inclined. Now the schools who came in, in support of this bill, as well as the Troopers Association, but the schools in particular and the school administrators in particular, they have a great exposure, not only are they in charge of making sure these buses are safe, but they have a great exposure liability-wise if they don't get them inspected properly by a certified mechanic. And so I think that is very good logic for moving ahead in the direction that we're going. Now, I don't think it's very wise for a school to take the position that they don't need an operating stop arm because that bus is going to haul football players or something. That doesn't cut any water with me, and I doubt that it would be very...looked on very favorably if there were an accident related to the stopping of that bus without a stop arm, that's just foolish on their part. But having a State Trooper do the inspection doesn't guarantee that that situation is going to be rectified or found any easier or more readily than having the type of inspections that we're requiring with the mechanics. So, it is unfortunate that this is coming up on Final Reading. These discussions are good and I'm glad we're having the discussion, but I do think at least for my part, having sat through the hearing and also the meetings this summer,...

SENATOR CUDABACK: One minute.

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SENATOR BROMM: ...and studied the information we've gotten from many sources, that I still think Senator Thompson's bill is the right direction to go and the right idea. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Bromm. Senator Jones, on the motion to strike the enacting clause.

SENATOR JONES: Mr. President, members of the body, I want to stand in opposition of returning this bill to Select File to do that. I sat through the hearing, too, and we had people coming in; the troopers came in, the schools came in and both in support of the bill. And I happen to have a young sister that's been driving for nearly 20 years now with a CDL license, and she's never had an accident. But she tells me that she's got a checklist to go through every time that she gets in the bus. And I think that Senator Aguilar brought that main thing out, too, that they have a checklist they got to go by. But our troopers are loaded down with so many more jobs than they used to be that I think that they really need to have...out on the road, trying to catch somebody, criminals and things like that, and places...being here, checking buses. And I think that certified mechanics that have been doing it twice a year is the right way to stay. With all the testimony that come in front of the committee, I still think that this is...we should stick with that and go ahead with the bill. With Senator Thompson and Senator Chambers both being on this task force, and this is something that came out of the task force, and they had a lot of study on it. And I think I put a lot of weight in that because I think that's the right way to go. So I'm going to stand in opposition of bringing it back to Select File to do something right now. Thank you.

SENATOR CUDABACK: Thank you, Senator Jones. Senator Thompson, on the motion.

SENATOR THOMPSON: I think we've had quite a bit of discussion. We're just to...my staff has been making calls on the records issue; this is what I have found out, that in Douglas and Lancaster County they have a large number of school buses to

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inspect; they start in October or November, they have finished them up; they're finishing up the paperwork, and the reason that paperwork is with the troop areas, but it's not been shipped to...it is being shipped because the department requested it, because Senator Foley requested it, so it isn't a missing document, it's one that isn't...has just been finished up and is being sent from the...it is in the troop areas. It is being sent to the department at their request to the Patrol because Senator Foley asked for it. So, I think we could spend a lot of time talking about where the report is or what the report is, or what it looks like, or what it says, but I think this is fundamentally an issue of what should the Patrol be doing? What should a trooper be doing with his or her time? The task force's charge given by this Legislature, in a bill that was passed and funded, University of Nebraska at Omaha staffed it, we took the information we had and we are giving you a recommendation. The patrol either has to have a lot more troopers, which they're going to need even without this particular bill, to perform their mission-related duties. What can we take on that list and prioritize? What can come off the list? Historically, this has been around the nation something that troopers have done. Over the years things have changed. Some states have made this part of a Carrier Enforcement type function. What we're recommending as a task force is because this state requires four inspections a year by licensed mechanics of the school district, that this responsibility should be with the school district and the state Board of Education. The school agency should have said, could have said, look, you keep doing that, doesn't cost us anything, then, you know, we're covered one more time and we don't have to share the whole responsibility. The schools and the school education groups were willing to say we don't think this is a problem. In the letters that you have they're saying we're willing to accept that responsibility fully. And they have told me in their discussions they are going to work through their associations to provide the education to their members, to the school boards, to the school administrators to realize that this is their sole responsibility and that they won't be getting this report from the State Patrol anymore should this go into effect. I've been called...one of the groups that's out of state did phone in and say they still stand solidly behind this. There were troopers

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represented on the task force, and the Troopers Association supports it. Nobody...in here 100 percent of us don't support everything either. Any former trooper or existing trooper can have an opinion on this. The opinions I've received from troopers and those who are representing troopers on the Patrol Task Force felt this was something that could be handled adequately by school districts, through their governing boards, making sure this is happening and it's happening correctly, that it could be time, and we're talking hundreds of hours here, hundreds of hours, in my area it's 900 school buses, that could be...we can't even provide 24-hour coverage...

SENATOR CUDABACK: One minute.

SENATOR THOMPSON: ...in Troop A because of the shortage and how thin the troop is now for all those other duties they're required to perform. This is a way that we can prioritize and take one duty off the list and let that time be redirected. We could keep it there, that's your choice, if you want to keep it there as a duty then vote to return it to Select File; if not, it's just a choice we are making with how the troopers spend their time. And I remind you again, they are not licensed mechanics nor trained for this. It would be better to have licensed mechanics do this. If Senator Foley would like to come back with another bill, next year, to require a different inspection, not performed by a trooper that could be doing investigation or another activity, he is certainly welcome to do that. What we are saying is that the troopers whose duties now include law enforcement and criminal investigation, the troopers who are in the field need to have this duty removed from the list of things they spend their time on.

SENATOR CUDABACK: Time. Thank you, Senator Thompson. Those wishing to speak on the amendment are Senators Chambers, Foley, Landis, and Smith. Senator Chambers, and this is your third time.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'd like to ask Senator Foley a question or two.

SENATOR CUDABACK: Senator Foley, would you yield to a question,

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please?

SENATOR CHAMBERS: Senator Foley, when you were talking to this trooper, did you ask him how many inspections he had performed on school buses?

SENATOR FOLEY: I never asked him for a specific number, but my impression, from speaking with him on two occasions, what that over a 25-year period he was involved in probably thousands of inspections.

SENATOR CHAMBERS: What training did he say the patrol gave him in inspecting buses?

SENATOR FOLEY: We did not discuss the nature of his training; we discussed the number of years that he worked there, the number of buses, in general terms, that he inspected, and the types of findings. I was focusing mostly on the types of findings that he was coming up with and his subordinates were coming up with at the Patrol.

SENATOR CHAMBERS: Did he conduct an inspection, or did he go by a checklist?

SENATOR FOLEY: The Patrol uses a checklist.

SENATOR CHAMBERS: That's all that I have of you. Thank you, Senator Foley. Members of the Legislature, I don't think it requires all this discussion to stop this motion from being adopted; I don't think it's going anywhere. But this has been an instructive exercise to all of us for different purposes, and we all have our style of doing things. And when somebody brings something to the floor that I think is funny, I'm going to deal with it in that way. He could have been a trooper for 50 years for all I'm concerned; that has no bearing whatsoever on the issue. And whenever somebody is going to try to prove a point to me by telling me how long a person has done something, they don't have an argument, the kind of argument it would not have persuaded me to bring the bill back and strike the enacting clause, but the kind of argument that would have carried some weight with me, based on what a trooper said, is that this is

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the training that I received on inspecting school buses, this is the kind of inspection I conduct and it's of a higher quality than that of a mechanic; I have conducted this many and this many and this many inspections. With Nebraska being the symbol of the whole creation, he'd say I've inspected buses all up and down the whole creation and these are deathtraps and I will tell you why. But to have some disgruntled person say, I've been on the Patrol for 25 years, therefore accept what I say, it won't cut water with me. The troopers who are active now know that they cannot sway me on anything by saying I've been a trooper for so many and so many years, and I talk to them on a regular basis. Now, if I have pursued an erroneous course for 25 years, does the fact that I pursued it for 25 years make it less erroneous? No. So, Senator Foley might do well not to have such thin skin when he brings up his arguments. But I'm going to conduct my presentation and my arguments anyway that I see fit. And longevity does not equate to credibility. Some of us, after we've been around a while, become less credulous. What was former Superintendent LeGrande's main argument? Well, he was a good trooper, so if he says something, a senator ought to pay attention. That would be like somebody applying for a job and giving your name...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...as a reference, and the one who is being asked to hire that person calls you and says, your name was given to me as a reference for Ms. Tea or Mr. Coffee; do you think that I ought to hire this person? And you say, well, I've known them for a long time, and if they say they can do the job, you ought to believe they can do the job. That works for some people, but I take my work a lot more seriously. Staff members don't make decisions for me. Last minute flurries don't make decisions for me, but if that's the way a senator wants to conduct his business, fine. But when you throw something into the grinder, expect the grinder to work and behave as a grinder will. This motion, I don't believe, is going anywhere.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Foley, you're recognized, and this will be your third time.

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SENATOR FOLEY: Again, I'm...I'm very concerned that we are so cavalierly discounting the work of a man who had a stellar track record for 25 years with the State Patrol. I don't take every e-mail that I receive at face value, I check them out. And I tru...I thoroughly checked out the record of Mr. Cederlind; I talked to his supervisor, somebody who knew him very well, somebody who worked with him, somebody who supervised his work, and they say if Trooper Cederlind says there's a problem here, he raised some concerns, you would be wise to pay attention to what he has to say because he has direct knowledge of this situation. There are many ways that we can save money in this state. We could do away with worker safety issues, we could do away with meat...we could stop inspecting meat, I suppose, we can stop all kinds of inspections; we can save all kinds of money. I'm not willing to take those kinds of gambles. There are certain inspections that are needed to protect us and protect our children and our grandchildren. Many of you seem to be willing to just take a gamble here, say, well, you know, maybe my kid will get on a good bus today, and tomorrow, well, we'll just take our chances. The bus has bad tires, we got these kids riding out in the rural areas now because of consolidation, some of these kids are on buses for hours per day, with bad tires, no horns, padlocked emergency doors; it's okay, they'll get there, the good Lord will provide. I'm not willing to take chances like that. If you vote for this bill, in effect, you're saying I'm willing to take a chance that the local school district has done an adequate job of inspecting that bus, and we know they have not, because we've got the reports of the buses that were previously inspected by the local district. The State Patrol is coming in behind those inspectors and finding very serious violations, violations that ought to require the removal of those buses from the highway until the issues are addressed. Quite frankly, I'm very concerned over the financial stress that many school districts are now facing; they're under all kinds of stress to try to educate children with declining enrollments and difficulties, we're going to hear an awful lot this session about teacher pay; we're trying to recruit teachers and retain teachers, make sure that those teachers are properly educating our children. And one of the functions that they're responsible for is inspecting those buses, and we know darn well that they're not able to do it

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properly, because the State Patrol has told us, through their reports, that they continue to find very serious violations on those buses. I thank the body for its indulgence today. And again, I apologize for bringing this up late; I wish I could have brought it up sooner. This bill moved far more quickly than I thought it ever would. And I notified Senator Thompson as quickly as I could, when I learned this bill was going to be on the floor today, and told her I had some concerns. And I'm sorry that we weren't able to work something out, because I have great respect for Senator Thompson. I know she worked hard on this issue and others did as well. But I urge you to exercise some caution today and exercise some respect for the lives of your children and your grandchildren. And I think we should attach great weight to people who have no stake here. This retired State Patrol Officer and his former supervisor, Harold LeGrande, they don't have a stake here, other than the general concern for the health and welfare of children; they're not with the State Patrol anymore, it doesn't affect them directly,...

SENATOR CUDABACK: One minute.

SENATOR FOLEY: ...but they have direct knowledge of the situation. And if they care to share their wisdom with us on this difficult question then I'm happy to receive it and I'm sorry that others are not. Thank you.

SENATOR CUDABACK: Thank you, Senator Foley. Senator Landis, on the motion to return.

SENATOR LANDIS: Thank you, Mr. Speaker. Members of the Legislature, we have fashioned this debate into an either-or proposition, when it doesn't seem to me it has to be an either-or proposition. Either we believe the former trooper or not, or he has credibility or he doesn't, or we stop this bill or we pass this bill, there are two lines of argument that are going on here and they are not directly contradictory. If I interpret Senator Foley's argument correctly, it's something like if you care about children's safety you should not stop doing safety checks that are catching real dangers. I think that's his argument. Don't stop doing safety checks that are catching real dangers, that is what I think he's saying. Now, I

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got to tell you, so far I haven't had the burden of proof met. I've got four examples; it would have been profitable if I'd have had some of those reports on my desk or if I heard some more from you, perhaps in your closing, that burden of proof would be important to me. Senator Thompson is arguing if you care about the rational allocation of a very limited valuable resource, which is state trooper time, you would send them out catching crooks and bad guys and making them be on the highway and doing highway patrol work for the safety benefits there. Listen to those two arguments again. Don't stop doing a safety check that is catching real dangers, and make sure highway patrolmen are doing highway patrolmen work, don't allocate the resource that way. Those are not two contradictory ideas, it's only because we're talking about LB 36. You can have somebody else do this inspection, can't you? Couldn't you have a well-trained Roads Department where they have offices all over this state do the function that a highway patrolmen, who is the only person that the state hires who can carry a gun and enforce the laws and do drug inspections do much the same thing? What we've done is we've done away with the check, we haven't put anything else in its place. I think on the argument that there wasn't anything to be worried about, now we know we might have at least something to be worried about because I got to say a school district that says it's okay by me that we don't have arms that work on the bus is okay because they're just football players isn't the local official I want to give this to. I think a certain amount of oversight of that board makes perfect sense in my mind. It just doesn't have to be the highway patrol. A way out of this, I got to tell you I would have to have more facts before I wouldn't go forward with this bill in this form today. I need to hear some more ugly examples, in which case, if I hear them I think one of the things we could do is this bill has the E clause, which means it becomes immediately effective upon passage, which means the inspections stop (slapping sound) tomorrow. If the E clause of this bill doesn't go, it will mean it will go into effect 90 days after the session, which will give us two things, the chance to find a bill this session in which, if we believe it, we can stick a Roads Department or another department responsibility of a less well-trained, uniquely skilled person to do this function and to give it to somebody else to do and to put it in place so that

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you can move from one form of cross-check to another, if you believe a cross-check is necessary. In other words, if I was persuaded that there was enough ugly examples out there that we shouldn't trust just the existing system, and I've heard four so far or about five, and that's not enough for me, I could vote not to let it go on the E clause, then vote for the bill, which would tell the world the highway patrol is going to come to an end, because they're not the right group to do this, and reallocate those services back into criminal investigation and highway safety where it should be. That would also give us an...

SENATOR CUDABACK: One minute.

SENATOR LANDIS: ...opportunity yet this session to come up with something else besides the highway patrol, in the event this body felt that there was sufficient number of ugly examples that means one more cross-check with our children's safety ought to be done. And I got to tell you, that value is high for me. Children's safety is pretty darn high. And I think a school bus that doesn't have an emergency lever is dangerous; I think a school bus whose arms for stopping don't work is dangerous; I think a leaky exhaust system is dangerous. And any system that has checked and let those go by is itself flawed. We're not doing enough if we've been able to catch those. It's just that we don't need a highway patrolman to catch those; many other people could do that. This leaves me in this spot, I'm going to vote for LB 36. If I hear enough ugly examples, I'm not going to vote for the E clause and then I'm going to vote for LB 36. If I don't hear enough ugly examples,...

SENATOR CUDABACK: Time.

SENATOR LANDIS: ...I'm going to vote for LB 36 on its face. But, if there are enough ugly examples, I'm going to let us use the rest of this session...

SENATOR CUDABACK: Time, Senator Landis.

SENATOR LANDIS: ...and 90 days after to come up with an alternative form of checking rather than simply to do away with

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the check altogether.

SENATOR CUDABACK: Thank you, Senator Landis. Senator Smith.

SENATOR SMITH: I would respectfully call the question.

SENATOR CUDABACK: The question has been called. Do I see five hands? I do see five hands. The motion before the body is to cease debate on the motion to return to Select File LB 36E to strike the enacting clause. All in favor of the motion vote aye, opposed nay. We are voting on the motion to cease debate. Have you all voted who care to? Record, please, Mr. Clerk. There's been a request for a record vote.

CLERK: (Record vote read, Legislative Journal page 518.)  
36 ayes, 5 nays to cease debate.

SENATOR CUDABACK: Debate does cease. Senator Foley, you're recognized to close on your motion to return to Select File, if you wish.

SENATOR FOLEY: Thank you very much, Senator Cudaback, and members of the body. Senator Landis, you said that you wish you could see more evidence I suppose particularly as it relates to Lancaster County. And again, we can't tell you much about Lancaster County because, until we told the Department of Education that their file was missing, they didn't know it; and that's a file that they're required by statute to keep. They didn't know that the file was missing. Douglas County, the file is missing. But we did have the files for many other counties and I went through just a very few of examples. I've got quite a ream of paper here, we can talk about this for quite some time. We heard about leaky exhaust systems, we heard about football players that were riding on dangerous buses, inspections that were not being performed by the districts, exhaust systems being held on with baling wire, emergency door handles missing, Antelope County-lights out on the stop arm; another one in Antelope County, the emergency door switch doesn't function. Arthur County, fire extinguisher not functioning; no first-aid kit. Box Butte County, tires worn down to the tread bar; Wayne County, no reflective devices; fire

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extinguisher, first aid not functioning; and previous inspection, not completed. Clay County, emergency brake inoperative; Clay County, emergency brake not holding; Dakota County, left front tire worn; Greeley County, service door latch inoperable, no first-aid kit; Lincoln County, emergency brake inoperable, tread tire...tire tread worn; Howard County, wipers not functioning properly; Hitchcock County, emergency brake not working; Gordon County, fire extinguisher needs to be recharged; Dakota County, no first-aid kit; Clay County, emergency door buzzer not functioning; Antelope County, first-aid...excuse me, fire extinguisher needs recharging. I can go on at some length here, Senator; we can take up quite a bit of time, if you'd like, but I think you get the point, it's all across the state, except for Lancaster and Douglas, we don't know what's going on in those two counties, they can't find the files. Isn't that interesting. They thought the files were there when we asked for them. They said, well, they're right over there, just go look for them; so where? We can't find them. Oh, gee, I guess they're not here; sorry about that; we'll see if we can find them. State Patrol can't find them either. I urge you to vote against this bill. This is a bad piece of legislation, it does not deserve this much time. We can ill-afford to take this gamble with the lives of our children. I urge the adoption of the amendment. Thank you.

SENATOR CUDABACK: Thank you, Senator Foley. You've heard the closing on the motion to return LB 36E to Select File. All in favor of that motion vote aye, opposed nay. We are voting on the motion to return LB 36E to Select File to strike the enacting clause. Have you all voted? Record vote has been requested. Mr. Clerk, record, please.

CLERK: (Record vote read, Legislative Journal pages 518-519.)  
1 aye, 34 nays on the motion to return, Mr. President.

SENATOR CUDABACK: The motion does not carry. Mr. Clerk.

CLERK: Mr. President, Senator Foley would move to recommit LB 36 to the Transportation and Telecommunications Committee.

SENATOR CUDABACK: Senator Foley, to open on your motion to

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73, 83, 86, 104, 122, 130, 134, 142, 154  
166, 179, 194, 209A, 210, 213, 219, 222, 227  
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recommit to committee.

SENATOR FOLEY: I withdraw the motion.

SENATOR CUDABACK: The motion is withdrawn. Mr. Clerk.

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

SENATOR CUDABACK: Senators, would you please return to your seats, we are now back to Final Reading. Mr. Clerk, proceed.

CLERK: (Read LB 36 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall the bill pass with the emergency clause attached? All in favor vote aye, opposed nay. Have you all voted who care to? Record, please, Mr. Clerk.

CLERK: (Read record vote, Legislative Journal pages 519-520.) 42 ayes, 1 nay, 6 excused and not voting, Mr. President.

SENATOR CUDABACK: The bill does pass with the emergency clause attached. Mr. Clerk.

CLERK: Mr. President, I have some items for the record. Your Committee on Judiciary reports LB 15 to General File; LB 23 to General File; LB 86, General File; LB 451, General File; LB 83, General File with amendments; LB 154, General File with amendments; LB 69 and LB 73, indefinitely postponed; LB 219, indefinitely postponed. Health Committee reports LB 213 to General File; LB 287 to General File; LB 227, General File with amendments. Revenue reports LB 433 to General File; LB 259, General File with amendments; LB 441, indefinitely postponed; LB 603, indefinitely postponed. Government Committee reports LB 142 to General File with amendments. Enrollment and Review reports LB 53 to Select File; LB 104 to Select File; LB 317, LB 179, LB 166, LB 209A, LB 24A, all those reported to Select File. Bills read on Final Reading earlier this morning, Mr. President, have been presented to the Governor (re LB 1-9, LB 222, LB 49, LB 54, LB 122, LB 130, LB 134, LB 194, LB 210,

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LB 135, LB 136, and LB 247.) Hearing notices from General Affairs Committee; from Natural Resources Committee; from Banking, Commerce, and Insurance Committee; and from Government Committee. And an amendment by Senator Landis to be printed to LB 53. And Senator Erdman has selected LB 462 as his priority bill for this session. And Senator Dwite Pedersen would like to add his name to LB 351, Mr. President. That's all that I have. (Legislative Journal pages 520-537.)

SPEAKER KRISTENSEN PRESIDING

SPEAKER KRISTENSEN: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB 36E. Senator Cudaback, you're recognized for a motion to adjourn us until Monday morning at 9:00 a.m.

SENATOR CUDABACK: Mr. Speaker, I move to adjourn until Monday morning at 9:00 p.m. (sic), February 5th. I said, 9:00 a.m.

SPEAKER KRISTENSEN: You've heard the motion. The question before the body is, shall we adjourn? All those in favor say aye. Those opposed say nay. We are adjourned.

Proofed by: Kathleen Higley