

**FEBRUARY 22, 2001**

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FLOOR DEBATE

February 22, 2001 LB 51, 53, 166, 166A, 186A, 225, 225A, 244  
244A, 245, 375, 376, 400A, 465, 671A, 826

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Good morning. Welcome to the George W. Norris Legislative Chamber, the thirty-third day. This morning we have with us Reverend Matt Geiger, First Plymouth Congregational Church in Lincoln, Nebraska, a guest of Senator Don Pederson.

REVEREND GEIGER: (Prayer offered.)

SENATOR CUDABACK: Thank you very much, Reverend Geiger, for being with us. I do call the thirty-third day of the Ninety-Seventh Legislature, First Session, to order. Senators, please check in. Record, please, Mr. Clerk.

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

SENATOR CUDABACK: Thank you. Corrections for the Journal?

CLERK: (Read corrections, Legislative Journal page 749.) Those are the only corrections that I had, Mr. President.

SENATOR CUDABACK: Any messages, reports, or announcements, please?

CLERK: Mr. President, your Committee on Enrollment and Review reports LB 186A to Select File; and Enrollment and Review also reports LB 51, LB 53, LB 166, LB 166A, LB 225, LB 225A, LB 244, LB 244A, LB 245, LB 375, LB 376 as correctly engrossed.

Mr. President, new A bill. (Read LB 671A by title for the first time.) And, Mr. President, your Committee on Banking, Commerce and Insurance reports LB 826 to General File with committee amendments attached. And finally, Mr. President, priority bill designation, LB 465, as one of the Revenue Committee priority bills. That's all that I have, Mr. President. (Legislative Journal pages 749-751.)

SENATOR CUDABACK: Thank you, Mr. Clerk. First agenda item.

CLERK: Mr. President, LB 400A. (Read title.)

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SENATOR CUDABACK: Senator Brown, you're recognized to open on LB 400A.

SENATOR BROWN: Mr. President, members of the Legislature, this is the A bill for the child-care training bill that we talked about at some length on General File. As you may remember, the fiscal note was fairly substantial. It has been reduced significantly by the agency. We are still talking about \$300,000 in Fiscal Year '01-02, and \$500,000 in '02-03. There has been passed out to you a revised fiscal note that does not have numbers in it, and the reason that it does not have numbers is that we are still trying to determine whether these expenses can be covered by federal funds, and so when that happens, we will get back to you and let you know, obviously, whether this will be a General Fund obligation or a federal fund obligation. The agency still is going to be adding staff to reduce the ratio of specialists to child-care facilities for the higher tiers. I actually believe that the reverse should be the case, but that is the way that they have prepared the fiscal note for it. And, as I say, it has been reduced significantly to make it a little bit more reasonable, and I would urge the adoption. Thank you.

SENATOR CUDABACK: Thank you, Senator Brown. We're open for discussion on the advancement of LB 400A. Open for discussion. Seeing none, Senator Brown, did you wish to close? Senator Brown waives her option to close. The question before the body is, shall LB 400A be advanced to E & R Initial? All in favor vote aye, opposed nay. We are voting on advancement of LB 400A. Have you all voted who care to? We are voting on advancement of LB 400A. Senator Brown.

SENATOR BROWN: I would ask for a call of the house, please.

SENATOR CUDABACK: Been a request for a call of the house. All in favor of the house going under call vote aye, opposed nay. Record, please, Mr. Clerk.

CLERK: 25 ayes, 1 nay to place the house under call, Mr. President.

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SENATOR CUDABACK: The house is under call. All unauthorized personnel please leave the floor. Unexcused senators please report to the Chamber. The house is under call. Senator Beutler, Senator Bourne, please check in. Senator Burling, Senator Chambers, Senators Quandahl, Cunningham, and Senator Thompson, please check in. Thank you. Senator Brown. Senator Beutler. All present or accounted for, Mr. Clerk, call the roll.

CLERK: (Roll call vote taken, Legislative Journal pages 751-752.) 24 ayes...

SENATOR BROWN: (Microphone malfunction) voting.

SENATOR CUDABACK: Senator Brown.

SENATOR BROWN: I'd like to change to not voting, please.

CLERK: 23 ayes, 15 nays, Mr. President, on the advancement.

SENATOR CUDABACK: LB 400A does not advance. Mr. Clerk, next agenda item? I do raise the call.

CLERK: Mr. President, LB 329, by Senator Wickersham. (Read title.) The bill was introduced on January 8, referred to Revenue Committee. It's advanced to General File. It's been discussed twice, Mr. President, yesterday the most recent occasion. When the Legislature adjourned, Senator Beutler, I believe, had offered a motion to bracket the bill. That motion is pending. The date to bracket is March 30, 2001.

SENATOR CUDABACK: Senator Beutler, with all the confusion yesterday, well, why don't you go ahead and reopen on your motion to bracket LB 329.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, the bracket motion is offered not by any means as an avenue to try to kill the bill but rather to afford the legislative body the opportunity to give direction to those who are within our body directed to find solutions to this kind of a problem, to go about the business of bringing before us some sort of broader

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solution to the nitrate problem and the management response to the nitrate problem in the state. What I'm suggesting is that this vote be a signal to Senator Schrock and the committee to take the five weeks between now and when the bill would come back on the floor and present us with a broader solution to the problem. As you know, the only thing left in the bill right now is this business related to the NRDs, and from our prior discussions, I think everybody agrees that we do indeed have a large scale nitrate problem, that we do not have a handle on it yet, that it, in fact, will require considerable more money to resolve than is provided by this particular mechanism. And if we agree on all those things, then it seems to me that it would make perfect sense to take a shot at getting a solution this session. And we can do that; we have the time. Senator Schrock has already indicated through things he's done this session already that he's interested in constructing that solution. So why not afford ourselves the opportunity of perhaps bringing this issue to some resolution this session through something that can present...be presented to us by the Natural Resources Committee? So I think that a yes vote on this motion to bracket, I would like to set it up as a test of your willingness to look at some kind of solution presented by the Natural Resources Committee. And if you are inclined to do that, please vote for the bracket motion. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. We're now open for discussion on the bracket motion. Senator Wickersham, followed by Senators Schrock and Janssen.

SENATOR WICKERSHAM: Thank you, Mr. President. I rise in opposition to the bracket motion because the bracket motion, in my opinion, and if I differ from Senator Beutler, I hope you'll forgive us, we can't seem to agree...I do think we would agree that today is February 22, but we might not agree on other things. I think that the bracket motion is, in effect, a motion to kill this bill. If I remember the text of the bracket motion correctly, this would bracket the bill until March 30. If you've all got your little pocket calendars in hand, think about what we're going to be doing on March 30 with nonpriority bills. This bill has not been prioritized by a committee, this bill hasn't been prioritized by an individual, hasn't been

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prioritized by the Speaker; none of those things are likely. And on March 30, are we going to pick up on General File some bill that isn't a priority bill? We're likely to start debating senator priority bills in about a week and then committee priority bills and Speaker priority bills. We may never come back to General File, as we know it today. Now I can't say that for certain but you look at your calendar and try to think of what we're going to be doing on March 30. We're unlikely to be coming back to "unprioritized" bills on General File. That's not the way to deal with this issue. We don't need to bracket it. If it's on Select File, it's on Select File. It's not advancing the next day. The Revenue Committee has heard the proposals from Senator Schrock to find alternative methods for providing funding for the Water Quality Enhancement Fund and other purposes related to various initiatives concerning sales taxes. We haven't had time to consider those, that's true, but we're not...but this...we're not on Select File with this bill, we're not on Final Reading with this bill either. The Natural Resources Committee has bills, or a bill that it is considering. That committee, I'm sure, will take that up in due time. There is no reason that I'm aware of to bracket this bill until March 30. And I will reiterate again that the provision that concerns NRDs that is in this bill is a default provision only. It does not prevent us from doing other things and, in fact, if you consider that it is an incentive to do other things, if you don't want water quality enhancement programs to be funded out of the property tax, that...advancing this bill gives you an incentive to find other solutions, because if you don't find other solutions that's what's going to happen. I don't think that we need to bracket the bill, and I think that it is just as...the bracket, as composed, is just as good as a kill motion, and I obviously do not support that alternative.

SENATOR CUDABACK: Thank you, Senator Wickersham. (Visitors introduced.) Senator Schrock, on the motion to bracket.

SENATOR SCHROCK: Mr. President, members of the Legislature, I appreciate what Senator Beutler is trying to do here, but I think maybe it would be foolhardy to hold this bill up at this time. I will try and see what the committee has to say about a couple of proposals that I will offer to them, and perhaps we

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can have something ready for Select File. I do take the fact seriously that the funding for this is going to happen out of property and only may happen, and that bothers me just like it bothers Senator Beutler. So hopefully we can move this bill. I believe it's the best thing to do, even though I'm somewhat frustrated. Hopefully we can move this bill forward and see if we can find some solutions between now and Select File. I will promise you that I will do what I can to have something on the table come Select File time. And so that's where I stand at the present time. I'll give the rest of my time back to the Chair.

SENATOR CUDABACK: Thank you, Senator Schrock. Senator Beutler. Senator Beutler.

SENATOR BEUTLER: Yes. Senator Wickersham, if I could ask you a question, I would like to because I would...Senator Wickersham, if I could ask you a question, I would like to because I really don't want to kill this bill.

SENATOR CUDABACK: Senator Wickersham, will you yield to a question, please?

SENATOR WICKERSHAM: Yes.

SENATOR BEUTLER: If this bill passes on to Select File, are you amenable to holding it for a reasonable period of time...

SENATOR WICKERSHAM: Oh, I'm in no hurry.

SENATOR BEUTLER: ...in order to afford Senator Schrock an opportunity to come up with some sort of proposition?

SENATOR WICKERSHAM: I'm in no hurry but, you know, I can't make promises about that. If the Speaker tells me that that's going to be on the agenda because we're moving...we're cleaning up the agenda, I'm not going to...I'm not going to try to contest the Speaker. I'm not going to ask that it be on the agenda and if the Speaker will be kind enough to hold it off the agenda while we try to work things out, that doesn't bother me at all as long as I know it's not going to get lost on the agenda and that it will come back up and we'll have an opportunity to address the

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bill in whatever fashion we want.

SENATOR BEUTLER: Well, once...once a bill is on Select File, as you know, our process in all past years has been to clear Select File, so there's no danger that the bill would not proceed at that point. You would agree to that, right?

SENATOR WICKERSHAM: Yes, but again I will say that if the Speaker will allow me to hold the bill off, I will do that. I just can't...but if we try to bracket it on General File, we're not...my opinion is we're just not going to come back to "unprioritized" General File. We're going to have redistricting bills, we're going to have budget bills, we're going to have senator and committee and Speaker priority bills. We just won't come back to General File in the time frame that your bracket motion would put us in. We'll be able to do that on Select File but we can't do that on General File.

SENATOR BEUTLER: Well, we'll certainly have consent file (sic--calendar) after that, Senator.

SENATOR WICKERSHAM: Well, I would...if this bill goes through on consent file (sic--calendar), after all of this, Senator...well...and I don't know about consent calendar.

SENATOR BEUTLER: Okay. Thank you.

SENATOR CUDABACK: Senator Beutler, are you through? Thank you. Senator Beutler, there are no further lights on. Did you wish to close on your motion to bracket?

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, I do not want, and I honestly meant I do not want to kill this bill by means of a process, a bracket motion. I don't think that it would. Senator Wickersham thinks that it will. Certainly if we get to Select File and the Senator is willing to hold the bill pending some sort of ability to address a broader solution, we have the opportunity to do it there, and I guess I'm willing to take my chances there. So with that, Senator Cudaback, Mr. Clerk, I would withdraw the motion.

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SENATOR CUDABACK: The motion is withdrawn. Mr. Clerk, next item?

ASSISTANT CLERK: Mr. President, Senator Beutler would move to amend with AM0623. (Legislative Journal page 752.)

SENATOR CUDABACK: Senator Beutler, to open on your AM0623.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, this is an amendment that I hope makes sense to Senator Wickersham. Basically, and I assume, Mr. Clerk, we're talking about AM0623.

ASSISTANT CLERK: Yes, sir.

SENATOR BEUTLER: Okay. Basically what it says is that notwithstanding any other provision of law, beginning in January of next year, no funds from the Natural Resources Development Fund or from the Nebraska Soil and Water Conservation Fund would be paid to any natural resource district or through any natural resource district to any person in that district if the property tax levy for the district is less than 2.5 cents per \$100 valuation. That restriction wouldn't apply to districts...to district projects that have commenced before, but have not been completed by, the effective date of the act. And then it allows for an exception to restricted funds in order for them to jump up to the levy of 2.5. So what's happening here, and what I'm attempting here, is no different than what we do in the school state aid formula. In other words, in the school state aid formula we say to people, we are not going to give you money out of state sales and income tax money if you aren't using your own local property taxes to the extent that you should to fund your own local needs. In other words, the principle of the school state aid formula is to have people do for themselves what they can do for themselves, and help them when they cannot. So what the minimum levy is, in this particular instance, is 2.5 cents. That's of a maximum levy that they can have of 4.5 cents. So in other words, you have to be levying at least 56 percent of your property taxes before we're going to give you any state funds. Now, Senator Raikes, let me ask you, Senator Raikes, if I may. I know you've been in conversation and maybe you haven't been

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following my amendment, but basically it's a kind of minimum levy provision which says that the local NRD must levy 2.5 cents out of 4.5, or 56 percent of their levying ability, in order to be able to receive certain kinds of state funds.

SENATOR RAIKES: Okay.

SENATOR BEUTLER: And I was just...I was a little bit unsure what the minimum levy was for the state aid formula right now. Could you tell us what the minimum levy is?

SENATOR RAIKES: Okay.

SENATOR CUDABACK: Senator Raikes, would you respond?

SENATOR RAIKES: Yes. The minimum levy is 90 percent of the levy lid. So last year when the levy lid was \$1.10, the minimum levy was 90 cents. This year that the lid is \$1, the minimum levy is 90 percent of that or 90 cents.

SENATOR BEUTLER: Okay. Thank you.

SENATOR RAIKES: Uh-huh.

SENATOR BEUTLER: So you see that in this particular case I'm not even asking anywhere close for a minimum levy...for the minimum levy that we require in the case of the state aid formula. All I'm asking for is the minimum levy of 56 percent. Now I've passed out to you, because I know you'll want to know the effects of this amendment on the NRDs, I passed out to you again, in case you lost your copy yesterday, a sheet indicating the levies of the NRDs in the last couple of years and what kind of a levy would be needed to replace the Enhancement Funds that are being lost this year. Now if you look down column number 3, you'll see what the current levies are and you'll see that I've marked those that are currently below 2.5, or 50 percent of the maximum levy, and there are 7 of them that are somewhat below. Now if you look over in the far right-hand column, you will see where those districts would be if they would replace all of their enhancement money, and you can see that at that point if they just replace the enhancement money that they've lost, only

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two districts would be below 2.5. Now which two districts are those? One of them is the Twin Platte NRD. The Twin Platte NRD is the one I've been talking about, now for the third straight day, that refuses to levy property taxes to take care of a clear, clear problem, a problem nobody denies. Another one of the lowest levying districts is the Niobrara-White NRD, also an area that has one of the most significant water quality problems in the state, and yet their levy is extremely low. And although the problem has been identified, I know, for at least 16 years, they have not done anything significant to curtail the problem in that district, which is the most northern and western-most district in the state. So this is not asking for nearly the same standard that we have with the school districts. It's a measly 56 percent standard, not a 90 percent standard. But I think the principle is the same. Why should we give money to somebody who has a local property tax levy but won't levy it? Why should there be a district that has...and districts that have levies at 3 cents and 3.5 cents and 4 cents, and are fighting the battles out there, and their property taxpayers have to pay these high rates, and yet the Twin Platte and some of these other districts get away with these low rates, and in part they get away with these low rates because they don't do the job? Now somebody may say, well, a couple of those districts may not need the money, but I can tell you that there are water quality projects that are needed everywhere. Senator Stuhr, a couple of years ago, got us started on the buffer strip program, the program of creating buffers between fields and rivers, and we don't have nearly enough money to do what needs to be done in that regard, and every district has needs in that regard. So if nothing else, they could use the money to bolster the buffer strip program and that money would be used very productively and certainly as wisely as the money that's coming out of the Department of Agriculture program. So this is not an amendment that kills the bill, this is not an amendment that does anything except establish a minimum levy and by that means, frankly, to encourage people to continue to put the money in water quality programs. So I hope you will look at this anew...

SENATOR CUDABACK: One minute.

SENATOR BEUTLER: ...and ask why and why not. Thank you.

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SENATOR CUDABACK: Thank you, Senator Beutler. (Visitors introduced.) Senator Chambers, on the Beutler amendment, AM0623, to LB 329.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I could do this on a point of personal privilege, but I'm not. I am seething, and you may not be able to tell it by looking at me. My employee, Cynthia Grandberry, is a black woman. She has been insulted on numerous occasions since she has worked in this place, and I'm serving notice today that it's not going to go unattended to by me anymore. This morning she went to this man named Hungate, who wears a red coat, and he's sitting out there in the hallway. A white staff member came up and asked for one of the forms that is used to announce guests who visit the Legislature, and he gave it to her. Cindy came right behind him...her and asked for it and he didn't know what she was talking about. So she's trying to explain what she's talking about; Sally came over and asked, what is the nature of the problem? Cindy said, I'm...I want one of the forms that is used to announce guests who come to the Legislature, and Sally gave it to her. So, Cindy looked at this man and said, what would I have to say to make you understand what I'm talking about? And I was out there when Cindy asked the white staff member, did she get one of those forms, and the staff member said, yes, and he knew what she was talking about. You want me to tell you all what's the trouble around here? I'm too nice. I'm courteous to everybody. I do what I can to help these white employees. I speak to everybody. I treat people the way I want to be treated, but Cindy means more to me than any of you in here, and I am not going to take it. You all know, who are employees, that when it comes to your salaries, who speaks for you? If you're mistreated by somebody, to whom can you come to get it straightened out? And I'm the only black man here, and you come to me, then my employee is going to be insulted and I'm supposed to just let it go? Not anymore! There is a way that a black man deals with a white man who insults a black woman for whom he is responsible, and I'm serving notice now so that you will know the rules of the game. If you insult my employee, you have insulted me! And if you insult me, there is a way I'm going to deal with you! I don't want to have to say this again and I'm

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not going to say it again; I will act next time! And don't tell me these people are old. If they're too old to show common courtesy, get 'em out of here! And I mean every word that I'm saying. I asked him for his name; he wouldn't give it to me. So I had to go look at his little nametag to make sure I got the right person by name. Well, they need to know who it is that they're messing with. And I want Cindy to know that she has my respect and she's going to get my protection. That goes for people in the Bill Room and everywhere else. When they see Cindy, they see me! And you treat her the way you would treat your mother, if you respected your mother. And if you don't respect your mother, you learn how to treat your mother by the way I insist that you treat this black woman. And that's all that I'm going to say on it this morning on the mike. And if anybody on this floor is offended with what I've said, I'm in the right mood for you. Just come over and tell me that you want to take me outside because you're upset about the way I talked about these white people who insult a black woman, and I can get some relief on you!

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Wickersham, on the mo...AM0623.

SENATOR WICKERSHAM: Mr. President, members of the body, Senator Beutler brings us, as usual, an innovative idea but it is around an idea that he rejected a year ago. A year ago you were brought a more comprehensive resolution to the kind of issue that I think Senator Beutler is getting at and it would have created a different way to distribute state aid in several other capacities to NRDs. Senator Beutler objected to that proposal. There were a couple of NRDs that would have lost some money. They weren't going to lose very much but they were going to lose some, and he objected to that proposal. That proposal would have rationalized the distribution of state aid to NRDs. And when I say "rationalize", it would have put it on some basis of distribution other than who collects the most taxes because that's the basis on which we now distribute aid to NRDs. We distribute aid on the basis of who collects the most taxes, and if you're a big taxpayer and if you increase your taxes regularly then we'll give you more state aid. In all other instances, we use a different model. Now Senator Beutler is suggesting to you

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that we continue the model that causes local districts to tax and spend more, this time in the name of receiving state aid, which is still the old model. Tax and spend more and we will give you more state aid. That is not the model that we have carried out in other distribution formulas or other rationales for delivering state aid. In all other instances, we have tried to deliver state aid where it is needed, based on objective considerations, not just because you taxed and spent. Delivering state aid just because you tax and spend is a tired, worn, outdated model. It is not, obviously, a model that I endorse for this Legislature and I wish that we could do something else in the NRD model, and I see no sense in adopting Senator Beutler's model which simply enhances that old ineffective and inequitable model. I don't know whether I'm supposed to take umbrage on behalf of NRDs when Senator Beutler suggests they haven't done their job. Obviously, Senator Beutler means they haven't done their job in his eyes. You reside in those NRD districts and I'm assuming you will make your own judgment about whether you think they have done their job. Senator Beutler's assessment of whether they have done their job or not is, I believe, his. Your assessment of whether or not they have done their job should be yours, and it should be yours and the constituents that they serve and the cost that they are willing to bear and the needs that they have to meet with the costs that they are willing to bear. I cannot quite get my...

SENATOR CUDABACK: One minute.

SENATOR WICKERSHAM: ...arms around what Senator Beutler is proposing, that you ask NRDs to do except to tax and spend more so you can get a few more dollars of state aid. That is not a model that I want to recommend to you. In fact, I think we should have a more comprehensive and thoughtful model that delivers state aid to NRDs based on need, and that equalizes and distributes state aid to NRDs that, in fact, need our assistance to carry out the programs that are important. The amendment that Senator Beutler brings to you does none of that.

SENATOR CUDABACK: Thank you, Senator Wickersham. Senator Schrock on AM0623, amendment to LB 329.

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SENATOR SCHROCK: Mr. President, members of the Legislature, certainly there's things about Senator Beutler's concept that I like. It maybe does force the NRDs to spend more money but I'm not sure we should be forcing the NRDs to invent programs to spend money on. I look at my...the NRD I live in, the Tri-Basin NRD. It is affected by this, although it probably wouldn't be very hard for them to spend a little more money and get up to the 2.5. It's not as low as a lot of the NRDs, but it's also an NRD that has a lot of irrigated agriculture in it. Almost all...I would guess 75 percent of the land in the Tri-Basin NRD is irrigated, so it's high valuation, and I hate to have them go out there and invent ways to spend money. And I know there's cost-share programs that they've spent money on, helping replace leaky gates in gated pipe, and I've asked myself in the past if that's an appropriate function for the NRDs or if they should do that on their own. So I'm going to vote with Senator Wickersham on this. I think maybe there's other ways to accomplish them to get...to spend some money on clean water programs. Although I commend Senator Beutler for bringing the issue up, he brings out a point because I think there are NRDs out there that are not spending what they should on programs that are needed by the state and needed by clean water...needed by clean water programs, and so I agree with him on that part. Give the rest of my time back to the Chair.

SENATOR CUDABACK: Thank you, Senator Schrock. Senator Beutler, on your motion.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, what does this have to do with inventing programs or causing spending? Those districts are already spending, except for two of them, above the 2.5 levy that I'm suggesting to you. What they are spending is property tax money and state Enhancement Fund money. Right? So what new program has to be created to give them above the limit? Except in the Twin Platte for one, which needs to create several new programs to even make a minimal effort at water quality. But they don't have to increase any programs at all, most of them. Only two of them have to do any increasing. All they have to do is switch over from state funds, Enhancement Funds, which are not there but

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which they're spending, and they wouldn't be spending if they didn't have a need to spend it, would they? They are spending at that level, and all I'm suggesting is that you continue to spend at the same level that you're spending today, more or less, plus bring the levy up. Why is a minimum levy okay for state aid to education, but it's not okay here? This is ridiculous. I mean, why should, say, state sales and income tax money from all over the state go to a district that has a 1.5 levy when all other districts are making a real effort? It's rewarding those who are doing nothing. It's rewarding the sluggards in the system. Why do we want to do that? What I'm seeing here today and yesterday and the day before is a total stonewalling on all constructive and progressive ideas related to this area, and I'm tired of it, and I'm going to withdraw all amendments after this one, and the bill can progress to Select File, but at Select File I'm going to think of all the other good ideas that I think should be considered on a bill like this. This is just outrageous. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. Senator Beutler, there are no further lights on. Did you wish to close on your AMO623, Senator Beutler? No closing? The question before the body is, shall AMO623 be adopted to LB 329? All in favor vote aye, opposed nay. We are voting on the Beutler amendment, AMO623, to LB 329. Have you all voted who care to? Senator Hilgert. Senator Hilgert, for what purpose do you rise?

SENATOR HILGERT: I'd like to have a call of house and roll call vote.

SENATOR CUDABACK: There's been a request for a call of the house. All in favor of the house going under call vote aye, opposed nay. Record, please, Mr. Clerk.

CLERK: 24 ayes, 0 nays, Mr. President, to place the house under call.

SENATOR CUDABACK: The house is under call. All unauthorized personnel please leave the floor. Unexcused senators please check in. The house is under call. The house is under call. Senators, please, the house is under call. Senators, please

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return to your seats, and unauthorized personnel leave the floor. Senator Brown, Senator Coordsen, would you please...Senator Robak, would you please check in? Senator Byars, Senator Brown, would you please check in? The house is under call, Senator Byars and Senator Brown. Would you care...would you accept call-in votes or did you want a roll call vote?

SENATOR HILGERT: Roll call vote.

SENATOR CUDABACK: Roll call vote. Senator Byars is not...Mr. Clerk, please call the roll.

CLERK: (Roll call vote taken, Legislative Journal page 753.)  
23 ayes, 17 nays, Mr. President, on the amendment.

SENATOR CUDABACK: The amendment is not adopted. We're back for discussion, the advancement of LB 329. I raise the call. There are no further lights on. Senator Wickersham, did you wish to close on your advancement?

SENATOR WICKERSHAM: Mr. President, members of the body, this bill is now a rather simple bill. It simply provides for NRDS to add to their existing restricted funds budget the amount that they would have received from the Water Quality Enhancement Fund the prior year, allowing them to continue existing programs previously funded with the fertilizer fee from property taxes to develop water quality and to provide for quality water in the state of Nebraska. It also contains one section that clarifies a provision in occupation taxes for municipalities by adding a uniformity clause for cities of the primary class. That's the bill. I appreciate the time that we have taken to discuss the issues that surrounded the provisions of the bill. I hope we're able to advance it. I expect fully that there will be another vigorous discussion on Select File. I don't think that's bad for us. I think it is good for us to inform ourselves about the tax structure for the state of Nebraska and the programs that are supported by our taxes and that are important to the people of the state of Nebraska.

PRESIDENT MAURSTAD PRESIDING

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PRESIDENT MAURSTAD: Thank you, Senator Wickersham. The question is the advancement of LB 329. Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record.

CLERK: 26 ayes, 6 nays, Mr. President, on the advancement of LB 329.

PRESIDENT MAURSTAD: The bill is advanced. Mr. Clerk, items for the record?

CLERK: Mr. President, a hearing notice...or notice of cancellation from the Judiciary Committee. LR 36 is a resolution by Senator Foley. That will be laid over, Mr. President. And Judiciary Committee reports LB 176, LB 673 to General File, LB 88 to General File with amendments. Senator Chambers would move to withdraw LB 755. That will be laid over. That's all that I have, Mr. President. (Legislative Journal pages 753-755.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Next item on the General File agenda?

CLERK: Mr. President, LB 419, a bill by Senator Wickersham. (Read title.) The bill was introduced on January 9, referred to the Revenue Committee, advanced to General File. I do have committee amendments, Mr. President. (AM0128, Legislative Journal page 485.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Wickersham, you're recognized to open on LB 419.

SENATOR WICKERSHAM: Mr. President, members of the body, let me bring to you a very controversial bill. (Laugh) I don't think so actually. I think this bill is one that will not necessitate or draw the discussion that we had on the last bill, although if it does, again, I don't think that hurts anything. I think we should have discussions on the floor of the Legislature and I think we should know, to the largest degree possible, what we're doing. So let me try to describe to you the circumstances that LB 419 seeks to address in what I hope is a noncontroversial

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way. There is, in existing law, provisions, both in our constitution and in our statutes, which allow for the exemption of certain property from taxation. Now the exemption process that implements the constitutional provision calls for the entity that owns...or the person...or the entity that owns the exempt property to make an application to the assessor and then to have that application reviewed by the county board of equalization for approval. If the exemption is denied, the owner of the property can appeal the denial of the exemption decision to the TERC, the Tax Equalization and Review Commission, and perhaps ultimately to the Court of Appeals and to the Nebraska Supreme Court. Now all of that process is simply directed at the issue of whether or not the property is exempt. If the determination has been that it is not exempt by the process, that leaves open the issue of the valuation of the property. This bill simply separates the two issues and says that if you've had a determination that property is not exempt at the county board level and there is an appeal to TERC, when you go to TERC you don't have to address both the issues of whether it's exempt and whether it...and at what value should it be placed on the tax rolls. There is always the possibility that TERC or some...or the Court of Appeals or the Supreme Court would overturn the decision of the county board, denying the exemption application, causing the property to be exempt. And if it's exempt, value is not an issue. Value continues to be an issue only if the action of the county board is upheld and the property is going to be on the tax rolls. But there is no reason to have an extended discussion at TERC about the valuation issue if...or the Court of Appeals if you're not going to have the property on the tax rolls. So this just separates out those two processes, take the first important question up first, take up the question of whether or not it is exempt or not, and then as a secondary matter take up the issue of the value at which it should be placed on the tax rolls. That's all the bill as...the primary bill does. There is a clarifying amendment from the committee and, with that, Mr. President, I would conclude the opening on the bill.

PRESIDENT MAURSTAD: Thank you, Senator Wickersham. Senator Wickersham, to open on the committee amendments.

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SENATOR WICKERSHAM: Mr. President, the committee amendment is a clarifying amendment in the procedure. As I've indicated, the issue of valuation of the property would be determined after potentially an appeal of the exemption issue, but when you consider valuation issues at a date when the normal protest and valuation procedures have already closed, it is necessary to provide an opportunity to the owning entity with the exempt property, an opportunity to appeal any determination of value by the county board of equalization. The committee amendment gives them that opportunity. They could appeal the decision of the county board with regards to value within 30 days after the board's decision. It's a clarifying amendment only and I think an appropriate part of the procedure that we have to have in place for this kind of late date valuation procedure, if you will. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Wickersham. (Visitors announced.) Debate on the committee amendments to LB 419? Senator Wickersham, would you like to close on the committee amendments? Senator Wickersham waives closing. The question is the adoption of the committee amendments to LB 419? Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record.

ASSISTANT CLERK: 26 ayes, 0 nays on the adoption of committee amendments, Mr. President.

PRESIDENT MAURSTAD: Committee amendments are agreed to. Debate on the advancement of LB 419? Senator Wickersham, you're recognized to close. Senator Wickersham waives closing. The question is the advancement of LB 419 to E & R Initial. Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record.

ASSISTANT CLERK: 25 ayes, 0 nays on the motion to advance the bill, Mr. President.

PRESIDENT MAURSTAD: LB 419 is advanced. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB 483 was introduced by the

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Urban Affairs Committee. (Read title.) The bill was read for the first time on January 10, referred to the Urban Affairs Committee. That committee refers the bill to General File with no committee amendments.

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Hartnett, you're recognized to open on LB 483.

SENATOR HARTNETT: Mr. Lieutenant Governor and members of the body, I'm here to introduce LB 433 (sic--483). It deals only with first class cities and deals when a city vacates a alley or a street. And what is in the law right now is that the...when a city vacates...a city of the first class, the title of the property remains with the city but it can...it may be sold for any price agreed upon by the mayor and three-fourths of the city council. This is unique to first class cities. What this does, it simply...the property is shared by the two owners of the property. If Senator Beutler and myself were owners of property and we had this space in between us, as it is right now, the city could open it up and Senator Thompson could buy it, rather than turn it over to the owners of the adjacent property. And simply...this simply puts this first class property in line when...when a city vacates city's...or alley property, it simply goes...half goes to each one of the property owners, the same as what is in all the other cities. This open...will conclude my opening and I will be glad to answer any questions.

PRESIDENT MAURSTAD: Thank you, Senator Hartnett. On the advancement of LB 483, Senator Janssen. (Gavel)

SENATOR JANSSEN: Thank you, Mr. Lieutenant Governor, members of the Legislature. When this bill was heard in committee, I was appalled of the fact that these kind of things could happen, when an alley was abandoned that your neighbor could end up owning right up next to your property and you'd have no access to your property. So this bill is something that, as far as I'm concerned, should have been taken care of a long time ago, and I will support it, as part of your committee, and will support it here on the floor. Good legislation. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Janssen. Further

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discussion? Senator Hartnett, you're recognized to close.

SENATOR HARTNETT: I simply ask the body to advance LB 483. I think it brings the first class cities in the line what other cities do, and I think...visiting with Senator Beutler, has an amendment he will offer on Select File which I think does a better job of clarifying the issue. So with that, I'd ask for the advancement of this...of LB 483.

PRESIDENT MAURSTAD: Thank you, Senator Hartnett. The question is the advancement of LB 483 to E & R Initial. Those in favor vote aye; those opposed vote nay. Voting on the advancement of LB 483. Voting on the advancement of LB 483. Please record.

ASSISTANT CLERK: 25 ayes, 0 nays on the motion to advance the bill, Mr. President.

PRESIDENT MAURSTAD: The bill is advanced. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB 484 was introduced by the Urban Affairs Committee. (Read title.) The bill was read on January 10, referred to the Urban Affairs Committee. That committee reports the bill to General File with no committee amendments.

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Hartnett, you're recognized to open on LB 484.

SENATOR HARTNETT: Mr. Lieutenant Governor, members of the body, this makes three changes in state statute. The first, Section 1, amends Section 17-543 (sic--17-541) to provide that water commissions in cities of second class and villages to be appointed in December along with appointment of other municipal official rather than May as in the current statute. This would be the same meeting as which newly elected council members and other elected officials would formally take office. The second section amends Section 17-614 to clarify that the village board may suspend the three readings generally required in the ordinance by three-fourths vote of the board. The current statute implies it is possible, but LB 484 makes it explicit that village boards have the authority, which was shared by

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other cities. Section 3 and 4 amends Section 19-615 and 19-617 to clarify conflicting statutes regarding the city council members in cities having a population 1,000 or more and less than 200,000, with a city manager form of government, assuming that office and meet to organize. Section 19-1612 (sic--19-612) provides the term of the city council members in cities with a city manager form of government begin at the first regular meeting in December, as in the case of other cities and villages. Section 19-1615 (sic--19-615) and 19-1617 (sic--19-617) provide that the city...the council is to meet on the first Tuesday in December to organize. LB 483 (sic--LB 484) makes all these statutes uniform by providing that both the start of the term of office and the organization meeting will take place at the first regular meeting in December. And with that, will constitute the opening and I would be glad to answer any questions. But I think these are simply clarifying things that helps our cities and villages run better in this state.

PRESIDENT MAURSTAD: Thank you, Senator Hartnett. Debate on the advancement of LB 484? Senator Hartnett, you're recognized to close. Senator Hartnett waives closing. The question is the advancement of LB 484? Those in favor vote aye; those opposed vote nay. Voting on the advancement of LB 484. Mr. Clerk, please record.

ASSISTANT CLERK: 25 ayes, 0 nays on the motion to advance the bill, Mr. President.

PRESIDENT MAURSTAD: LB 484 is advanced. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB 31 was introduced by Senator Redfield. (Read title.) The bill was read for the first time on January 4, referred to the Urban Affairs Committee. That committee reports the bill to General File with committee amendments attached. (AM0222, Legislative Journal page 485.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Redfield, you're recognized to open on LB 31.

SENATOR REDFIELD: Thank you, Mr. Lieutenant Governor, members

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of the body. Since 1977, the Nebraska State Legislature has provided handicapped parking systems for our citizens. It's provided through the Department of Motor Vehicles. The purpose was to ensure the mobility, dignity and independence for all of Nebraska's disabled citizens. What we provide is a license plate which is comparable to the one you see on anyone's vehicle, but also it provides a placard that is portable, that people can hang on their rearview mirrors and can then, in fact, use transportation provided by other drivers in their own personal vehicles. The qualification requirements in the state of Nebraska are broad, they are far broader than the federal requirements for ADA and, in fact, under the federal ADA rule, many people would not qualify that we have qualified in the state of Nebraska. The Urban Affairs Committee had a bill two years ago, Senator Hartnett brought it to the committee, it was LB 741. We had a hearing in February of '99 and were unanimously in support of the bill. We held the bill in committee because we were dealing with some other handicapped parking issues--cones, access aisles, et cetera. Unfortunately, our holding it in committee meant that we did not act upon the floor on this matter. Last spring, we again tried to move the bill out to the floor, but because of the short session were not successful in having it passed on the floor. Since that time, the matter actually has gone to court in Lancaster County. In that court, District Judge Bernard McGinn ruled that the court finds and declares that the permit fee imposed on the authority of Nebraska Statute 18-1736 through 18-1741 violates the federal ADA in its regulations. So in fact the courts have agreed with the Urban Affairs Committee and said, we don't want to levy this permit fee on that placard that is portable. Our license plates are already free. Our placard we have been charging, and this bill, LB 31, would remove that fee. The counties would no longer levy at...the Department of Motor Vehicles actually are the ones who dispense that through the county. So I would ask your support of this bill. It removes that \$3 fee and makes it free to our disabled citizens, and I think it's the right thing to do. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Redfield. To open on the committee amendments, Senator Janssen.

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SENATOR JANSSEN: I'd just as soon be on the bill. I'll pass for the bill.

PRESIDENT MAURSTAD: Senator Hartnett, on the committee amendments. I'm sorry.

SENATOR HARTNETT: The committee amendment is very simple. All it does is add the emergency clause. I think because the courts have spoken, we thought, the committee thought, that we should have the emergency clause, and that's all the committee amendment does, is simply add the emergency clause to this bill. So I'd ask for the adoption of this committee amendment.

SENATOR HARTNETT: Thank you, Senator Hartnett. On the committee amendments to LB 31, Senator Chambers, on the committee amendments.

SENATOR CHAMBERS: Mr. President and members of the Legislature, I support the committee amendments. I support Senator Redfield's bill. I'm glad she brought it. There is a matter pending in the Nebraska Supreme Court now because a case was filed against Nebraska collecting this fee. And I didn't hear everything Senator Redfield said, maybe she explained it, but that matter led to the state being enjoined from collecting the fee. That matter was appealed and if we put the emergency clause on this bill, we can wipe all of that out, save the court's time because they're going to lose ultimately anyway on this, and wrap the matter up, put the statute in the condition it ought to be in, in order to comply with federal law. So I'm supporting the committee amendment to add the emergency clause.

PRESIDENT MAURSTAD: Thank you, Senator Chambers. Further debate on the committee amendments to LB 31? Senator Hartnett, you're recognized to close on the committee amendment. Senator Hartnett closes...waives closing. The question is the adoption of the committee amendments to LB 31. Those in favor vote aye; those opposed vote nay. Please record.

CLERK: 29 ayes, 0 nays, Mr. President, on the advance... or adoption of committee amendments, excuse me.

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PRESIDENT MAURSTAD: Committee amendments are agreed to. Debate on the advancement of LB 31? Senator Janssen.

SENATOR JANSSEN: Mr. Lieutenant Governor and members of the Legislature, Senator Redfield, could I have a little dialogue with you?

PRESIDENT MAURSTAD: Senator Redfield.

SENATOR REDFIELD: Yes.

SENATOR JANSSEN: Senator Redfield, a constituent of mine has been calling me over the interim about the problems they were having with the handicapped parking permit. Now my question is, will this eliminate some of the stops that that person has to make, like going to the city office to pick up one thing and going back to pay the fee somewhere else, and a lot of confusion?

SENATOR REDFIELD: Yes, Senator Janssen. On page 5 of the bill, the language that's added in lines 9 and 10 provide for the renewal process, according to the rules and regs of the Department of Motor Vehicles. In the past we've had the county clerks handle this, or the county treasurers' offices, and they have gone, they have gotten an application which then they have had to mail in to the state. It comes back to the county, they come back to pick it up. It meant two trips. The counties were being reimbursed for their time and effort, and since we're eliminating the fee that we were reimbursing them with, this will simplify matters. It will go directly through the Department of Motor Vehicles.

SENATOR JANSSEN: Thank you very much for the answers, and it is a good bill and will support it. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Janssen. Further discussion? Senator Redfield, you're recognized to close. Senator Redfield waives closing. The question is the advancement of LB 31 to E & R Initial. Those in favor vote aye; those opposed vote nay. Please record.

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CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB 31.

PRESIDENT MAURSTAD: LB 31 advances. Mr. Clerk.

CLERK: LB 730, Mr. President, a bill by Senator Hartnett. (Read title.) The bill was introduced on January 17, referred to the Urban Affairs Committee; the bill was advanced to General File. I do have committee amendments. (AM0223, Legislative Journal page 486.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Hartnett, you're recognized to open on LB 730.

SENATOR HARTNETT: Mr. Lieutenant Governor, members of the body, this bill would allow cities of first class, other than the ones that have a city manager or commission form of government, by a vote of the registered voters, to nominate and elect some members of their city council at large, as well by district, which is currently done in Lincoln. The city council of any eligible first class city which currently elects members of its city council by ward may submit to the voters the question of nominating and electing some of its...of its council members at large. The question may be submitted by adoption of an ordinance by the city council, which would require three readings of the ordinance and three meetings, public hearing, possible veto by the mayor, council override, et cetera; in all provide public notice and facilitating public discourse on the topic, or by petition of the people...of the registered voters of the city. No more than three members of the enlarged city council may be elected at large, and at least four members of the council may...must be elected by district to assume...to assure that the majority of council members are elected by district. The terms of the at-large committee members, if more than one, are to be staggered. If there are more...if there are two at-large members, they cannot be elected at the same election; and if there are three at-large members, no more than two may be elected at the same election. The number of at-large council members be specified in the petition or ordinance, and the petition or ordinance must be specified the first year in which the new council members will be elected. No candidate may

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file for office at (sic--as) both at-large candidate and a candidate by ward at the same election. Simply does is allows the cities of first class some flexibility to have both council elected by districts and at large. And it have to be...go to the people to vote, so the cities would have to approve it before it would go into effect. Be glad to answer any questions.

PRESIDENT MAURSTAD: Thank you, Senator Hartnett. Senator Hartnett, to open on the committee amendments.

SENATOR HARTNETT: Mr. Lieutenant Governor, members of the body, when we did the staggered term, we didn't do it right. So what the first part of the amendment simply strikes the language that we did and adds additional language to provide that staggered initial terms at the first election in which an at-large council member will be elected, a single at-large member would be elected for a four-year term, if only one is added. One new at-large will be elected for a two-year term, initial term, and one for a four-year term, if two new members are being added; and one new at-large will be elected for a two-year initial term, and two for a four-year term if they are...if three new at-large members are being added. Following the initial term of at-large members, the successor is elected for four-year terms. It's simply, the first part is simply clarifying what we did with the original bill. And we added a new section which amends Section 32-538 to change the manner in which city council members in cities...with a city manager plan of government are elected and the circumstances where there's a change in the number of council members or the manner in which they are elected. The amendment would permit city councils whose terms of office expire after the election to continue in office until the expiration of the term for which they were elected...until their successors are elected and qualify. Currently, all council members are elected at the next regular city election after a change in the number of city council or the manner of election in which they take place those council members in office whose terms have not yet expired. If the council members are elected at-large, the bare majority of the council members receiving the highest number of votes serve four years, and the others for two. Council members in cities with a city manager

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form of government are elected at large, unless the city council, by ordinance, provides for an election or some of all of them by wards or districts. That's simply the explanation of the committee amendment. I ask for its adoption.

PRESIDENT MAURSTAD: Thank you, Senator Hartnett. Debate on the committee amendments? Senator Hartnett, you're recognized to close. Senator Hartnett waives closing. The question is the adoption of the committee amendments to LB 730. Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record.

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of committee amendments.

PRESIDENT MAURSTAD: Committee amendments are adopted. Debate on the advancement of LB 730? Senator Hartnett, you're recognized to close.

SENATOR HARTNETT: Mr. Lieutenant Governor, members of the body, what this will do is allow cities of first class to have some flexibility with the election of council members. There would have to be...a majority would have to be, if the voters approve, and it can be approved either by a ordinance passed by the city council or by petition by the voters of the city, but it would have to go to a vote to have at-large members. They would always...there would have to be at least...four members would have to be by district, and it couldn't be more than three at large. And so that's simply what the bill does, and so I'd ask for its advancement.

PRESIDENT MAURSTAD: Thank you, Senator Hartnett. The question is the advancement of LB 730. Those in favor vote aye; those opposed vote nay. Please record, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 730.

PRESIDENT MAURSTAD: The bill is advanced. Mr. Clerk.

CLERK: LB 96, a bill by Senator Schimek. (Read title.) The bill was introduced on January 4, referred to the Government

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Committee, advanced to General File. I have no amendments to the bill at this time, Mr. President.

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Schimek, you're recognized to open on LB 96.

SENATOR SCHIMEK: Yes, thank you, Mr. President, members of the body. LB 96 is a bill that was brought to us by the Department of Administrative Services and it really addresses three different issues. It addresses an issue of "interfund" loans, multistate contracting and conditions of employment. Let me tell you just a little bit about each of these areas. The bill continues the authority for DAS to lend money between its revolving funds. The provision already exists in statute, except the current statute will sunset, so they needed to come to us and see if we would continue this, so the bill removes that sunset provision. It also adds the requirement that DAS report annually on all "interfund" loans, outstanding balances and loan repayment. So, I think that's a good aspect of it; we'll have a little bit better handle on what some of these "interfund" loans are. And the reason they want this is because they sometimes have to pay for goods and services up front. For example, personnel purchases items for service awards for state employees. DAS pays for it up front and then collects the money from various agencies. It really is a cash management tool. The second aspect of it deals with multistate contracting, and it specifically authorizes the state to purchase items through contracts that are competitively bid by another state or group of states. And the state currently purchases, I didn't realize this, but the state currently purchases pharmaceutical drugs through a multistate contract. There are substantial savings to the state through this process. DAS would like to do the same thing with computer hardware. The change to the purchasing statutes makes it clear that the state has the authority to participate in such multistate contracts. Conditions of employment, this bill simply continues authority for the Director of State Personnel to adjust the terms and conditions of employment for noncontract employees to make them more consistent with the terms for contract employees that result from bargaining. And those of you who have been here for a while remember that several years back we made this provision so

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that we could offer our temporary employees proportional benefits. And it actually sunsets every so often, and all this...what we would like to do is just make this a permanent part. It seems to be working very well. In the past, the authority has been used for implementation of programs like catastrophic leave and changing the conditions of employment, such as the number of hours of sick leave which can be carried from year to year. With that, I would simply urge the advancement of this bill, and I would be happy to answer any questions and I'd also yield my time back to the Chair, Mr. President.

PRESIDENT MAURSTAD: Thank you, Senator Schimek. Debate on the advancement of LB 96? Senator Schimek, you're recognized to close. Senator Schimek waives closing. The question is the advancement of LB 96. Those in favor vote aye; those opposed vote nay. Please record, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 96.

PRESIDENT MAURSTAD: LB 96 is advanced. (Visitors introduced.) Mr. Clerk.

CLERK: Mr. President, LB 286, by Senator Janssen. (Read title.) Introduced on January 5, referred to the Government Committee, advanced to General File. I have no amendments to the bill at this time, Mr. President.

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Janssen, you're recognized to open on LB 286.

SENATOR JANSSEN: Thank you, Mr. President. Members of the body, LB 286 would modify the requirements to receive tuition assistance currently provided the Nebraska National Guard. For some quick background, the Nebraska National Guard provides tuition assistance to members in the amount of 75 percent of the resident tuition charge. In return for this assistance, the individual must sign an agreement to serve the Nebraska National Guard for a minimum of three years from the completion of the courses for which they receive assistance under the penalty of

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paying back the money. A member of the Guard must use this tuition assistance within ten years of their membership in the Guard and can only obtain one undergraduate degree under the Tuition Assistance Program. LB 286 assists the program by removing the current requirement from the statute that all "nonprior" service enlistees shall have completed basic military training, military occupation specialty training or skill-level training prior to be eligible for the tuition assistance. As the statutes currently read, an enlistee cannot get tuition assistance until they go through this training. The problem is that the training dates for military basic and technical skill schools can be backlogged for over a year, therefore this language is forcing enlistees to find alternative means to fund their first year or more of college. This requirement is hurting the Guard's ability to extend tuition assistance benefits to their new recruits who are the very people that need the assistance the most. This is obviously driving some people away from joining the National Guard. The National Guard is a resource that Nebraska can always call upon in time of need. They always stand ready to help, and I believe that this bill will help keep our Guard strong. The Army, Nebraska Army and Air National Guard are both in favor of LB 286. This is something that we weren't aware of last year, when this bill was introduced, that this backlog could be created. It's no fault of the Guard; it's no fault of the enlistees who want to take advantage of this program. It does not change the amount of money. It's still at 75 percent of the tuition, so there will be no increase in the A bill or any of the funding. It's something that was overlooked last year, and this bill will correct that. And I'll try to answer any questions anyone would have and I ask for the advancement of this very important bill. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Janssen. Debate on the advancement of LB 286? Senator Janssen, you're recognized to close.

SENATOR JANSSEN: Thank you, Mr. President, members. The only thing I can say is that I ask for your green vote on this. It's unfortunate that we had to come back and do this, should have been taken care of last year, but we did not know that these

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problems would exist. Thank you and hope for your affirmative vote.

PRESIDENT MAURSTAD: Thank you, Senator Janssen. The question is the advancement of LB 286 to E & R Initial. Those in favor vote aye; those opposed vote nay. Voting on the advancement of LB 286. Mr. Clerk, please record.

ASSISTANT CLERK: 25 ayes, 0 nays on the motion to advance the bill, Mr. President.

PRESIDENT MAURSTAD: LB 286 is advanced. Mr. Clerk.

ASSISTANT CLERK: Next bill, Mr. President, is LB 368, a bill offered by Senator Dierks. (Read title.) The bill was read for the first time on January 8, 2001; referred to the Government Committee; that committee reports the bill to General File with no committee amendments.

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Dierks, you're recognized to open on LB 368.

SENATOR DIERKS: Thank you, Mr. President. Members of the Legislature, I'm opening today on LB 368, which brings Nebraska statute up-to-date with federal regula...federal statutes in regards to service dates of wartime veterans. Currently, to be considered a veteran of Vietnam one must have served starting August 5, 1964, to May 7, 1975. The August 5 date was recognized under federal law as the beginning date of Vietnam. This was the date that President Johnson requested the Gulf of Tonkin Resolution. However, some time ago the federal law changed the date to December 22, 1961, the first reported combat-related death in Vietnam, and that was SP4, James Thomas Davis of Tennessee. Recently, the federal law again revised the date to February 28, 1961. As you can see on the sheet that I have passed out, this is the date that the American Legion also uses for membership. LB 368 amends Nebraska statute so that the correct defining date will be February 28 of '61 to May 7 of '75. It brings Nebraska statutes in conformity with the federal guidelines and the guidelines used by the American Legion. This will allow more veterans...more Nebraska veterans...Vietnam

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veterans to qualify for benefits offered by the state. I'd be...thank you, Mr. President. I'm willing to answer any questions you might have.

PRESIDENT MAURSTAD: Thank you, Senator Dierks. Debate on the advancement of LB 368? Senator Dierks, you are recognized to close.

SENATOR DIERKS: Mr. President, I appreciate your attention and I wish you would help advance this to Select File. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Dierks. The question is the advancement of LB 368 to E & R Initial. Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record.

ASSISTANT CLERK: 25 ayes, 0 nays on the motion to advance LB 368, Mr. President.

PRESIDENT MAURSTAD: The bill is advanced. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB 10 was introduced by Senator Dwite Pedersen. (Read title.) The bill was read for the first time on January 4th, referred to the Government Committee; that committee reports the bill to General File with committee amendments attached. (AM0238, Legislative Journal page 487.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Dwite Pedersen, you're recognized to open on LB 10.

SENATOR Dw. PEDERSEN: Thank you, Mr. Lieutenant Governor and members of the Legislature. LB 10 was brought to me originally by the Silver-Haired Unicameral. LB 10, as originally written, asks that the responsibility for the four state veterans' homes be transferred from the Department of Health and Human Services to the Department of Veterans' Affairs. I have introduced this bill twice before and am pleased to note that apparently people have been listening as the veterans who have appeared before this committee voiced their concern that the Department of Veterans' Affairs should be more directly involved in the day-to-day operation of the veterans' homes. The Governor has

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indicated his intention to issue an executive directive, and my understanding will be that...is that that will be this week and will be effective March 1st, that the administrators of the four veterans' homes will now report to the Director of Veterans' Affairs, who will report directly to Dennis Loose and Ron Ross of the Department of Health and Human Services on management, budget, personnel and policy issues involving the four veterans' homes. And I am willing to give this idea a chance to work, thereby eliminating the need for LB 10 as originally written. I support the committee amendment as described...as will be described by Senator Schimek. Current law requires that the administrator of the veterans' home must have a nursing home administrator's license and must also have served honorably as a veteran during a wartime period. Because having these dual requirements has limited the pool of qualified applicants for administrator positions, the veterans have asked that we eliminate the requirement that the administrator be a veteran and instead require only that preference be given to any applicant who is a veteran. The important thing to remember about LB 10 is that veterans' needs and desires be kept foremost in the minds of those who are charged with providing care and budgetary support to the veterans' homes. I urge your support for LB 10. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Pedersen. Senator Schimek, you're recognized to open on the committee amendments to LB 10.

SENATOR SCHIMEK: Yes, thank you, Mr. President. Members of the body, I...I'm going to tell you what the amendment is, very briefly, and then I think I'm going to try to give you a little bit of background as to where this bill came from. And I'd like to thank Senator Pedersen for continuing to keep the light on this issue. I think it's an important issue. But the...the...the guts of the amendment are that, as Senator Pedersen just explained, qualified applicants for the position of administrator who have served honorably in the armed forces of the United States during a period of war should be given a preference over other applicants; not that they have to be veterans, but that they should be given a preference. The genesis of all of this come...goes back for a few years when

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Senator Pedersen and Senator Peterson, Chris Peterson at that time, both brought bills regarding the veterans' homes to the Government Committee. And there was genuine concern about the high turnover rate at the veterans' homes and the standard of care that was resulting from this high turnover. Rather than addressing or implementing either of those bills that year, we decided to do an interim study. And the Government Committee, at that time, went on the road, went to each of the four veterans' homes across the state and conducted hearings. The...the end result of that was that we knew the major problem with the high...and the reason for the high turnover rate was low salaries. I mean, if you don't pay people enough, you're not going to get them to stay on the job; there's too many other places that they can work. Even though I know that the people who work in our veterans' homes are very caring people, they can only support the state so long. So at the end of those hearings, the Government Committee sent a letter to the Governor suggesting that we needed to look at this issue seriously in the collective bargaining process. And that was done, to some degree at least, when the bargaining process was started. But unfortunately, in my view, it may not have been enough because it only applies to certain shifts and certain days of the week. At the present time it's my understanding that that turnover at the Thomas Fitzgerald Home is somewhere around 79 percent, as I recall. It's very, very high. What I think we can do, at least to try to impact this situation a little bit before the next collective bargaining comes around, because collective bargaining doesn't happen but every two years, we can pass this bill as amended so that we have the ability to get the best qualified administrators; and then we can consider another bill in Business and Labor Committee which has to do with the collective bargaining units themselves. This is an issue I don't think should go off our radar screens. I'm happy that the Governor's Office has endorsed this idea of looking for our best qualified administrators, but the...that still doesn't get to the crux of the problem. It's going to make the veterans a lot happier, I think, but I...it's not going to take care of the problems, and we'll be back with it again and again, I'm quite sure. So, I took probably more time on the bill than on the amendment, but I wanted you to understand where all of this is coming from. I'd like to thank the Government Committee members

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for helping me keep the attention on this issue. It is a very important issue. With that, I just simply urge adoption of the committee amendment.

PRESIDENT MAURSTAD: Thank you, Senator Schimek. Debate on the committee amendments? Senator Dierks. I'm sorry, Senator Dierks, we have an amendment on the desk. Mr. Clerk.

ASSISTANT CLERK: Mr. President, I do have an amendment to the committee amendments from Senator Tyson. The amendment is AMO295. (Legislative Journal page 557.)

PRESIDENT MAURSTAD: Senator Tyson, you're recognized to open on your amendment to the committee amendments.

SENATOR TYSON: Thank you, Mr. Lieutenant Governor. Members of the body, the amendment that I have filed on the committee amendments is a very small modification. The current statute reads that a veterans service office shall be in the county seat, preferably in the courthouse, but in the county seat, which in the case of Madison County is Madison, Nebraska, a prosperous community but not well populated. Most of the majority of...most of the majority? The majority of population in my county, and I believe this is true of other counties, is in a city not the county seat. As a matter of convenience, the only thing that this amendment would do would be allow for the location most convenient to the majority of the residences in the county, preferably at the county seat, if such location meets the requirements. That's all there is to this amendment. And it is a matter of convenient location, and I ask that the body support this requirement. Thank you very much.

PRESIDENT MAURSTAD: Thank you, Senator Tyson. Debate on the Tyson amendment? Senator Dierks waves off. Senator Janssen, on the Tyson amendment? Senator Cudaback, on the Tyson amendment? Senator Wehrbein, on the Tyson amendment?

SENATOR WEHRBEIN: I would like, Mr. Speaker, members of the body, I'd like to ask Senator Tyson, I just came in on this issue, but I...what...the requirements, I noticed in the last part of your amendment says "requirements". What requirements

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are you referring to?

SENATOR TYSON: The only...

PRESIDENT MAURSTAD: Senator Tyson.

SENATOR TYSON: Senator Wehrbein, the only requirement that I'm referring to in this is that the current requirement is that the veterans service officer's office be located in the county seat, in the courthouse, preferably. Mine says in the courthouse, preferably, not necessarily at the county seat, to the area most...in which most of the residents of that county reside. In this particular case that would be Norfolk. There...there is 24,000 people in Norfolk and 34,000 in the county. And that's the only requirement that I...our veterans service officer has been in one of the buildings on the regional campus since 1947, and they've been violating the law since 1947.

SENATOR WEHRBEIN: Okay.

SENATOR TYSON: And it just happened to come up and I put this in as an accommodation to them.

SENATOR WEHRBEIN: Thank you. I...I understand and I have no problem with the amendment. I just...I did want a clarification on that requirement, because I thought, as I hurriedly read it, it might be confusing to somebody else like it is to me, although I tend to get confused easily. So thank you.

PRESIDENT MAURSTAD: Thank you, Senator Wehrbein. Senator Dwite Pedersen, on the Tyson amendment.

SENATOR Dw. PEDERSEN: Thank you, Mr. Lieutenant Governor. Members of the Legislature, just wanted to say that I do have questioned the people involved with the bill and they...and the people in the Office of Veterans' Affairs and see this amendment as being friendly. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Pedersen. Senator Beutler, on the "tightler"...excuse me, Tyson amendment.

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SENATOR BEUTLER: Senator Tyson, just a question, if I may. Somebody had asked me to...to...to ask this question. As I understand your amendment, it tends to say that a particular county service should go to an area of the county that's most convenient to a majority of the population. Is that accurate?

SENATOR TYSON: (Microphone malfunction) Yes, that is accurate.

PRESIDENT MAURSTAD: Senator Tyson.

SENATOR BEUTLER: Okay. If...if that's the operating principle, what...what does that mean with respect to other county services? I mean, is this a precedent for taking other county services and opening up the question of whether they should be relocated someplace other than the county seat because, in a particular county, it may be more convenient to a majority of the people? I'm just wondering, what kind of a precedent and what kind of a standard that sets up? I suppose, it's different in different counties. In Madison County you have Norfolk, so I suppose with regard to all county services you could argue they should be in or near Norfolk because that's most convenient to most people. I don't know what that would do in other counties where...depending on where county seats are, but I would just ask you to comment on whether that's a...a good precedent, I guess.

SENATOR TYSON: Well, Senator Beutler, the...the wording of the amendment is very brief, and I assume that you've got it on your...your desk doohickey there. It is: a location most convenient to the majority of residences (sic--residents) of the county, preferably at the county seat in the courthouse, if such location meets the requirements. So, in answer to your question, Senator Beutler, as to what kind of a precedent we're setting, I don't believe that we're setting a precedent at all. I think we're allowing some flexibility in the location of a particular county office in any one of the 93 counties. I don't know how many of them have a...

SENATOR BEUTLER: Well,...

SENATOR TYSON: ...veterans service office.

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SENATOR BEUTLER: ...okay, Senator, thank you. I...it...the rule changes dramatically, though, because the current rule is that it be located at the county seat and within the county seat, preferably at the courthouse. But, I assume, in Madison County this particular rule would result in the location elsewhere than at the county seat, right?

SENATOR TYSON: That is correct, yes.

SENATOR BEUTLER: Okay. Well, that lays the principle clear. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Beutler. Further debate on the Tyson amendment? Senator Tyson, you're recognized to close. Senator Tyson waives closing. All those in favor of the Tyson amendment to the committee amendments to LB 10 vote aye; those opposed vote nay. Voting on the Tyson amendment. Mr. Clerk, please record.

CLERK: 25 ayes, 0 nays, Mr. President, on the adoption of Senator Tyson's amendment.

PRESIDENT MAURSTAD: The amendment is adopted. Debate on the committee amendments? Senator Dierks.

SENATOR DIERKS: Thank you, Mr. President. I'd like to visit with Senator Dwite Pedersen for a moment.

PRESIDENT MAURSTAD: Senator Pedersen.

SENATOR Dw. PEDERSEN: Yes, Senator Dierks.

SENATOR DIERKS: Senator Pedersen, refresh my memory a little bit about the structure of the veterans' homes in relationship to the Department of Health and Human Services and who is losing what, and who is gaining what, and what the financing is, and how the administration is concerned there with those veterans' homes.

SENATOR Dw. PEDERSEN: Presently, Mr...Senator Dierks, the

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veterans' homes are under the direction of the Health and Human Services. My ambition has been, the last couple years and this year, to move them under the Office of Veterans' Affairs. However, this year the Governor has decided to put the director of the Veterans' Affairs directly in charge of the veterans' homes, but still leaving the veterans' homes under the Health and Human Services Department, which we have agreed, "we" being myself and the people I represent, the veterans, people from the veterans' home, the military veterans' affairs...Government Affairs Committee, Senator Schimek and her colleagues or that committee, have agreed to let this go this way, this year, and to keep an eye on them to see if this is going to improve at all in making them veterans' homes more accessible, opening up more beds, taking care of the staff needs and so forth.

SENATOR DIERKS: Thank you. I had done that same type legislation myself, Senator Pedersen, several years ago and was not successful with it. But my concern, of course, is the welfare of those veterans, because I think sometimes they think that they've been relegated to a backseat in this process, and I don't think that we should let that happen. So I'm still concerned about service delivery and keeping the...keeping these veterans well cared for. And I think that's going to happen, but I just wanted you to put that on the record for me how this is supposed to take place. And I wanted to put on the record myself, I think, the necessity for continual vigilance about care for these veterans, because they are a very vulnerable group and don't have a whole lot of representation in this Legislature. And I would...just for the record I wanted that to be there. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Dierks. Senator Janssen, on the committee amendments. Senator Janssen.

SENATOR JANSSEN: Thank you, Mr. Lieutenant Governor. Members, I wanted to elaborate a little bit on what's happening at our veterans' homes. I did a little checking this winter about the turnover rate and the turnover rate at our veterans' home is almost double what it is in the private industry; I'm talking about the nursing homes that are privately owned and...or owned by a hospital. And at those particular rest homes the turnover

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is about forty-some percent compared to almost eighty percent at our veterans' home. I've received several phone calls from...complaining about the condition...working conditions and so on at our veterans' homes. For awhile I just kind of brushed it off, but they kept coming. And the State Commander of the VFW, a good friend of mine, has asked me to try to find some time to get down to the Tom Fitzgerald Home and see some of the conditions that...and the problems they're having there. And I haven't been able to get there yet, but I'm still going to try and get there and see for myself what could be the cause of this. It looks to me like the biggest problem is the wages, the wages that are paid at that home compared to comparable positions in the private sector. I don't know what the answer is, but we're dealing with people here who have sacrificed a lot for this state and for this country. And I think it needs to be...Senator Pedersen, what you're doing here is fine, but I think we have to go further. We have to find out why that turnover rate is so great. And, if it's just that, if it's just the wages, why then we maybe have to address that. But it's...I wonder once in awhile if there isn't something else underlying that we're not hearing about. So, Senator Pedersen, I'm going to support your bill, but I'm looking forward to further legislation next year or in the year after to try to address these. It's a dwindling...a dwindling part of our...of our society. We haven't had a full-scale conflict or engagement where we have a lot of veterans but, needless to say, that they are here, we need to take care of them and we need to have adequate employees working at these facilities to address the problems they're having. So it's a big...it's a situation that's not going to go away in the near future. And thank you, Senator Pedersen, for bringing this bill; I think it's a small step, but we need to take further steps later on. Thank you.

**PRESIDENT MAURSTAD:** Thank you, Senator Janssen. Senator Cudaback, on the committee amendments.

**SENATOR CUDABACK:** Mr. President, members, I want to reiterate what's already been said. It's a good bill. We went around the different communities, had public hearings on the matter. Usually, why, you don't go to a grocery store to buy shoes, you go to a shoe store; you go to a grocery store to buy groceries.

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You go to the dentist for a dentist, to get your teeth fixed; the same thing here. We have to do what is best for our veterans. We know what they mean to us, we know what they've done. It just makes sense to go to the people who are...have been in a situation as they've been in. If you can't find qualified people then, naturally, you have to go seek elsewhere. But I think you can find qualified people here; the committee amendments do this. And, like I say, you take it where the interest is. And it's a good bill, I just hope the body sees that. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Cudaback. Senator Schimek, you're recognized to close on the committee amendments to LB 10.

SENATOR SCHIMEK: Thank you, Mr. President. And, members of the body, I really appreciate the discussion on this issue because I think the entire body needs to be aware of what this bill is all about and we need to keep our eyes trained on the problem. I don't...I didn't hear all the conversation, but I do know that at...in all of the homes, and particularly in Omaha, we are using pool employees, and we are using them at a very high rate. And they are paid more than the regular employees in order to get them on staff. So I think it's...it is a problem that it's not going to go away. This committee amendment, which becomes the bill, is a tiny, baby step, I would call it, in the right direction. And I'm very pleased about this aspect of it, because Keith Fickenscher, who is the person who will be in charge now, is a person who is really a very caring and very well-qualified person. So, I think, that's...that's very positive. With that, I would simply ask for the adoption of the committee amendments.

PRESIDENT MAURSTAD: Thank you, Senator Schimek. The question is the adoption of the committee amendments to LB 10. Those in favor vote aye; those opposed vote nay. Please record.

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of committee amendments.

PRESIDENT MAURSTAD: Committee amendments are adopted. Debate

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on the advancement of LB 10? Senator Dwite Pedersen, you're recognized to close.

SENATOR Dw. PEDERSEN: Thank you, Mr. Lieutenant Governor, and members of the Legislature. After acceptance of the committee amendments that we just voted on, the bill is nothing like it was before; it has nothing to do with moving the veterans' homes under the Office of Veterans' Affairs; it leave it under Health and Human Services. All the bill does now is lets the administrator of a veterans' home not be a veteran, but must take a look at that first. Basically, require only that preference be given to any applicant who is a veteran. So that's all the bill does now. I am very happy and satisfied with the fact that the executive director directive coming from the Governor's Office will put Mr. Keith Fickenscher in charge of the veterans' homes, as I too, as Senator Schimek has stated, have confidence in him. We need to care and to care for those who probably, without a doubt, have cared more than I have, we need to care about those who care for them. And I want to be on the record as saying we'll watch this very closely to make sure that things go well, and if not advanced to the way they're supposed to be we'll back with this bill again next year. And I want to thank Senator Schimek and her committee and all the people involved, and especially my good friend, Charlie Thiessen, for all the work that has been done on this bill. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Pedersen. The question is, shall LB 10 be advanced to E & R Initial? Those in favor vote aye; those opposed vote nay. Please record.

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB 10.

PRESIDENT MAURSTAD: LB 10 is advanced. Mr. Clerk, do you have items for the record?

CLERK: I do, Mr. President, thank you. Transportation Committee reports LB 157 to General File; LB 38, General File with amendments; LB 234, indefinitely postponed; those reports signed by Senator Bromm. Urban Affairs Committee reports

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LB 575, LB 648, LB 649, LB 670 to General File; LB 480, General File with amendments; LB 810, General File with amendments; LB 493, indefinitely postponed; those reports signed by Senator Hartnett. Mr. President, I have a Reference report, and amendments to be printed to LB 505 by Senator Wehrbein, and LB...Wickersham offers an amendment LB 433 to be printed. And last, Mr. President, I have a hearing notice from the...from the Business and Labor Committee signed by Senator Connealy, as Chair. That's all that I have at this time. (Legislative Journal pages 757-759.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. The next item on the agenda.

CLERK: Mr. President, the next bill is LB 314. It's a bill by Senator Stuhr. (Read title.) Introduced on January 8 of this year, referred to the Education Committee. The bill was advanced to General File. I do have committee amendments, Mr. President. (AM0124, Legislative Journal page 489.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Stuhr, you're recognized to open on LB 314.

SENATOR STUHR: Thank you, Mr. President and members of the body. I think most of us know that the pool of available teachers and administrators continues to be a growing problem in our state. Senator Redfield and I both had bills concerning this issue and the committee decided to amend her provision into this bill, and she will discuss her proposal when we address the amendments. My bill addresses the issue of certification. And certification is a challenge often for teachers and administrators coming to Nebraska from out of state even though they have been successful in their profession in their respective states. What LB 314 proposes to exempt candidates for teacher or administrator certificates from taking the Basic Skills Competency Exam if the candidate has had three years of successive experience in another state and has completed an approved teacher education program in that or another state. Nebraska is among 30 states that require passage of a basic skills test for successful completion of a teacher education program, and there are an additional two states, including

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Nebraska, that require it for certification. Passage of this bill would enable teachers and administrators coming from other states to continue in their profession as they had successfully done in their state. I believe it's important to remove this barrier so teachers from other states are not encouraged to seek other employment. We did have wide support for this bill from the Nebraska Council of School Administrators, from NSEA, State Board of Education and the Department of Education. And I don't believe that there were any opposing or opposition to the bill. So I hope that you will support this bill and the amendment. I believe it's an important tool for supporting teachers that come to Nebraska. With that, I thank you and I give the rest of the time back to the Chair.

PRESIDENT MAURSTAD: Thank you, Senator Stuhr. Senator Raikes, you're recognized to open on the committee amendment.

SENATOR RAIKES: Thank you, Mr. Lieutenant Governor. Members, as Senator Stuhr mentioned, her bill, LB 314, and LB 33, introduced by Senator Redfield, both deal with the question of the requirement of the Basic Skills Exam for teachers in the state, the Basic Skills Competency Exam. Senator Redfield's proposal would have exempted a teacher who is nationally certified from being required to pass the Basic Skills Competency. Let me say a little bit about that. Specifically, what the amendment says is that if a candidate has current credentials from a national nonprofit organization that meets the following criteria: the organization is approved by the Nebraska Department of Education; the purpose of the organization is to establish high and rigorous standards in a broad range of educational areas for what accomplished teachers should know and be able to do; and the organization issues credentials to teachers who demonstrate that they meet those standards. Again, generally, this is referred to as national certification. The idea of Senator Redfield's bill was that if a teacher meets and has a current holding of a national certification then that teacher should be exempt from taking the Basic Skills Competency Examination in Nebraska in order to teach in the state. One other thing I'll mention quickly is that the committee amendment also reinstates the Basic Skills Competency Examination requirement for teacher and administrator

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certificates for candidates that come from an approved training institution in another state that don't have experience. This was an inadvertent admission in the drafting of the original...omission, rather, in drafting the initial bill. So this is...this is put back in. So two things: that is reinstated, and the second thing is that the exemption from the competency exam is extended to include teachers who are nationally certified. With that, I would be happy to answer any questions and urge your support of the committee amendment. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Raikes. Debate on the committee amendments? Senator Redfield.

SENATOR REDFIELD: Thank you, Mr. Lieutenant Governor. Members of the body, I would like to spend a few minutes discussing LB 33 as it originally went to committee because, in essence, that is the committee amendment. Last year, the Legislature spent a great deal of time discussing the Master Teacher Program, which Senator Thompson introduced, and we recognized it and passed it at that time. There was no funding put in, of course, in her provision from the Governor, but nevertheless we looked at the credentialing that was taking place on a national level and we recognized that it was difficult, that the standards were high and that it was something that Nebraska wanted to endorse. When we look at teachers who move into our state, they come perhaps with a spouse who is transferred here with another job, or perhaps they just want to return home to Nebraska; they've been here, they've been out, away from our state somewhere else and teaching elsewhere and they have achieved national certification. These are the cream of the crop; we want these teachers back in Nebraska, and we want them in the work force in our schools. We don't want them coming back and waiting to enter the schools and finding another job in another industry in the meantime. That often occurs. Our neighboring states have already done this. Kansas, Iowa and Colorado mandate that they are given credentials to teach in their state. And as we have people move into the Omaha-Council Bluffs area, we see that we're competing with the market in Council Bluffs. If a nationally certified teacher can go right into the classroom in Council Bluffs, we're going to

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lose her. We'd like to keep her in the state of Nebraska. The same thing happens on the Colorado border, it happens on the Kansas border, and Missouri has also proposed this. So I think it's a good move. I think that it's a good way for us to draw teachers to our state that have this kind of certification to know that they can enter the classroom. That's what they want to do; they want to teach; they don't want to go through more loopholes, they don't want to take more tests, they've already gone through a heavy blanket of testing, a heavy blanket of certification, which means that they have to prove how their students are doing in the classroom. They have to give samples of their students' work; they have to show that the students have met the standards that are required, it's not just the teacher, their students are gaining in this process. So I think it's a good amendment, I think it's a good approach for the state of Nebraska to take, and I hope you support the committee amendments. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Redfield. (Visitors introduced.) Further debate on the committee amendments? Senator Raikes, you're recognized to close on the committee amendments. Senator Raikes waives closing. Those in favor of the committee amendments vote aye; those opposed vote nay. Mr. Clerk, please record.

CLERK: 27 ayes, 0 nays, Mr. President, on the adoption of committee amendments.

PRESIDENT MAURSTAD: The committee amendments are adopted.

CLERK: Senator Stuhr would move to amend, Mr. President. (AM0636, Legislative Journal page 759.)

PRESIDENT MAURSTAD: Senator Stuhr, you're recognized to open on your amendment to LB 314.

SENATOR STUHR: Thank you, Mr. President and members of the body. What this amendment does is simply put the emergency clause on the bill. It has been brought to my attention that there may be those that would qualify for this bill if we would do this immediately for the upcoming year. So, with that, I ask

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for your support.

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

SENATOR ERDMAN: Thank you, Mr. Lieutenant Governor. I also support the E clause being added to this bill. As Senator Redfield has mentioned, there are teachers who are coming into Nebraska, ironically, to teach here, that have decided to move across for other reasons. And we have situations in my district, bordering Colorado and Kansas, where we have teachers who are, at this point, going to be forced to move back to Kansas or Colorado to renew their teaching in those states and not be eligible to continue to teach in Nebraska. And, as I look at what needs to be addressed in rural Nebraska, we need to do everything we can to make sure that we keep our rural teachers and good teachers out there to be in front of our students. So I wholeheartedly support the Stuhr amendment and I also support LB 314.

PRESIDENT MAURSTAD: Thank you, Senator Erdman. Further debate on the Stuhr amendment? Senator Stuhr, you're recognized to close. Senator Stuhr waives closing. The question is the adoption of the Stuhr amendment to LB 314. Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record.

CLERK: 28 ayes, 0 nays, Mr. President, on the adoption of Senator Stuhr's amendment.

PRESIDENT MAURSTAD: The amendment is adopted. Discussion on the advancement of LB 314? Senator Stuhr, you're recognized to close.

SENATOR STUHR: Thank you, Mr. President and members of the body. We ask for your support in advancing this bill because I truly feel, and I know that Senator Redfield and the committee, that this will remove some of the barriers for teachers and administrators coming from other states to teach in Nebraska. And I think that this is an important first step. With that, please support the bill. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Stuhr. The question is

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the advancement of LB 314 to E & R Initial. Those in favor vote aye; those opposed vote nay. Please record.

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB 314.

PRESIDENT MAURSTAD: The bill is advanced. (Visitors introduced.) Mr. Clerk.

CLERK: Mr. President, the next bill this morning, LB 303, by Senator Stuhr. (Read title.) The bill was introduced in January, referred to the Education Committee, advanced to General File. I do have committee amendments. (AM0136, Legislative Journal page 515.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Stuhr, you're recognized to open on LB 303.

SENATOR STUHR: Thank you, Mr. President and members of the body. LB 303 proposes to encourage and facilitate communication and collaboration among education leaders from across the state by creating the Education Roundtable. Under this proposal, the Governor and the Commissioner of Education would jointly serve as cochair of the Roundtable, and it would consist of representatives from higher education, including University of Nebraska, state colleges, community colleges and board members from these systems. It would also include the Coordinating Commission for Postsecondary Education, the State Board of Education, Nebraska Information Technology Commission, members from the Legislature, teachers, school administrators, school boards, educational service units, private K-12 schools, and business leaders. Some may question the size of this group, but I feel it is important to include lay people from the various groups, since they are directly affected by education policy. But I also feel that continuity is important and that's why I've also included the executive directors of some of the associations. I believe that the citizens in Nebraska value our educational systems and feel education is a high priority. I'm proposing the Education Roundtable to provide a vehicle so the various educational systems, associations, businesses and boards can come together to communicate their ideas on educational

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concerns facing our state. I have heard some concern expressed that this might duplicate efforts of other groups. At this time, however, there is no group in existence that encompasses all of the facets of education that the Roundtable establishes. I believe that through communication and collaboration we can better understand the educational challenges that we face as a state. I see the Roundtable as a think tank, a visionary group that looks to the future on educational issues. I believe that the Roundtable will provide an opportunity for strategic planning and forecasting, also to increase public awareness and build partnerships for improving education in our state. The purposes of the Roundtable will be to identify and prioritize the future needs and challenges related to education in the state of Nebraska, to share information, to study and create multiple ways to coordinate statewide efforts. And I also feel that the structured relationship would actually help the discussion to be more effective. Under LB 303, the Roundtable may establish ad hoc advisory groups to study topics related to education. In addition, the Roundtable shall provide a report of its findings by December 1st of each year to the Appropriations and Education Committees, Policy Research, the State Board of Education, and the Coordinating Commission for Postsecondary Education. I have included a sunset date of 2005, and a provision that requires the Roundtable to meet at least twice a year. In closing, I ask for your advancement of the amendment which actually becomes the bill and which then establishes the Roundtable. The amendment has some technical changes, some reconfiguration of the members of the board and a few other additions. And I'd certainly be happy to answer any questions you might have. Thank you.

**PRESIDENT MAURSTAD:** Thank you, Senator Stuhr. To open on the committee amendments, Senator Raikes.

**SENATOR RAIKES:** Thank you, Mr. Lieutenant Governor and members. The committee amendment is an attempt by the committee to put the bill in the shape that Senator Stuhr preferred. And I can mention to you a couple of things that were done. There were a number of changes that she met...or she mentioned in the representation, for example. the representatives from the business community were reduced from ten to eight members; the

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executive director and one member of the Coordinating Commission were added. I would mention also that there was a revision of the purposes of the Roundtable to identify and prioritize needs and challenges related to education, to share information and to study and create multiple ways to coordinate statewide efforts in education in Nebraska. One other thing I'll mention is that there was provision for members of the Roundtable to be reversed or, excuse me, reimbursed for their actual and necessary expenses. So again, the attempt here was to make the bill consistent with Senator Stuhr's intent. And, with that, I will...I will stop and I encourage your support to the committee amendment. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Raikes. For debate on the committee amendments to LB 303, Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, on this bill and the previous one, I told Senator Stuhr that any comments that I had I would make at a later date, because I haven't had an opportunity to review them. But in listening to the discussion so far, I think there will be 34 members in this group, so I would suggest that she change the designation to either the cluttered table or the crowded table.

PRESIDENT MAURSTAD: Thank you, Senator Chambers. Senator Price, on the committee amendments.

SENATOR PRICE: Mr. Lieutenant Governor and members of the body, I am supportive of the Education Roundtable. When I think of these 34 persons sitting around a table and discussing the education from kindergarten through post high school and into college, I think of the power that's going to be ebbed in that room and the sharing of information. Education is a high priority in our state as we begin to address teachers' salaries, discuss and address them. And with a recommendation going to the Governor at the end of each year, these persons, their work will be...they'll be held accountable for their work that they put in. And I'm very, very supportive of this because I feel like the students at all level in our state will benefit from the work of this Roundtable. Thank you.

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PRESIDENT MAURSTAD: Thank you, Senator Price. Further debate on the committee amendments to LB 303? Senator Raikes, you're recognized to close. Senator Raikes waives closing. The question is the adoption of the committee amendments to LB 303. Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record.

CLERK: 32 ayes, 0 nays, Mr. President, on the adoption of committee amendments.

PRESIDENT MAURSTAD: Committee amendments are adopted. Debate on the advancement of LB 303? Senator Stuhr, you are recognized to close.

SENATOR STUHR: Thank you, Mr. President and members of the body. Just to briefly review that the Education Roundtable, I believe, will be a vehicle for better communication and collaboration among the leaders from across the state. And, as I said earlier, I look at this as a think tank, a visionary group, those looking to the future and I believe it will also provide an opportunity for some strategic planning, some forecasting, increase public awareness and, most importantly, build partnerships across the state. With that, I ask for your advancement. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Stuhr. The question is the advancement of LB 303 to E & R Initial. Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record.

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB 303.

PRESIDENT MAURSTAD: LB 303 is advanced. Mr. Clerk.

CLERK: LB 303A, Mr. President, a bill by Senator Stuhr. (Read title.)

PRESIDENT MAURSTAD: Senator Stuhr, you're recognized to open on LB 303A.

SENATOR STUHR: Thank you, Mr. President and members of the

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body. There's a very small fiscal note, just to accommodate some of the expenses that might occur from the Roundtable. And I might add the State Department of Education and the Postsecondary Commission of Education are cooperating and working together. With that, I ask for your support.

PRESIDENT MAURSTAD: Thank you, Senator Stuhr. Senator Stuhr, you're recognized to close. Senator Stuhr waives closing. The question is the advancement of LB 303A. Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record.

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB 303A.

PRESIDENT MAURSTAD: The bill is advanced. Mr. Clerk.

CLERK: LB 191, Mr. President. It's a bill by Senator Byars. (Read title.) The bill was introduced on January 4, referred to the Transportation Committee, advanced to General File. I have no amendments to the bill at this time, Mr. President.

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Byars, you're recognized to open on LB 191.

SENATOR BYARS: Thank you, Mr. President and colleagues. I'd like to first give you a brief summary of...of what has preceded us coming to this point to ask the body for funding of the Statewide Trauma Systems Act. This body, beginning in 1994, first passed LB 1223, which called for the development of a statewide trauma plan. At that time, the Emergency Medical Services Program received a federal grant to begin the development of that trauma plan. The State Trauma Development Board, which has been sunsetted since, was created at that time. And in July of '96, the trauma plan was completed, published and presented to the Legislature. In June of '77 (sic--'97), the Statewide Trauma Systems Act, which was in the form of LB 626, was passed, which created the infrastructure for the trauma system. The bill at that time included an appropriation of \$200,000 per biennium for implementation of the system. In the summer of 1997, an ad hoc committee met to determine what would be the best method to pay for trauma and emergency medical

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services in the state of Nebraska. And after looking at a variety of methods of funding a statewide trauma system, this board recommended that a dollar for life to be the fairest, most equitable, cost-effective, relevant way to fund the system. In January of '98, the Director of Regulation and Licensure appointed a Trauma Systems Advisory Board to begin the complex task of creating the criteria to implement the trauma system, including advising the department on rules and regs, policies and procedures. The board completed their work, but the trauma plan still could not be fully implemented until specific funding was made available. The previous administration proposed that three million plus dollars be included in the Fiscal Year 2000-2001 budget to pay for the capital expenditures to set up two critical infrastructure portions of the system--the Statewide Trauma Registry Act data collection and the communication system. The money was not included in the budget. There is a minimal amount requested by the Governor in the current budget of \$105,000 for Fiscal Year 2001 and '02, and 2002 and 2003. The purpose of this bill is to provide a stable funding mechanism to support those statutes that were enacted by this body and to support the Statewide Trauma Systems Act. Additionally, funding from this proposal will support the Emergency Medical Services Program, emergency medical services for children and other projects that support the provisions of emergency medical care in this state. We have reduced that recommendation of a dollar for life to 50 cents for life, and have asked that the fund be created by attaching a 50-cent fee to motor vehicle registrations. The projected revenue the first year, from 50 cents for life, would generate \$768,580, and \$926,000 the second year. The reasons that we looked to the motor vehicle registration were funded were...are fairly obvious, I feel, but I want to go through them just briefly for you. Motor vehicle crashes are the number one cause of traumatic injury, both nationally and in the state of Nebraska. On average, every one of us will encounter an emergency medical situation at least once in our lives. Therefore, paying for the system is a benefit for each one of us personally. Of the over 23,000 trauma runs in the state, over half are vehicular. This funding would replace preventative health and health services block grant and General Fund dollars. The funding would pay for statewide programs, such as the Critical Incident Stress

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Management Program. And I feel that as the automobile, the vehicle is the...is where the majority of trauma is caused, it seems only appropriate that each and every one of us pay for that system, and I think it's extremely important. So this would be cash funded. This method of funding has been used in other states, the closest to us is Iowa. That has been extremely successful. As we look at what these...these dollars would be used for, the Trauma Board that was established came up with a set of criteria and proposed uses. The Department of Health and Human Services has, through that examination and through a careful study, come up with eight basic criteria for the use of these dollars. I'm not going to go into detail as it's late. I will answer any questions relative to any of those, but I'll go through them briefly. Number one, development of a distance learning program which includes satellite Internet and CD; enhanced technical assistance in continuing education for physician medical director program; enhanced reimbursing for basic training. Since the EMS program reimbursed ambulance services for basic training of emergency medical technicians and first responders, we've seen an increase in the number of certified EMT's and first responders. And anyone working in the rural areas, in particular, knows how critical it is to recruit these individuals. Critical Incident Stress Management Programs over ten years...ten years old, there's a need to develop a data collection system to measure how effective the program is in providing services. There's also a need for data to analyze what services need to be improved and education programs need to be utilized to better serve emergency workers. In Fiscal Year 2003, we would increase operating aid funds for this program. An instructor development program to recruit quality instructors and enhance skills of existing and new instructors. Prevent activities during the implementation of the state...prevention activities during the implementation of the Statewide Trauma System. The trauma communication plan, which has been in the works and which would not receive funding from these dollars, but to continue to work toward establishing a communica...a badly needed communication system in the state of Nebraska. And the development of diversity programs to recruit and train minorities and enhance minorities' use of the emergency medical service systems. Mr. President, this is the basics of LB 191 that was advanced

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unanimously with one member absent out of the committee. It was moved to the floor last year as a committee priority bill. We had strong support within the public hearing, and I would ask the members to move the bill forward.

PRESIDENT MAURSTAD: Thank you, Senator Byars. For debate on the advancement of LB 191, Senator Bromm.

SENATOR BROMM: Thank you, Mr. President. I just wanted to rise in support of LB 191 and tell the body that we did have...we did have the bill last year, I think it was LB 951, and it was advanced last year and designated, I think, as a committee priority bill. But time ran out before the bill could really be processed on the floor, so it was reintroduced this year, pretty much, I think, fairly much the same, same funding source as LB 191. We had a lot of supporting testimony in the committee, including the Volunteer Firefighters, EMS Association, Nebraska Nurses, Association of General Contractors, hospitals and health systems, and a doctor, and we basically had no opposition. And the committee voted to advance the bill without any dissenting votes. I think something like this is extremely worthwhile. As we discussed in committee, there is a continuing need to have a oversight on this kind of program and the bill provides for that, provides for a report to the Legislature, with a general accounting, on or before January 1 of each year. And so, I think, Senator Byars and others who are interested will be watching to make sure that this money is used for what it's intended to be used for, and not completely consumed by administrative costs or things that we want to hold to a bare minimum. So I thank Senator Byars for bringing the bill and continuing to support this need. Without the funding, the program that was passed several years ago doesn't really mean anything, so we need the funding. And I do support the bill. Thank you, Mr. President.

PRESIDENT MAURSTAD: Thank you, Senator Bromm. Further debate? Senator Stuhr.

SENATOR STUHR: Thank you, Mr. President and members of the body. I have several questions that I'd like to address to Senator Byars.

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PRESIDENT MAURSTAD: Senator Byars, would you yield?

SENATOR BYARS: I will yield.

SENATOR STUHR: I...I just want to thank you for bringing this bill and want you to know that I am supporting it, but I do have a couple questions. When it refers, on line 15 and 16, "support of emergency medical services programs". Now, will any of this funding go down to the local level, or is this all a state program? Could you...could you just explain a little bit. And also the Emergency Medical Services Act, I'm not that familiar with it, I'm sorry.

SENATOR BYARS: Certainly, thank you, Senator Stuhr. Yes, absolutely. These dollars would be meaningless if they did not go directly to the local programs. One of the biggest problems we've found in providing EMS and EMT services in the state is getting adequate training to those people who are the responders.

SENATOR STUHR: Yes.

SENATOR BYARS: And I know that we have constantly, all of us in the rural areas have had those units that can't be full-time; they're volunteer, come to us and say, we need support, we can't exist unless you come with some state funding to help us. So, yes, these dollars are very definitely to be used for training and support of your local EMS and EMT units.

SENATOR STUHR: Okay, thank you very much. And as I said, I really want to commend Senator Byars for being innovative and bringing this, because I know it is a concern. Thank you.

PRESIDENT MAURSTAD: Thank you, Senator Stuhr. Further debate? Senator Byars, you're recognized to close on the advancement of LB 191. Senator Byars waives closing. The question is the advancement of LB 191 to E & R Initial. Those in favor vote aye; those opposed vote nay. Please record.

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of

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LB 191.

PRESIDENT MAURSTAD: The bill is advanced. Mr. Clerk.

CLERK: LB 191A, by Senator Byars. (Read title.)

PRESIDENT MAURSTAD: Thank you, Mr. Clerk. Senator Byars, you're recognized to open on LB 191A.

SENATOR BYARS: Thank you, Mr. President and colleagues. LB 191A, basically, is the appropriations vehicle to carry out the funding mechanism that was just described to you. And the 50 cents for life appropriates \$768,580 for the first year of the biennium, 2001-2002; and \$926,000 for Fiscal Year 2002-2003. And it's that simple and I would ask for its adoption.

PRESIDENT MAURSTAD: Thank you, Senator Byars. Debate on the advancement of LB 191A? Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I will be very brief. I had discussed this bill with Senator Byars. I agree with it. I supported the advancement of the bill. This will probably be the last time during my career in the Legislature that I will vote to put a fee on a registration when it has nothing to do with driving a vehicle as such. But Senator Byars made such a compelling case, the issue is a valid one, so I'm in support of it. But this does not signal a weakening of my position. This vote is an aberration.

PRESIDENT MAURSTAD: Thank you, Senator Chambers. Senator Byars, you're recognized to close. Senator Byars waives closing. Question is the advancement of LB 191A to E & R Initial. Those in favor vote aye; those opposed vote nay. Mr. Clerk, please record.

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB 191A.

PRESIDENT MAURSTAD: LB 191A is advanced. Mr. Clerk, items for the record?

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CLERK: Mr. President, now A bill, LB 287A. (Read by title for the first time.) That's offered by Senator Thompson. Enrollment and Review reports LB 129, LB 146, LB 155, LB 163, LB 165, LB 192, LB 257, LB 257A, LB 387, LB 418, LB 472 as correctly engrossed. Mr. President, there will be an Executive Session of the Education Committee at noon in Room 1023. That's all that I have, Mr. President. (Legislative Journal pages 760-761.)

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

SENATOR ERDMAN: Thank you. I move we adjourn until Thursday morning at 9:00 a.m. Excuse me, Friday morning. Thank you. My apologies for reliving today. We'll be doing it tomorrow morning, Friday at 9:00 a.m.

PRESIDENT MAURSTAD: Question is, shall the Legislature adjourn? Those in favor say aye. Those opposed nay. The Legislature is adjourned.

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