

**MARCH 3, 2005**

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FLOOR DEBATE

March 3, 2005            LB 10, 70, 139, 198, 206, 211, 211A, 236  
                          238, 262, 284, 287, 298, 335, 355, 441, 499  
                          503, 533, 568, 675, 716

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK:     Good morning.     Welcome to the George W. Norris Legislative Chamber. Our acting chaplain this morning is Senator Kruse. Senator Kruse.

SENATOR KRUSE:     (Prayer offered.)

SENATOR CUDABACK:    Thank you, Senator Kruse. We appreciate you doing that for us. Senator Kruse is from District 13. I call the thirty-eighth day of the Ninety-Ninth Legislature, First Session, to order. Senators, please record your presence. Record please, Mr. Clerk.

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

SENATOR CUDABACK:    Are there any corrections for the Journal?

CLERK:     I have no corrections, Mr. President.

SENATOR CUDABACK:    Any reports, messages, or announcements?

CLERK:     Mr. President, your Committee on Enrollment and Review reports LB 499, LB 503, and LB 533 as correctly engrossed. I have report of registered lobbyists for this week, to be inserted in the Legislative Journal. Received reports from the Nebraska Investment Finance Authority. Those will be on file in the Clerk's Office, available for member review. Hearing notices from the Appropriations Committee, those signed by Senator Pederson. Enrollment and Review reports LB 298, LB 335, LB 198, LB 10, LB 236, LB 238, LB 262, LB 355, LB 211, LB 211A, LB 287, LB 284, LB 139, LB 441 to Select File, some of which have Enrollment and Review amendments attached. Your Committee on Banking, Commerce, and Insurance, chaired by Senator Mines, reports LB 568 to General File with amendments, and LB 716 to General File with amendments, those reports signed by Senator Mines. Transportation and Telecommunications, chaired by Senator Baker, reports LB 675 to General File with amendments. I have priority bill designation, Mr. President: LB 206 has been selected by Senator Byars. And Senator Smith would like to print an amendment to LB 70. That's all that I have at this

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time, Mr. President. (Legislative Journal pages 687-697.)

SENATOR CUDABACK: Thank you, Mr. Clerk. We now move on to legislative confirmation reports. Mr. Clerk.

CLERK: Mr. President, the confirmation report is offered by Health and Human Services. It's found on page 652, and involves an appointment to the Rural Health Advisory Commission.

SENATOR CUDABACK: Senator Jensen, as Chair of the Health and Human Services Committee, you're recognized to open on the first report.

SENATOR JENSEN: Thank you, Mr. President, members of the Legislature. First of all, I'd like to apologize for what I'm doing here this morning. If you'll recall, day before yesterday, we submitted 26 names for confirmation. And actually, the name I'm about to present to you, you voted on. But we didn't have the paperwork ahead of that. And so in order to make that correction, I'm going to ask your indulgence once more to...and I would like to send forward to you the confirmation of Martin Fattig, who is a new appointment for a three-year term, chief administrative officer of Nemaha County Hospital in Auburn. This is to the Rural Health Advisory Commission. He's been in Auburn since 2002. Actually born in Arnold, Nebraska. I will say this about the Auburn hospital. It's one of the few hospitals in the state that have a complete electronic medical records within their hospital. I think that's just a great thing, that a small, rural hospital would endeavor to make changes like that to improve patient safety within a community and for its consumers. So with that, if you would, please, I would just ask that you, again, would forward Martin Fattig to a term on the Rural Health Advisory Commission. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Jensen. You've heard the opening on the confirmation report. Open for discussion. Senator Jensen, there is no...the question before the body is, shall the confirmation report offered by the Health and Human Services Committee be adopted? All in favor vote aye; opposed, nay. The question before the body is adoption of the

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confirmation report. Record please, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 697-698.)  
35 ayes, 0 nays, Mr. President, on the adoption of the  
confirmation report.

SENATOR CUDABACK: The report has been adopted. Mr. Clerk, next  
report.

CLERK: Mr. President, Government Committee offers a report  
involving an appointment to the Accountability and Disclosure  
Commission.

SENATOR CUDABACK: Senator Schimek, Chairperson of the  
Government, Military and Veterans Affairs Committee, you're  
recognized to open on your report.

SENATOR SCHIMEK: Thank you, Mr. President and members. Judy  
Ann Schweikart was nominated for the Accountability and  
Disclosure Commission. And we held...the Government Committee  
held the hearing last week. And Ms. Schweikart is a partner at  
Kutak Rock in Omaha. She has been involved in too many  
community activities to have them all enumerated here. But to  
name a few, she's been on the YWCA board of directors in Omaha;  
vice president, Nebraska Women's Bar; board of directors,  
Transit Authority of the City of Omaha; member, Health Planning  
Council of the Midlands; member of NETV Telecommunications  
Commission; commissioner on the Highway Commission. I could go  
on and on. But she has been very, very involved in the  
community and in the state. So the committee advanced her  
nomination unanimously. And I would ask the body's support for  
Judith Ann Schweikart. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Schimek. Open for  
discussion on the confirmation report. Senator Johnson.

SENATOR JOHNSON: Mr. President, actually could just lean across  
the table here and ask Senator Schimek this. But I thought it  
was of interest to the body. And what it is, is this, is I had  
someone ask me this question. In our discussion about who  
should be on the veterans affairs committees throughout the

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state and so on, one of the things that I believe came up was that a person with a general discharge could not be on these committees, and then we turn around and say that you don't have to be a veteran to serve on one of these committees. So if Senator Schimek would clear up my question, who is eligible to be on these various committees? Are all people? Are people with general discharges? Et cetera. Thank you. I yield my time.

SENATOR SCHIMEK: Thank...

SENATOR CUDABACK: Further...

SENATOR SCHIMEK: Thank you. Mr. President, may I...

SENATOR CUDABACK: You may.

SENATOR SCHIMEK: ...respond? Thank you. Senator Johnson, you don't have to be a veteran to be on the Accountability and Disclosure Commission. And I don't think that's what you were asking, right? You're asking about those local committees. And on the local committees, there can be those with both honorable and general discharges. But if you are going to be the veterans service officer in those local communities, you have to have an honorable discharge. And so that's the way that we developed that. And that...basically, our rationale was to keep everything the same, which is what we did, kept everything the same as it had been, except we made one change, and that was, the veterans service officer at the local level had to have an honorable discharge. So, thank you.

SENATOR CUDABACK: Thank you, Senator Johnson, Senator Schimek. Further discussion, confirmation report? Seeing no lights on, Senator...she waives the opportunity to close. The question before the body is, shall the confirmation report, offered by the Government, Military and Veterans Affairs Committee, be adopted? All in favor vote aye; opposed, nay. Have you all voted on the report who wish to? Record please, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 698.) 32 ayes, 0 nays, Mr. President, on adoption of the confirmation report.

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March 3, 2005            LB 1

SENATOR CUDABACK:    The confirmation report has been adopted. Before we move to Final Reading, if I may without objection, with the job this person does, we need to recognize one individual with a birthday today--our Clerk, Mr. O'Donnell. Please join me in wishing him happy birthday. (Applause) I know he didn't want...he did not want me to do that. But he deserves our recognition. Happy birthday, Mr. Clerk. We now go to Final Reading. Please note that there are two categories in the Final Reading bills listed on today's agenda. The first category includes the clean bills at the time the agenda was printed, and the second category covers the bills that have amendments filed to them. At the time, there was only one. Any bills in the first category to which any amendment is filed this morning will be moved to the second category and taken up after LB 169. Members, we are now on Final Reading. Unauthorized personnel will leave the floor, please. Members, remain in your seats, as you all know. Mr. Clerk, LB 1.

CLERK:            Mr. President, LB 1. I have a motion to dispense with the at-large reading.

SENATOR CUDABACK:    The first motion will be to dispense with the at-large reading, according to Rule 6, Section 8. All in favor vote aye; opposed, nay. Record please, Mr. Clerk.

CLERK:            32 ayes, 2 nays to dispense with the at-large reading, Mr. President.

SENATOR CUDABACK:    The at-large reading is dispensed with. Mr. Clerk, please read the title, please.

CLERK:            (Read title of LB 1.)

SENATOR CUDABACK:    All provisions of law relative to procedure having been complied with, the question is, shall LB 1 pass? All in favor vote aye; opposed, nay. Please record, Mr. Clerk.

CLERK:            (Record vote read, Legislative Journal page 699.)  
42 ayes, 0 nays, 1 present not voting, 6 excused and not voting,  
Mr. President.

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March 3, 2005            LB 1-3, 11, 15

SENATOR CUDABACK: LB 1 passes. Mr. Clerk, LB 2.

CLERK: (Read LB 2 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 2 pass? All in favor vote aye; those opposed, nay. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: (Record vote read, Legislative Journal page 700.)  
42 ayes, 0 nays, 1 present not voting, 6 excused and not voting,  
Mr. President.

SENATOR CUDABACK: LB 2 passes. Mr. Clerk, LB 3.

CLERK: (Read LB 3 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 3 pass? All in favor vote aye; those opposed, nay. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: (Record vote read, Legislative Journal pages 700-701.)  
41 ayes, 0 nays, 2 present not voting, 6 excused and not voting,  
Mr. President.

SENATOR CUDABACK: LB 3 passes. Mr. Clerk, LB 11.

CLERK: (Read LB 11 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 11 pass? All in favor vote aye; those opposed, nay. Record please, Mr. Clerk.

CLERK: (Record vote read, Legislative Journal page 701.)  
41 ayes, 0 nays, 2 present not voting, 6 excused and not voting,  
Mr. President.

SENATOR CUDABACK: LB 11 passes. Mr. Clerk, LB 15E.

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CLERK:        Mr. President, I have a motion with respect to dispensing with the at-large reading of LB 15.

SENATOR CUDABACK:    The first vote will be to suspend the at-large reading. And members, it does require 30 votes. All in favor vote aye; those opposed, nay. Record please, Mr. Clerk.

CLERK:        36 ayes, 2 nays, to dispense with the at-large reading, Mr. President.

SENATOR CUDABACK:    The at-large reading is dispensed with. Mr. Clerk, please read the title.

CLERK:        (Read title of LB 15.)

SENATOR CUDABACK:    All provisions of law relative to procedure having been complied with, the question is, shall LB 15E pass with the emergency clause attached? All in favor vote aye; those opposed, nay. Members, it does require 33 votes. Record please, Mr. Clerk.

CLERK:        (Record vote read, Legislative Journal page 702.)  
43 ayes, 0 nays, 6 excused and not voting, Mr. President.

SENATOR CUDABACK:    LB 15E passes with the emergency clause attached. (Visitors introduced.) Thank you for being with us. Mr. Clerk, LB 16E.

CLERK:        (Read LB 16 on Final Reading.)

SENATOR CUDABACK:    All provisions of law relative to procedure having been complied with, the question is, shall LB 16E pass with the emergency clause attached? All in favor vote aye; those opposed, nay. Have you all voted on the question who care to? Record please, Mr. Clerk.

CLERK:        (Record vote read, Legislative Journal page 703.)  
43 ayes, 0 nays, 6 excused and not voting, Mr. President.

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March 3, 2005            LB 16-18, 20

SENATOR CUDABACK:    LB 16E passes with the emergency clause attached.    Mr. Clerk, LB 17.

CLERK:    (Read LB 17 on Final Reading.)

SENATOR CUDABACK:    All provisions of law relative to procedure having been complied with, the question is, shall LB 17 pass? All in favor vote aye; those opposed, nay. Have you all voted who care to? Record please, Mr. Clerk.

CLERK:    (Record vote read, Legislative Journal pages 703-704.)  
42 ayes, 0 nays, 1 present not voting, 6 excused and not voting,  
Mr. President.

SENATOR CUDABACK:    LB 17 passes.    Mr. Clerk, LB 18.

CLERK:    (Read LB 18 on Final Reading.)

SENATOR CUDABACK:    All provisions of law relative to procedure having been complied with, the question is, shall LB 18 pass? All in favor vote aye; those opposed, nay. Record please, Mr. Clerk.

CLERK:    (Record vote read, Legislative Journal pages 704-705.)  
43 ayes, 0 nays, 6 excused and not voting, Mr. President.

SENATOR CUDABACK:    LB 18 passes.    Mr. Clerk, LB 20E.

CLERK:    (Read LB 20 on Final Reading.)

SENATOR CUDABACK:    All provisions of law relative to procedure having been complied with, the question is, shall LB 20E pass with the emergency clause attached? All in favor vote aye; those opposed, nay. Have you all voted on the question who care to? Record please, Mr. Clerk.

CLERK:    (Record vote read, Legislative Journal page 705.)  
42 ayes, 0 nays, 1 present not voting, 6 excused and not voting,  
Mr. President.

SENATOR CUDABACK:    LB 20E passes with the emergency clause

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attached. Mr. Clerk, LB 21E.

CLERK: (Read LB 21 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 21E pass with the emergency clause attached? All in favor vote aye; those opposed, nay. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: (Record vote read, Legislative Journal page 706.)  
43 ayes, 0 nays, 6 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 21E passes with the emergency clause attached. (Visitors introduced.) Mr. Clerk, LB 33.

CLERK: (Read LB 33 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 33 pass? All in favor vote aye; those opposed, nay. Record please, Mr. Clerk.

CLERK: (Record vote read, Legislative Journal pages 706-707.)  
43 ayes, 0 nays, 6 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 33 passes. Mr. Clerk, LB 37E.

CLERK: (Read LB 37 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 37E pass with the emergency clause attached? All those in favor vote aye; those opposed, nay. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: (Record vote read, Legislative Journal page 707.)  
40 ayes, 1 nay, 2 present not voting, 6 excused and not voting,  
Mr. President.

SENATOR CUDABACK: LB 37E passes with the emergency clause

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attached. Mr. Clerk, LB 51.

CLERK: (Read LB 51 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 51 pass? All in favor vote aye; those opposed, nay. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: (Record vote read, Legislative Journal page 708.)  
43 ayes, 0 nays, 6 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 51 passes. Mr. Clerk, LB 52.

CLERK: (Read LB 52 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 52 pass? All in favor vote aye; those opposed, nay. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: (Record vote read, Legislative Journal pages 708-709.)  
43 ayes, 0 nays, 6 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 52 passes. LB 53 does have a motion filed to it, so as stated, it will go behind LB 169. Mr. Clerk, LB 54E.

CLERK: Mr. President, I have a motion to dispense with the at-large reading of LB 54.

SENATOR CUDABACK: The first motion will be to suspend the at-large reading. All in favor vote aye; opposed, nay. Record please, Mr. Clerk.

CLERK: 35 ayes, 4 nays, Mr. President, to dispense with the at-large reading.

SENATOR CUDABACK: The at-large reading is dispensed with. Mr. Clerk, please read the title.

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CLERK: (Read title of LB 54.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 54E pass with the emergency clause attached? All in favor vote aye; those opposed, nay. Record please, Mr. Clerk.

CLERK: (Record vote read, Legislative Journal page 710.)  
40 ayes, 0 nays, 3 present not voting, 6 excused and not voting,  
Mr. President.

SENATOR CUDABACK: LB 54E passes with the emergency clause attached. As stated earlier, anything with a motion on would be dropped down behind LB 169. There are motions on bills down through LB 175. So Madam Clerk, LB 176.

ASSISTANT CLERK: (Read LB 176 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 176 pass? All in favor vote aye...Mr. Clerk, there's been a request for a roll call vote. Call the roll, please, on the question.

CLERK: (Roll call vote taken, Legislative Journal pages 710-711.)  
43 ayes, 0 nays, 6 excused and not voting,  
Mr. President.

SENATOR CUDABACK: LB 176 passes. There are motions on remaining bills on the first category. We now go to the second category, Final Reading, bills with pending motions. LB 169, Mr. Clerk.

CLERK: Mr. President, with respect to LB 169, Senator Landis would move to return the bill for specific amendment. Senator, first of all I had an amendment, AM0537. But I have a note you'd like to withdraw that.

SENATOR CUDABACK: It is withdrawn.

CLERK: Mr. President, Senator Landis would move to return the bill for specific amendment, AM0681. (Legislative Journal

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page 711.)

SENATOR CUDABACK: Senator Landis, you're recognized to open on your motion to return LB 169 for a specific amendment.

SENATOR LANDIS: Thank you, Senator Cudaback, members of the Legislature. This is the measure that allows primary class cities who have a revenue-producing facility to use revenue bonds for public purposes. Senator Redfield asked me, did I know of an application beyond the Lincoln Electric System? And I said, no, I didn't. And did I carry the bill on behalf of any other interest besides the primary class cities? And I said, no, that's true; it came out of the LES situation. She said it would be her preference that it not reflect on other classes of cities if that was the case, that this remedy...this idea had a limited origin and should have a limited application. I said, if it would soothe the troubled waters, I'd be happy to make sure that the language was limited to the application to primary class cities only. And with that, she said that would be fine, she'd accept that. And although she's not here today, I wanted to honor what that exchange was. This amendment says that LB 169 applies to primary class cities. It is their ability to use revenue-generating facilities as the basis for the income stream to pay off revenue bonds, and that those revenue bonds may be used for any public purposes associated with that facility. I'd ask for the adoption of this limiting amendment to LB 169.

SENATOR CUDABACK: Thank you, Senator Landis. You've heard the opening on the motion to return LB 169 for a specific amendment. Open for discussion. Seeing no lights on, Senator Landis, do you wish to close? He waives closing. The question before the body is, shall LB 169 be returned? All in favor vote aye; those opposed, nay. Record please, Mr. Clerk.

CLERK: 37 ayes, 0 nays, Mr. President, on the motion to return the bill.

SENATOR CUDABACK: The motion was successful. LB 169 has been returned. Mr. Clerk.

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CLERK: Senator Landis would offer AM0681.

SENATOR CUDABACK: Senator Landis, to open on AM0681.

SENATOR LANDIS: Thank you. The amendment is as I've described. It makes sure that this bill applies to primary class cities. I would ask for the adoption of the amendment.

SENATOR CUDABACK: Open for discussion on the motion. Seeing no lights on, Senator Landis. The question before the body is, shall AM0681 be adopted? All in favor vote aye; those opposed nay. The question before the body is adoption of the Landis amendment, AM0681 to LB 169. Record please, Mr. Clerk.

CLERK: 38 ayes, 0 nays, Mr. President, on the adoption of the Select File amendment.

SENATOR CUDABACK: The Landis amendment has been adopted. Senator Flood, you're recognized for a motion.

SENATOR FLOOD: Mr. President, I move the advancement of LB 169 to E & R for engrossing.

SENATOR CUDABACK: Discussion? The motion is to advance LB 169 to E & R for engrossing. All in favor say aye. Those opposed, nay. It is readvanced. Mr. Clerk, LB 53.

CLERK: Mr. President, Senator Foley would move to bracket LB 53 until March 10, 2005.

SENATOR CUDABACK: Senator Foley, you're recognized to open on your motion to bracket.

SENATOR FOLEY: Thank you very much, Mr. President and members. I called Senator Schimek first thing when I got in this morning, and told her I was going to put a motion on the bill, because I wanted to speak once on the bill and put myself on the record as to my views on this bill. I got tied up in a meeting that ran long when this bill was on Select File, so I missed my opportunity at that point. So my intention is to speak, to leave the motion there if anyone else wants to speak, and then

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LB 53

to pull the motion. I don't intend to take this to a vote. I think Senator Schimek is offering us an important change in public policy here, and something that we ought to take very seriously, as I know you do. I want to thank Senator Schimek, because in many respects I think that this, our existing policy on the restoration of voting rights, is probably something that needed another look, perhaps some updating. But I'm concerned that the bill as it currently is written may take us a bit further than I want to go, at least. I had the chance to go out to the McCook Work Camp with a couple of you and the Attorney General two summers ago. And it was a fascinating experience. If you ever get a chance, you ought to go out there and look at that place. And they brought to us a number of the inmates, so that we could sit down and just talk to them about how it works there and what their life is like and what their hopes are for the future. And it was a good experience. I'm sure the inmates that were brought to us were hand-picked. And that's okay. But many of those young people...they're almost kids. I mean, I'm 50 years old, so anybody under 30 is a kid to me. But many of these kids, you know, they made a mistake in life. They might have used a drug that was illegal. But they want to move on. They're cooperating with the prison authorities. They're keeping a rather rigorous schedule--up 5:00 in the morning, they're working all day long. They want to move on with their lives. They want to be reintegrated into our society, and they want to be productive citizens. And that's great. And the restoration of their voting rights ought to be a part of that process. But that doesn't tell the whole story about our prison population, and you all know that. There are many people who commit heinous crimes of violence. They show no remorse whatsoever during the court proceedings. They show no cooperation whatsoever throughout their period of time in incarceration. They jam out, and serve their time, and are released. And the concept of making any kind of a reparation to their victim is a concept that doesn't even compute. There are crimes of violence that result in loss of human life, or violent crimes like rape, where the victims and their families live on with the tragic memory of those events for many, many years. A couple weeks ago, a fellow by the name of Larry Wagner came into my office. He might have been in your office as well. He told me he's been coming to the State Capitol in mid-February every

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year for 19 years. He's a very meek and mild gentleman, and he carries around some literature asking us to strengthen our laws on drunk driving, because 19 years ago he lost his wife in a drunk driving accident. And the drunk driver served a little bit of time, apparently, and has been out, and has committed the same crime again and again, served some more time. No reparation, no remorse, no change in his lifestyle. My difficulty with this bill is, it treats all felons the same. Serve your time; two years later, automatic restoration of voting rights. I'm not comfortable with that. In some cases, a first offender of a nonviolent offense, perhaps it would be warranted to restore their voting rights quickly, bring them back into society and let them get on with their lives, and let all of us move on. But this one-size-fits-all policy doesn't bode well with me. And I'm going to vote red on the bill. Appreciate your time. I'll leave the motion up there a little longer, see if anybody wants to speak. And we'll let this go a while, then I'll pull the motion. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Foley. You've heard the opening on the motion to bracket. For discussion on that motion, Senator Schimek.

SENATOR SCHIMEK: Yes. Thank you, Mr. President and members of the body. And thank you, Senator Foley, for the advance warning this morning. I appreciate that. And I also understand your point of view. Actually, I think Larry Wagner is probably still a constituent of mine. And I...there...you're right, there's never been a year. And I understand his pain and his wish to prevent anything like that from happening to anybody else again. The problem I have with the approach that you're suggesting is that it makes us the judge and jury. And I don't believe that's our role. I believe it is very, very difficult for our judicial system to equitably and evenly dispense justice in the state, as hard as they try. Different local subdivisions have different resources available to them. And so not everybody is treated the same way. Not everybody gets to plea bargain; others do. I don't want to get into the business of doing that. And I think that without a doubt, I think the public, once they understand what we're trying to do here today, is fully supportive. I think a two-year waiting period is a sufficient amount of time

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to allow that ex-felon to get integrated back into the society, and to be responsible in his or her voting habits. I want to read to you a letter that we received...that I received in January. He's an honorably discharged Vietnam veteran and a registered voter. And he says, I'm contacting you today to encourage your support of LB 53. Over the years, as a professional, I have managed reentry programs for felons, counseled felons in mental health substance abuse programs, provided outreach support services to felons who have been sentenced for felony crimes and have successfully completed the terms of their sentencing, and as a community advocate, have provided support to the same population and have found them to be desirous of being productive citizens with full rights of participation in their communities. However, more often than not, they are stigmatized by their past crime. And although they have paid their penalty to society for their crime, they continue to be persecuted and suffer from the consequences of their past transgressions. If we as a democracy believe in the democratic process, which many our prosecuted citizens fought for, then we need to reaffirm that with them and the rest of the world by allowing them the right to participate in our democracy after they have paid their debt to society. I am encouraged by this bill, and I support it, because I am aware of the 44,000 people in our state who are disenfranchised and discouraged by the 10-year period they must wait until they are able to apply for a pardon to receive full citizenship. By restoring voting rights immediately to ex-felons who are working and paying taxes in our society, the Legislature would be encouraging these people to become integrated into our society, and give them an opportunity to reinvest in their great responsibility to upholding the democratic process that we hold so dear. And then he goes on and thanks us for his time and so forth. This isn't the only letter that I've received in this vein. There was a letter to the editor in one of the major newspapers the other day...

SENATOR CUDABACK: One minute.

SENATOR SCHIMEK: ...that was from somebody who had been on active duty. And he felt that he had fought for the right to people...for people to vote. And he felt that if our troops

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were over in Iraq fighting for the right to vote for the people who live in Iraq, then we should also be concerned about the people in this country who are not allowed to vote, as people in other nations are. And I won't reiterate all the information about other states and what they do, except to say that Nebraska is among the bottom six states in restoration of rights to vote. I would ask that the bracket motion be defeated. Thank you.

SENATOR CUDABACK: Thank you, Senator Schimek. Senator Dwite Pedersen.

SENATOR Dw. PEDERSEN: Thank you, Mr. President, members of the Legislature. I have worked with people in trouble with the law for over 36 years of my life. The people that Senator Foley is talking about, the ones that have no remorse, the ones that jam their time, and the people that walk out of these places with a lot of anger, I can guarantee you aren't going to rush to the election commissioner's office and sign up to vote. The ones that will are the ones who want to be part of this country and part of this state, and want their privileges back. They've worked hard to get them. We've put in a buffer of two years here, that I think is ample time to give a person a little idea of what they've lost other than this. Most of these people do not, let me tell you, do not commit their crime and worry about jail, let alone losing their voting privileges. The ones who want their voting privileges want them as much as any one of us in this room, and have done what they can to get them back. The thing that bothers me the most in our society, as we have such a Christian society today, is that when we hold on to old things like this, we're holding on to this business of not being able to forgive. If we've got a real Christian background and we know a little bit about the history of this man who came to our earth, and why he came here, it was for forgiveness. Why can't we give this little bit of forgiveness for somebody who really wants it, and let them join us, also sinners, in being able to pick the people who represent us and govern us? Thank you.

SENATOR CUDABACK: Thank you, Senator Pedersen. Senator Louden.

SENATOR LOUDEN: Thank you, Mr. Chairman and members of the body. I rose to speak against this bill earlier on in some of

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the other stages, and I still think that there's problems with it. I think it's probably a good idea, up to a point. I still have a problem with the privileges of the victims in here. We can have someone that's committed murder, get out in a matter of years, sometimes as little as five years. They're back out. They can go right ahead and spend in their time and get their voting privilege back. I think there should be different categories on who can vote and what crimes can be committed, what class of felonies. You have some of these people, and you have them right here in Lincoln, that have got away with huge sums of money in some of the savings and loans, the insurance businesses, and a few other trusts, be committed of felonies. Those people got away with a bunch of that money. They put many people into the poor house by taking their money out of your savings and loan. And yet, in a matter of time you allow them to come back and vote. I'm not against the bill. I don't think it has anything to do with whether we're Christians or not, and forgiveness, or anything like that. I think this is a matter of decency and common sense. Somebody has to remember what the victim's rights were. When someone has been murdered, their right to vote doesn't get brought back to them in a matter of years. It's never brought back to them. I think there's cases like that for capital crimes that the process is already in place to restore voting rights for something like that. And I think that's...that probably should continue. There are some of these minor felonies. If you notice in your bill, if you happen to try to vote too soon before you...done jump through all the hoops, why, it's a Class IV felony again, so it puts you right back in...under parole, so you can turn around and wait a couple of years, I suppose, and try and vote again. The bill designates that if you don't follow the rules, why, you're convicted of a Class IV felony. I think this was probably a good idea. I think it's been brought forward too fast. I don't think there's been enough study done on that. When we look at some of the circulars that are going around that talk about 44,000 felons in Nebraska and 343 of them got their votes restored, now, are you trying to tell me that all 44,000 of these people were trying to get their votes restored anyway? So there are ways that it can be done. And that's the reason it does...is the stringent test to go through to get it done, and it's...so that people aren't running around and committing

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crimes and then in a matter of time they're back to voting. Voting is really a privilege that we have. It isn't something that's given to us because we get up in the morning, or that sort of thing. We have to work for it. We should be proud of it, and we should work to keep it. I would like to see this bill returned someplace and more work done onto it, and more thought put into it than just to go out here. And as I said before, by the way this bill is written, all felons are created equal now; and I don't think that's right. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Louden. Senator Smith, followed by Senator Brown and five others.

SENATOR SMITH: Thank you, Mr. President and members. And while I have the floor, I would ask that the motion that I filed be withdrawn. I don't see any need to unnecessarily extend this, although I will want to use my time as allotted for this motion. My concern is several-factor-deep, I guess, and that is that I believe that there are often times civil rights should be restored, and there are also times when they shouldn't be, or when they're...when we're not ready to automatically restore just voting rights, just voting rights. We're not talking about all civil rights, just voting rights. And that's why I maintain, continue to maintain, that this is a political move more than anything else. LB 53 and the automatic nature of restoring just voting rights has me concerned. And I believe that we have other issues involved here, and that is the fact that in recent years we have smacked felony offenses on too many things. I will concede that. There are some felonies in statute that I think are inappropriately placed. I think that we have this desire to throw people in prison because we don't like them. That is oftentimes inappropriate. I do concede that. There are also times that, because of our prison overcrowding, because we have gotten tough on criminals, we are not able to appropriately sentence or carry out a punishment for a crime that I think is oftentimes white-collar crime. And I refer back to a situation in western Nebraska where the bookkeeper of a local school district, statute of limitations goes back three years, so that's all they could penalize her for, and she got away with about \$350,000. Did she serve in

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prison as you and I think of prison? No. She served in a corrections program. She's in the process of paying back \$42,000. Is that appropriate? Is that an appropriate punishment? No. And I understand the constraints of the system. Who's going to be disenfranchised throughout this whole thing? The taxpayer will be disenfranchised, because this person has hardly served a sentence reflective of her crime. The taxpayer is being disenfranchised, and law-abiding citizens, I believe, are being disenfranchised, because her right to vote will be automatically restored under LB 53. Automatically. Now, statute of limitations on this particular crime goes back three years. They think that she was dipping out of the till, as some would call it, for eight years, feeding extra money into her husband's paycheck, who was also an employee of the district, feeding extra money into her paycheck, intimidating staff within the school district who had questions about their own paycheck. Do I want to base public policy on one crime committed across Nebraska? No. But there are others. And I would say, if we're really all about civil rights and restoring civil rights, let's try restoring all of them appropriately through changing the constitution. But I would venture to say that there are some folks in here who do not want to restore the right to own a gun to some violent criminals. Perhaps that's appropriate.

SENATOR CUDABACK: One minute.

SENATOR SMITH: But I object to automatically restoring the voting rights. Just voting rights; not other civil rights, just voting rights. And that's why I maintain that this is a political move. And I hope that you will vote red on LB 53. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Smith. Senator Chambers, followed by Senator Combs, Friend, Kruse, and Brown, and Smith. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, when people are acting out of political or emotional motivation, they make statements that are inaccurate. First of all, to what Senator Smith was talking about. And while he was talking,

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these words impressed themselves on my mind: For the time being, he's a congressional candidate wannabe; in a relatively short time, a congressional candidate he's "gonna-be." When they reach out for these individual cases in their area that they can use when they decide to run for office formally and officially, it is not something that ought to determine how we establish public policy. If Senator Smith would take the time to acquaint himself with the area of law that he is expounding on, he would know that the Legislature cannot pass a constitutional bill that would say every civil right is restored. That is the act which only the Pardons Board can do. What the Nebraska Supreme Court has said is that the Legislature can, by legislation, restore selected rights that were forfeited when a person was convicted of a felony. To require people to wait ten years before applying to a Pardons Board when they still may not be allowed to vote is totally unreasonable. As far as Senator Foley's comments and Senator Louden's comments, they don't understand the nature of the law as it relates to what we're doing. Deprivation of the right to vote upon being convicted of a felony is not penal in nature. It is not a part of the punishment that the Legislature prescribes for any offense. You will not find a felony listed where a part of the punishment is to lose the right to vote. The U.S. Supreme Court itself has said that restoration of the right to vote can be done because it is not a penal action. It is not designed to punish. It is not a part of the legislatively prescribed punishment for an offense. So for people to stand on the floor and talk about horrendous crimes that they're aware of and say, because there are people who committed those crimes who may someday be released we should not have a bill such as this, is to go after the wrong end of the snake. The Legislature prescribes the punishments. The right to vote being taken away or suspended is not a criminal punishment. Let Senator Foley be as angry as he wants to be. Let Senator Louden be as outraged as he feels about some of these things that they have mentioned. But they have nothing to do with what we're talking about here. When a person has completed his or her sentence, that means the person has done everything that the Legislature required that person to do as a part of the punishment. To continue in a vindictive, spiteful, petty mode after that is okay on a personal level, because people do it all the time. But we as lawmakers are

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supposed to be better than that. We are supposed to understand what the law is. We should be fair...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...and just in our application of the law. The Nebraska Supreme Court has made it clear that on an individual basis, when it comes to certain selected rights and privileges, the Legislature can do that. If it attempted to wipe the entire slate clean, it would be intruding into the realm of the Pardon's Board. When you get into these technical areas of the law, you have to be able to analyze. You should read Supreme Court decisions, which I'm sure most people on the floor have not done, and see what it is that we legally can do. We legally can do what we're doing. Morally, we ought to do it. And I'm aware of some activities by the Governor and people on his staff to pressure people to not vote for this bill. So I put motions on every other bill on Final Reading, to see how successful the Governor has been in undermining this bill. And I will plot my course beyond this appropriately.

SPEAKER BRASHEAR PRESIDING

SPEAKER BRASHEAR: Time.

SENATOR CHAMBERS: Thank you, Mr. President.

SPEAKER BRASHEAR: Thank you, Senator Chambers. Senator Combs.

SENATOR COMBS: Thank you, Mr. Speaker and members of the body. I did not speak on this when it was first brought to the floor. But I must say that at this time this is one thing that I have 100 percent agreed with, with everything Senator Chambers just said. So I guess I could say...end this with: what he said. But I'm not going to do that, because I want to speak a little more. I did go to an event last night, and spoke to the Rotary Club. And I was...we were talking about issues, and one of the first questions that came out was, well, how do you get along with Senator Chambers? And I'm, like, well, you know...that must be...that's in the front of everybody's mind for some reason. I said, well, we get along fine. You know, it was no

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big deal to me. So, anyway. But I do want to make a few points here. I have been to all the correctional facilities. Senator Pedersen has helped me accomplish that. I've also been to the women's facility. I've been there several times. And I've talked to both kinds of prisoners. With the two-year waiting period on here, anyone who is going to be one of these heinous criminals that we're all afraid of getting voting rights, they're going to have recidivism within those first two years. They just can't help themselves. Some criminals are like that. And they'll be the first to admit it. You know, they're not going to be the ones going out to apply to vote as soon as the two years are up. If we're going to say that our judicial system is just, and this person has been tried before a jury of their peers, and a sentence meted out before a judge and jury of their peers is sufficient for the crime that they have committed, and the victim has had a chance at the end to address the defendant in the trial after he has been sentenced, that is our system of justice. At what point do we create more roadblocks that are not there for this person to be able to vote for who runs the country in whose laws he has now been rehabilitated and agreed to abide under? We are not allowing this person to serve on a jury. We are not allowing this person to carry a handgun. We are merely saying that you have a right to elect the people that you have agreed to abide by the laws that they helped create. Interestingly enough, in the Lincoln Journal-Star editorial, if this is just a political move, then why did President Bush, when he was Governor of Texas, give ex-cons the right to vote? If it's a political move to help the Democrats, by golly, he was right there first in line, wasn't he? But the concept that ex-cons should be given chances to return to productive lives in their community has a long history in U.S. criminal justice, and has support from both parties. When he was Governor of Texas, President Bush, for example, signed a bill giving ex-cons the right to vote after they finished their sentences. It's true that some felons are career criminals who soon are in trouble with the law after they get out of prison. That's why the two years. There is no magic wand the minute they walk out the door and get their 100 bucks and clean clothes. But the ex-cons on whom the loss of voting rights weighs most heavily are those who are joined...who have

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joined the mainstream of society to lead productive lives. Is that not the purpose of why we created the punitive system that is in place--to rehabilitate people and help them be part of society again? Why do we do that and then put up another roadblock? That is unconscionable, morally, to me. They hold jobs, they...

SENATOR BRASHEAR: One minute.

SENATOR COMBS: ...raise families, they do volunteer work. They ought to be able to go to the polls on election day. I am not unfeeling for victims of crime. I myself, I've been the victim of crime twice in my life. I went to court and had the person sentenced, and walked out the door--he got three years--and I said, well, at least I won't have to worry about this guy bugging me for three years. The bailiff told me--this was southern California--lady, you'll be lucky if he's in there three weeks, with the kind of crime he committed. There's no room for him in there. And I was scared to death. I understand what it's like to be a victim. But I also understand what's right. It's not who's right; it's what's right. Let's do the right thing here by American citizens who have paid their debt to society, under the laws that we have created, and have a right to live and be productive citizens once they've done that. Thank you.

SPEAKER BRASHEAR: Time. Thank you, Senator Combs. Senator Friend.

SENATOR FRIEND: Thank you, Mr. Speaker. Members of the Legislature, there's a lot of reasons that we had limited amount of discussion on this bill in the last two rounds of debate. It's a public policy issue. It's still on the floor. We're in Final Reading. I think it's totally appropriate. But there's a lot of...like every other issue we have, there's a lot of rhetoric flying around. And what I would submit right now is that a lot of the reason...I think folks have mentioned and insinuated that a lot of the reason there's a bracket motion sitting there and this discussion is going on is because it's political. Because I sit...because...let me give you a hypothetical. Because I sit around and think, I don't want

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ex-felons to vote. I don't sit around and think about that. But the fact of the matter is, I am now. It's a public policy issue, and I think we need to discuss it. I don't think there's any problem with that at all, and I...hopefully, most of you would agree. What I would say, though, is, to be specific, LB 53 is up here because this is a political issue. This is politics. Let me tell you why. LR 8CA. We spent two and a half hours. There was venom, there was stuff flying around, there's 37 motions on...or amendments on it. There's no passion there. Whatever. Maybe there is now; I'm not really sure. But we moved on. I think we decided that it wasn't...didn't maybe have the weight that this type of bill had, public policy-wise. We'll go back to it, and then we'll find out where we're at there. What I'm not convinced of is that we're following process here, that we're moving in a direction that will give us something that is commensurate with the way that we did it before. Here's what I mean. Let's talk about the way it works right now. Evidently, ten years; you wait, you go to the Pardon's Board, and then you're either approved or disapproved. Well, it's my understanding that over 50 percent of the people that actually asked have been approved to go ahead and vote. Now, I would submit to you that part of the reason for that is because you look out ten years, you try to find out if there's a repeat offender, you try to find out the recidivism rate, and then you realize, hey, this is great, let's move on. Ten years, boom. I mean, is it extravagant? Is it too much? Maybe. I believe Senator Baker placed a motion...or, excuse me, an amendment in Select File that would have pushed it to five years. Let's put it this way. This moves to five years or ten years, you got my green vote. I think that that follows process. It follows what we're trying to accomplish today. And what we're trying to accomplish with this is public policy. Are we making a drastic change to public policy with this bill? My answer to that is, yes. This is a drastic change to the way things are done, the way business is being accomplished right now in this state. Again, over 50 percent of the people that asked last year, it's my understanding, were given the right to vote again. There's a ten-year window, or there's a process that there's a ten-year window there. So let's talk about the time. We throw numbers on things all the time. We negotiate numbers all the time. let's talk about the numbers again. I'm

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agreeing, if we can get to five years here. Two years I don't think is enough. There is discussion about how this is going to help increase voter turnout and stuff. Please.

SPEAKER BRASHEAR: One minute.

SENATOR FRIEND: Let's put it this way. We've all got 33...approximately 33,000 in our district. In my district, I believe approximately 20,000 of them are registered to vote. In off-Presidential-year elections, less than 10,000 of those people turn out. Now, part of that is probably because I'm not a very inspiring guy, and they said, we don't really care about voting for him or his opponent; we'll just stay home. Fine. But I have a hard time believing--and I know it hasn't been pushed too hard--that this is going to increase or help or promote voter turnout. Let's talk about process. Let's talk about what we're doing now, let's talk about what works or doesn't work, and then let's talk about some time frames. That's what I would submit to you. I'm a "no" vote on this. I'm a...actually, I'm a "no" vote on the bracket. I don't think he's going to take it to a vote. I'm a "no" vote on LB 53, I think, unless we can change it.

SPEAKER BRASHEAR: Time.

SENATOR FRIEND: Thank you.

SPEAKER BRASHEAR: Thank you, Senator Friend. Senator Kruse.

SENATOR KRUSE: Thank you, Mr. Speaker and colleagues. I really appreciate Senator Foley bringing this to us, because there was not enough discussion. And I welcome that. Two or three comments, which are basically personal. First, the discussion about it being political is amazing to me. I've been working on this for four years, and I've never heard that, and never felt it, personally. Second, I'm really not in the mode of trying to help some felon someplace; I'm trying to help us get these persons to be active in society. That's my motivation. And third, I and my family are victims of felonies. And I'll tell you, when we start talking about being fair to victims, it is not happening, it is not going to happen. It is a terribly

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painful process. I feel sorry for those who are waiting for an offender to be properly punished. I gave that up a long time ago. That's not what this is about. This is about the rights that should be there after the court is completed. I would yield the rest of my time to Senator Brown.

SPEAKER BRASHEAR: Thank you, Senator Kruse. Senator Brown.

SENATOR BROWN: Thank you, Mr. President, members. I am a convert on this issue. I voted against it a couple of years in committee, and had great reservations about the time line that Senator Friend spoke about. I am now fully in support of what we're doing. Because it's not about voting, it's not about voter turnout; it's about that voting is a right. And at what point do we say that this...that we've ended punishment, and assume that people are going to be responsible members of society? The members who do vote are much less likely to reoffend, because they have taken the responsibility to participate in society. I think we need to move forward with this bill. I think we compromised to put in the two years so that people would not reoffend...would have the opportunity to find out whether they're going to reoffend. And the individuals who take the...take advantage of the right to vote are the ones...the former group that Senator Foley talked about, not the latter group, I believe. And I would yield the rest of my time back to Senator Kruse.

SPEAKER BRASHEAR: Senator Kruse, you have two minutes and seven seconds left.

SENATOR KRUSE: I will yield to Senator Johnson.

SPEAKER BRASHEAR: Senator Johnson.

SENATOR JOHNSON: Thank you, Mr. Speaker. Thank you, Senator Kruse. I won't talk very long. But one of the things that dawned on me as I was sitting here, you know, all of us, Senator Foley, are in agreement with you, and are disturbed when we hear of these awful cases where there has been motor vehicle homicide with the drunk driver, and then, for whatever reason, they either spend no time, very little time, get out, do the same

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thing, et cetera. But to me, this is not what we're talking about. It seems to me what we're doing here is fixing one problem, and I think perhaps what you are suggesting, that maybe we are behind...

SPEAKER BRASHEAR: One minute.

SENATOR JOHNSON: ...in fixing the other problems. And so that this bill isn't the problem. We need to restore these people to active citizenship. But do we need to reexamine the problems that you're citing? Should we make it so that we don't have these drunk drivers continually getting on the road? They do it very well in Scandinavia. Maybe we ought to think of that type of solution. But I think this is the wrong solution for this problem. I think we need to attack each problem separately. Thank you.

SPEAKER BRASHEAR: Thank you, Senator Johnson. Senator Kopplin.

SENATOR KOPPLIN: Thank you, Mr. President. Just a quick word on mandatory discharges of felonies. This comes from the Nebraska Department of Correctional Services. In 2000, there was 1,073 mandatory discharges, 43 of them came from Sarpy County; 2001, 1,234 discharges, 38 from my county; 2002, 1,267 discharges, 58 came from my county; 2003, there was 1,325 discharges, 63 from my county; and in 2004, 1,125 mandatory discharges, 43 from Sarpy County. The percentage of homicides in Nebraska is 1.6 percent. People, these are not murderers and mass murderers and killers running around the streets that we're letting out of prison. These are good people that made a mistake, and it's time they get their voting rights back. I also would like to say that I don't really consider this body political, and that's okay. But if being political is caring about people and caring about what happens to people, then I'm proud to be a Democrat. Thank you.

SPEAKER BRASHEAR: Thank you, Senator Kopplin. Senator Smith.

SENATOR SMITH: Thank you, Mr. President. And I will be brief. But I want to emphasize the fact that if we were all about civil rights movements, we would be attempting to restore more civil

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rights than just this one, and that that would be appropriately be done so by amending the state constitution. It would have to be done that way. And I pointed that out earlier. I wanted to add emphasis to that. But I want to emphasize the fact...and I think this body is more cautious these days in labeling certain offenses, too many offenses, as a felony. I attempted with some legislation this year to relax the penalty relating to some health care provisions. (Laugh) And it was killed in committee. And that's fine. That's part of this process. And I still think it's political. All of our process here is political. That doesn't mean that I support some traditional Democratic causes, even though I'm not a Democrat. Nonetheless, that's not why I'm speaking today. We have too many offenses that are considered a felony. And maybe Senator Johnson agrees with that. He didn't happen to agree with that on this medical issue. But that felony was placed on the books because that was political. We're placing felonies on the books because it's political. And I don't think there's any denying that, and the public record will reflect that. Thank you, Mr. President.

SPEAKER BRASHEAR: Thank you, Mr. Smith. Senator Flood.

SENATOR FLOOD: Mr. Speaker, members of the Legislature, I support this bill, in...for several reasons. One of the most important reasons is the disparity between how felonies are treated in district courts of this state. In Omaha, Douglas County, Lincoln, Lancaster County, you can be charged with a felony and then receive the services of a diversion program where that charge is dismissed after your successful completion of the diversion program. In Madison County, if you're charged with a felony, there is no diversion program. And I think that's an important distinction to make. We want to get these folks back into society and plugged in. I've sat in too many district courts where we hold the hand of a 19-year-old who made a very bad decision, broke into a building, and was charged with a felony. When that person is 50, do you want them to be disengaged from state government? Do you want them to be disinterested in the school board? Do you want them not to care or think about the property taxes that they pay? I say no. I want to give that young man or young woman a chance to have a stake in their community. And I realize there's a Pardon Board

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and there's a procedure. But when you're 25 and you're six years out from a felony conviction, you're probably thinking about getting married or finishing up college. Let's plug them back in, as long as they've paid their debt to society. The murderers that we've seen in Madison County, I hope they never vote. And I can understand the concern Senator Foley raised. But the truth is, they'll never see the green grass outside of the prison, because they'll be sitting in the penitentiary for the rest of their lives. And depending on what happens with our state statutes and the death penalty, they may not see the inside of a prison that long. And that's fine with me. But when you look at some of these people that roll through our district courts, they had methamphetamine in their glove box, they need treatment, they need help, they need to get back on the streets. But let's not take them out of society for the rest of their lives. Visit your district court. Visit a district court in your community. Watch the people that stand in front of the judge. A majority of them are not murderers or rapists. They're your neighbors. They're your good friends' children. And they're felons. And as a state, let's plug them back in. Let's not take them out. Let's make them part of the system. They don't get their guns back. They don't ever get to have a gun unless they have a pardon. But they should be able to vote if they've paid their debt. And I appreciate Senator Smith acknowledging that we've got felonies on the books that aren't really felonies. If we want to criminalize everything as a body, we make everything a felony. But at the end of the day, you've got people with felonies on their record that are contributing members of society, and they are limited in what they can do because we as a Legislature have wanted to make everything we don't want to see happen a felony. And there's a distinction between a felony and a misdemeanor. And I appreciate that. And I would give the rest of my time to the Chair. Thank you.

SPEAKER BRASHEAR: Thank you, Senator Flood. Senator Foley, you're recognized to close on the motion to bracket.

SENATOR FOLEY: Thank you, Mr. Speaker and members. I think the discussion this morning has been very constructive. I appreciate all those who weighed in on this. And with that, I

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will withdraw the motion and we can proceed to a vote on the main question. Thank you, Mr. Speaker.

SPEAKER BRASHEAR: Thank you, Senator Foley. The motion is withdrawn. I would remind the members that we are in...at Final Reading. And I would ask everyone to take their seats, please. Mr. Clerk, please read the bill.

CLERK: (Read LB 53 on Final Reading.)

SPEAKER BRASHEAR: All provisions of law relative to procedure having been complied with, the question is, shall LB 53 pass? All those in favor vote aye; those opposed vote nay. There's been a request for a roll call vote in regular order. Mr. Clerk.

CLERK: (Roll call vote taken, Legislative Journal page 712.)  
35 ayes, 7 nays, 7 excused and not voting, Mr. President.

SPEAKER BRASHEAR: LB 53 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB 1, LB 2, LB 3, LB 11, LB 15, LB 16, LB 17, LB 18, LB 20, and LB 21. Mr. Clerk.

CLERK: Mr. President, the next bill. Senator Chambers, I have a motion to bracket LB 59 from you, Senator.

SPEAKER BRASHEAR: Senator Chambers.

SENATOR CHAMBERS: Mr. President, I had been placed in the role of Pharaoh this morning, and I had to get within my grasp all of the people. The vote on LB 53 was a voice crying out to me, Pharaoh, let my people go. That plea has touched me in my heart, and I release the people. Every bracket motion I have up there I would like to withdraw. Thank you, Mr. President.

SPEAKER BRASHEAR: Thank you, Senator Chambers. Mr. Clerk, please proceed to read the bill.

CLERK: (Read LB 59 on Final Reading.)

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SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 59 pass? All in favor vote aye; those opposed, nay. Record please, Mr. Clerk.

CLERK: (Record vote read, Legislative Journal page 713.)  
41 ayes, 0 nays, 8 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 59 passes. (Visitors introduced.)  
Mr. Clerk, LB 61E.

CLERK: (Read LB 61 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 61E pass with the emergency clause attached? All in favor vote aye; those opposed, nay. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: (Record vote read, Legislative Journal page 714.)  
41 ayes, 0 nays, 8 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 61E passes with the emergency clause attached. Mr. Clerk, LB 80.

CLERK: (Read LB 80 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 80 pass? All in favor vote aye; those opposed, nay. Have you all voted? Record please, Mr. Clerk.

CLERK: (Record vote read, Legislative Journal pages 714-715.)  
40 ayes, 0 nays, 1 present not voting, 8 excused and not voting,  
Mr. President.

SENATOR CUDABACK: LB 80 passes. Mr. Clerk, LB 83E.

CLERK: (Read LB 83 on Final Reading.)

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March 3, 2005            LB 83, 88, 89, 118

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 83E pass with the emergency clause attached? All in favor vote aye; those opposed, nay. Record please, Mr. Clerk.

CLERK: (Record vote read, Legislative Journal pages 715-716.)  
41 ayes, 0 nays, 8 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 83E passes with the emergency clause attached. Mr. Clerk, LB 88.

CLERK: (Read LB 88 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 88 pass? All in favor vote aye; those opposed, nay. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: (Record vote read, Legislative Journal page 716.)  
41 ayes, 0 nays, 8 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 88 passes. Mr. Clerk, LB 118. I'm sorry. LB 89, Mr. Clerk. I'm sorry.

CLERK: (Read LB 89 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 89 pass? All in favor vote aye; those opposed, nay. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: (Record vote read, Legislative Journal pages 716-717.)  
40 ayes, 0 nays, 9 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 89 passes. Mr. Clerk, now LB 118.

CLERK: (Read LB 118 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 118 pass?

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All in favor vote aye; opposed, nay.    Have you all voted who care to?    Record please, Mr. Clerk.

CLERK:        (Record vote read, Legislative Journal page 717.)  
40 ayes, 0 nays, 9 excused and not voting, Mr. President.

SENATOR CUDABACK:    LB 118 passes.    Mr. Clerk, LB 119.

CLERK:        Mr. President, I have a motion to dispense with the at-large reading of LB 119.

SENATOR CUDABACK:    The first vote will be to suspend with the at-large reading, according to Rule 6, Section 8. All in favor vote aye; opposed, nay. Have you all voted on the question who care to? It does require 30 votes. Record please, Mr. Clerk.

CLERK:        31 ayes, 7 nays, Mr. President, to dispense with the at-large reading.

SENATOR CUDABACK:    The motion was successful. The at-large reading is dispensed with. Mr. Clerk, read the title, please.

CLERK:        (Read title of LB 119.)

SENATOR CUDABACK:    All provisions of law relative to procedure having been complied with, the question is, shall LB 119 pass? All in favor vote aye; opposed, nay. Record please, Mr. Clerk.

CLERK:        (Record vote read, Legislative Journal pages 718-719.)  
40 ayes, 0 nays, 9 excused and not voting, Mr. President.

SENATOR CUDABACK:    LB 119 passes.    Mr. Clerk, LB 162.

CLERK:        Mr. President, I have a motion to dispense with the at-large reading of LB 162.

SENATOR CUDABACK:    The first vote will be to suspend the at-large reading, according to Rule 6, Section 8. All in favor vote aye; opposed, nay. Have you all voted who care to? Have you all voted? Record please, Mr. Clerk.

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March 3, 2005            LB 162, 175, 216

CLERK:     30 ayes, 5 nays, Mr. President, to dispense with the at-large reading.

SENATOR CUDABACK:     The motion was successful. The at-large reading is dispensed with. Mr. Clerk, read the title, please.

CLERK:     (Read title of LB 162.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 162 pass? All in favor vote aye; those opposed, nay. Recrd please, Mr. Clerk.

CLERK:     (Record vote read, Legislative Journal pages 719-720.)  
38 ayes, 2 nays, 1 present not voting, 8 excused and not voting.

SENATOR CUDABACK: LB 162 passes. Mr. Clerk, LB 175.

CLERK:     (Read LB 175 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 175 pass? All in favor vote aye; those opposed, nay. Have you all voted who care to? Record please, Mr. Clerk.

CLERK:     (Record vote read, Legislative Journal page 720.)  
41 ayes, 0 nays, 8 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 175 passes. LB 176 has been dealt with. Mr. Clerk, LB 216.

CLERK: LB 216. Mr. President, I have a motion to dispense with the at-large reading.

SENATOR CUDABACK:     The first vote will be to suspend with the at-large reading, according to Rule 6, Section 8. All in favor vote aye; opposed, nay. Record please, Mr. Clerk.

CLERK:     34 ayes, 5 nays, Mr. President, to dispense with the at-large reading.

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March 3, 2005            LB 216, 261, 263

SENATOR CUDABACK: The at-large reading is dispensed with. Mr. Clerk, read the title, please.

CLERK: (Read title of LB 216.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 216 pass? All in favor vote aye; those opposed, nay. (Visitors introduced.) Mr. Clerk, please record.

CLERK: (Record vote read, Legislative Journal page 721.) 41 ayes, 0 nays, 8 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 216 passes. Mr. Clerk, LB 261.

ASSISTANT CLERK: (Read LB 261 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 261 pass? All in favor of the motion vote aye; those opposed to the motion vote nay. Have you all voted who care to? Record please, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 722.) The vote is 33 ayes, 5 nays, 3 present not voting, 8 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 261 passes. Mr. Clerk, LB 263E.

ASSISTANT CLERK: Mr. President, with respect to LB 263E, the first motion is to dispense with the Final Reading at large of the bill.

SENATOR CUDABACK: All in favor of dispensing with the at-large reading vote aye; those opposed, nay. Record please, Mr. Clerk.

ASSISTANT CLERK: 35 ayes, 2 nays on the motion to dispense with the at-large reading, Mr. President.

SENATOR CUDABACK: The at-large reading is dispensed with. Mr. Clerk, please read the title.

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March 3, 2005            LB 263, 283, 301

ASSISTANT CLERK: (Read title of LB 263.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 263E pass with the emergency clause attached? All in favor vote aye; opposed, nay. Record please, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 723.) The vote is 41 ayes, 0 nays, 8 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 263E passes with the emergency clause attached. Mr. Clerk, LB 283.

ASSISTANT CLERK: (Read LB 283 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 283 pass? All in favor vote aye; those opposed, nay. Have you all voted who care to? Record please, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 723-724.) The vote is 40 ayes, 0 nays, 9 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 283 passes. Mr. Clerk, LB 301E.

ASSISTANT CLERK: Mr. President, the first motion is to dispense with the at-large reading of LB 301.

SENATOR CUDABACK: The first vote will be to dispense with the at-large reading, according to Rule 6, Section 8. All in favor vote aye; opposed, nay. Record please, Mr. Clerk.

ASSISTANT CLERK: 32 ayes, 2 nays to dispense with the at-large reading, Mr. President.

SENATOR CUDABACK: The motion was successful. The at-large reading is dispensed with. Mr. Clerk, please read the title.

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March 3, 2005            LB 301, 329, 383

ASSISTANT CLERK: (Read title of LB 301.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 301E pass with the emergency clause attached? All in favor of the motion vote aye; those opposed, nay.

SPEAKER BRASHEAR PRESIDING

SPEAKER BRASHEAR: Record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 724-725.) The vote is 39 ayes, 0 nays, 1 present not voting, 9 excused and not voting, Mr. President.

SPEAKER BRASHEAR: LB 301 passes with the emergency clause attached. We will now proceed to LB 329.

ASSISTANT CLERK: (Read LB 329 on Final Reading.)

SPEAKER BRASHEAR: All provisions of law relative to procedure having been complied with, the question is, shall LB 329 pass? All those in favor vote aye; those opposed vote nay. Have you all voted? Mr. Clerk, please record.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 725-726.) The vote is 33 ayes, 1 nay, 4 present not voting, 11 excused and not voting, Mr. President.

SPEAKER BRASHEAR: LB 329 passes. We will now proceed to LB 383E.

ASSISTANT CLERK: (Read LB 383 on Final Reading.)

SPEAKER BRASHEAR: All provisions of law relative to procedure having been complied with, the question is, shall LB 383E pass with the emergency clause attached? All those in favor vote aye; those opposed vote nay. Have you all voted? Mr. Clerk, please record.

CLERK: (Record vote read, Legislative Journal page 726.)

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                             80, 83, 88, 89, 107, 118, 119, 162, 175, 176  
                             178, 181, 187, 206, 216, 261, 263, 264, 283  
                             301, 329, 383, 508, 546, 546A, 657, 668, 677  
                             684, 745, 750, 752, 761

34 ayes, 0 nays, 3 present not voting, 12 excused and not voting, Mr. President.

SPEAKER BRASHEAR: Thank you, Mr. Clerk. LB 383 passes with the emergency clause attached. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB 33, LB 37, LB 51, LB 52, LB 53, LB 54, LB 59, LB 61, LB 80, LB 83, LB 88, LB 89, LB 118, LB 119, LB 162, LB 175, LB 176, LB 216, LB 261, LB 263, LB 283, LB 301, LB 329, and LB 383. Members, if I may, I would like to advise that we will have our first consent calendar of this session on Tuesday morning at 10:00. If any of you have any questions with regard to our process or procedures with regard to consent calendar, please feel free to contact me, the Speaker's staff, the Clerk, or the Clerk's staff. We'll be happy to help you. Mr. Clerk, items for the record, please.

CLERK: Mr. President, your Committee on Judiciary, chaired by Senator Bourne, reports LB 206 to General File with amendments, that signed by Senator Bourne as Chair. Government Committee reports LB 684 to General File; LB 187, General File with amendments; LB 761, General File with amendments; those signed by Senator Schimek. General Affairs Committee reports LB 107 to General File with amendments; LB 668, General File with amendments; LB 745, General File with amendments; those signed by Senator Janssen. Enrollment and Review reports LB 264 and LB 546 and LB 546A to Select File. Priority bill designation: LB 677, by Senator Dwite Pedersen. Amendments to be printed to LB 70...or, I'm sorry, excuse me, to LB 32 and to LB 508 by Senator Beutler. I have a series of name adds: Senator Flood to LB 38; Senator Engel, LB 38; Senator Cunningham, LB 38; Senator Connealy, LB 38; Senator Dwite Pedersen, LB 57, LB 178, LB 181, LB 657, LB 750, LB 752. (Legislative Journal pages 727-735.)

Mr. President, priority motion. Senator Kopplin would move to adjourn until Tuesday morning, March 8, at 10:00 a.m.

SPEAKER BRASHEAR: You've heard the motion to adjourn. All those in favor signify by saying aye. Those opposed, nay. We are adjourned. Members, please have a safe and restful weekend.

Proofed by: AEG