

**MARCH 10, 2005**

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March 10, 2005      LB 480

SENATOR CUDABACK PRESIDING

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

SENATOR WEHRBEIN:      (Prayer offered.)

SENATOR CUDABACK: Thank you, Senator Wehrbein, for doing that. Senator Wehrbein represents District 2. Call the fifty-first (sic) day of the Ninety-Ninth Legislature, First Session, to order. Senators, please check in. Record please, Mr. Clerk.

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

SENATOR CUDABACK: Any corrections for the Journal?

CLERK: I have no corrections, Mr. President.

SENATOR CUDABACK:      Messages, reports, or announcements, Mr. Clerk?

CLERK: Just one item. Senator Aguilar has designated LB 480 as his priority bill for this session. That's the only item I have, Mr. President. (Legislative Journal page 795.)

SENATOR CUDABACK: Mr. Clerk, first agenda item, legislative confirmation report.

CLERK: Mr. President, the Judiciary Committee has a confirmation report involving two appointments to the Crime Victim's Reparations Committee. (Legislative Journal page 738.)

SENATOR CUDABACK: Senator Bourne, you're recognized to open on the confirmation report by Judiciary Committee, as Chairman of the committee.

SENATOR BOURNE: Thank you, Mr. President, members. I was unaware that I had this, this morning. My first appointment is William Brueggeman with the Crime Victim's Reparations

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Committee. This is a reappointment. Mr. Brueggeman was referred out of the Judiciary Committee unanimously and I ask for your support in his confirmation.

SENATOR CUDABACK: Thank you, Senator.

SENATOR BOURNE: Also a reappointment to the Crime Victim's Reparations Committee is Charles Brewster. As I mentioned, Mr. Brewster also is a reappointee and he was referred out of the Judiciary Committee unanimously as well. And I would appreciate your support on both of these gentlemen. Thank you.

SENATOR CUDABACK: Thank you, Senator Bourne. You've heard the opening on the confirmation report by Judiciary Committee. Open for discussion on that report. Senator Bourne, there are no lights on. I'm sorry. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I was between Omaha and Lincoln, and I heard Senator Bourne presenting these nominations. I'm going to support them, but there's something else I need to say and I have to get my wind back. During the Judiciary Committee hearing yesterday, I made some very strong comments about the lobbyists around here. In the process, however, the impression may have been left that Paul O'Hara was being accused by me of having made vulgar, demeaning, or maybe even some obscene remarks to the woman who is the legal counsel for the Judiciary Committee. If anybody got that impression, that I was attacking Paul O'Hara in that manner, accusing him of such things as that, I want to correct that misimpression. Since it may have gone out through the squawk boxes throughout the Capitol, I owe it to Paul O'Hara to correct that misimpression based on what I said as notoriously as the comments had been made. However, I mean every word that I said about the way these lobbyists are getting beside themselves, the disrespect they're showing to the senators, the disrespect they show for the staff members, the way they try to order people out of here to show their colleagues that they've got influence with or over a particular senator or senators, the things they say to staff. I meant every word of that. And I will help take these lobbyists down a peg. That goes from "Emperor" Radcliffe, right on down to the most inconsequential

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one. They don't run this Legislature, and if they run the rest of you, they certainly don't run me. And nobody is going to disrespect the young woman who is the counsel for the Judiciary Committee. She looks young. Obviously, she's female, and that encourages some people to treat her dismissively, as women are treated dismissively. And that goes not just for staff members, but even some of the female senators in here. And without being sexist or chauvinistic, I think men have a responsibility to do something to make sure our colleagues are treated properly. Let's say that we had three Asian members of the Legislature and negative things were directed against them because of their ethnicity or national origin. I would be saying something about that, so I don't want any of the women to think that I feel they're helpless or incapable of speaking up for themselves. But when I see something or hear something that I think is inappropriate, I'm going to act in accord with my principles, and I want to make all of those things crystal-clear. So, although I want to clean up any misunderstanding that may exist referenced to Paul O'Hara, based on my comments, everything else I said I meant it, and I want to reemphasize that this morning. And you all need to put these lobbyists in their places, because they mock you, they make jokes about you, and they talk about how they control you. But all they have to do is give you a meat loaf sandwich and a chicken dinner and they've...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...got you. When we stay late, they run some food out in the Senators' Lounge and you go eat like hogs at a trough, and they own you and they laugh at you and they mock you. Why do you think they'll send these notes in here ordering you to get out there when you might be on the floor discussing an issue? Because they own you and disrespect you. You run this state. You control the purse strings. There are three branches of government, but the Legislature is created more equal than the equality that exists with reference to the other two, and you need to understand that and think about the Legislature as an institution, respect the Legislature as an institution, uphold the Legislature as an institution. There are some of you I have had disputes with, and I will have disputes with you again in the future. Some of you, I think,

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are virtually worthless. However, you're a member of the Legislature and,...

SENATOR CUDABACK: Time, Senator.

SENATOR CHAMBERS: ...because we're all in this together...what was that, Mr. President?

SENATOR CUDABACK: I said time, Senator.

SENATOR CHAMBERS: I'll put on my light.

SENATOR CUDABACK: You may continue.

SENATOR CHAMBERS: Thank you. And I'm not going to take this throughout the whole morning, but I've got to get this said, then I won't have to say it again for at least two days. If members of the Legislature will not come to an understanding and appreciation of the power that this body has, along with our responsibilities, you will always be walked on, you will always be treated with disrespect. But you won't see any of these lobbyists treating me like they treat you. If one of them that I work with happens to want to talk to me, they know that if I'm going to go out, I will go out when I choose, and then I'll meet them on the side. I'm not going to run out there to them because they summon me. They're not my mother. They're not my father. They don't own me. But it's for each of you to decide what you're going to do. If you don't mind getting your orders and tucking...ducking your head and running all out there because they summoned you, go on and do it. But I just wonder if some of these students that occasionally we talk to, if the people you all talk to at these agencies, like these groups like the Rotary and some of the others that you talk to, if they could watch you as you conduct your affairs, would you duck your head and go running out there to the lobbyists then? No. You would kind of whisper and say, let them know I can't come out right now; I'll come out later. Because you don't want to be embarrassed. You don't want them to feel that you're a gofer for the lobbyists. You don't want them to feel you're a lapdog of the lobbyists. But once again, if you're going to let them serve you up with a bucket of warm spit and you're going to

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drink it, that's for you to decide. But I just want to focus your attention on how you're being viewed. You might can make yourself feel better by disregarding what I'm saying, or having the lobbyists come up and put their arm around you and say, don't listen to what he says, that's not true, and the lobbyist is condescending to you right there. And you know how you're treated by these lobbyists, so they're going to tell you, we don't treat you the way we treat you. You all watch the way they treat me. You watch the way all these people around here treat me. They're not going to walk over me. Now the Governor is trying, but his chickens are going to come home to roost sooner than he realizes. And this is the last comment I'm going to make and then I will take my seat. When we get to another issue today, the override, that is a bill which can stand on its own merits. The debate on that bill, I think, was one of the better debates we've had. The issue was thoroughly discussed. People buttressed their arguments with facts. And my disputes with the Governor are not going to be injected into that debate this morning by me. I will say what I have to say about and against the Governor at a different time, such as now, but it won't be a situation where from 11:00 on, until we vote to override, which I expect we will do, it will not be one of those situations where I will create from it an opportunity to lambaste the Governor, impugn his motives, or anything else. That was such a high-level debate originally on the bill, it should not be sullied or tarnished by anything said during the debate to override the Governor's veto. So when I show myself to be very reserved and I behave like what could be called an ultraconservative in the last minute...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...that I have here, I want you to understand what it is. I have not lost my nerve. My backbone has not turned to Jell-O, and I have not forgotten what the Governor has done. But there is a time and a place for all things, and that debate ought to be conducted decently and in order. Therefore, it would be neither the time nor the place for me to make the kind of remarks I'm making here. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Further

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discussion on the confirmation report by Judiciary Committee? Senator Foley, you're recognized.

SENATOR FOLEY: Thank you, Senator Cudaback and members. I sit on the Judiciary Committee, as you know, and the issue before us is the confirmation of a member of the Crime Reparations Committee (sic). And I didn't have great familiarity with that committee, so when this gentleman came before us for his confirmation, I started asking him some questions about the nature of their work and learned, much to my dismay, that we have a process in place where victims of crime can come forward and request some financial assistance from the assailant, from the person who committed the crime against them, and this person sits on the committee to adjudicate these requests. And I think it is just a horrible injustice that we are putting the victims of crime through this reparations committee process when there's not a dime of money in the fund to give them anything. People go through this entire process, bare their souls to the committee, have their case adjudicated, have an award given to them, only to learn, by the way, you won the case, you're entitled to reparations, but guess what, there's no money in the fund. I think that whole process is a disgrace. We ought to either shut down that committee altogether or put some money into it, or at least be up-front with people about the fact that when they apply for those funds and enter into this process that there's no money there. There's not a dime of money there. And that's not happening today. Crime victims are coming through this process, spending their time, their emotional energy, winning their cases only to discover there's no money. That's just further insult and injury to the victims of crime. We need to address that problem. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Foley. Further discussion on the confirmation report? Senator Bourne, you're recognized to close on your confirmation report.

SENATOR BOURNE: Thank you, Mr. President and members. Listen, the...again, the appointees are William Brueggeman to the Crime Victim's Reparations Committee, and Charles Brewster to the Crime Victim's Reparations Committee. Both are reappointments. And to address Senator Chambers, his comments, I found Paul

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O'Hara to be of the utmost integrity and I think that this is just more of a miscommunication than anything else, and so it too shall pass, I'm certain. With that, I'd ask for your confirmation of both of these gentlemen. Thank you.

SENATOR CUDABACK: Thank you, Senator Bourne. You've heard the closing on the confirmation report. The question before the body is, shall the confirmation report, offered by the Judiciary Committee, be adopted? All in favor vote aye; opposed, nay. Voting on adoption of the confirmation report of Judiciary Committee. Have you all voted on the issue who care to? Record please, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 795-796.)  
34 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SENATOR CUDABACK: The confirmation report has been adopted. Mr. Clerk, items for the record?

CLERK: Mr. President, LR 53 is a new resolution by Senator Schrock; that will be laid over. And Senator Preister has selected LB 351 as his priority bill for this session. That's all that I had, Mr. President. (Legislative Journal pages 796-797.)

SENATOR CUDABACK: Thank you, Mr. Clerk. (Doctor of the day introduced.) On with General File, 2005 senator priority bills. Mr. Clerk, LB 217.

CLERK: LB 217, Mr. President, a bill by Senator Flood. It relates to public financing. It adopts the Public Facilities Construction and Finance Act. Bill was introduced in January, referred to Government, advanced to General File, discussed yesterday. At that time, the committee amendments were adopted to the bill, Mr. President. I do have other amendments pending at this time.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Flood, would you take a minute or so and review LB 217.

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SENATOR FLOOD: Thank you, Mr. President, members. LB 217 encourages political subdivisions of this state, public agencies of this state to cooperate and work together when building a building, a road project, or cooperating between libraries. LB 217 has been around for a couple of years. Senator Wickersham, in the mid-nineties, put together the Innovations Council that essentially looked at ways we, as Nebraskans, could provide a carrot rather than a stick to get political subdivisions to work together. Imagine for a moment all of the different public projects in your own district, and think about putting them, or at least two of them, or two or more of them under one roof rather than separate facilities. LB 217 allows two or more public agencies, as defined here, and we'll further define that in my coming amendment, to go together, build a building, get libraries working together without a vote of the people, provided that it is truly a joint project where the second-largest participant has not less than 25 percent of all the bonded indebtedness. That's the brief overview of LB 217. Yesterday, as you might recall, this body passed, overwhelmingly passed, the committee amendments that excluded, from the green copy, NRDs from participation and storm water projects. Right now on your gadget I have two amendments on file that are still up for your consideration. I should let you know that AM0614 is simply an amendment that basically is a white copy of everything that we're trying to do, and AM0605 represents some of the changes that I'd like to make, after I worked with Senator Schimek and Senator Chambers to tighten this bill up a little bit. What did we do? I guess, do we need to offer AM0614 for discussion or...Mr. President?

SENATOR CUDABACK: Senator Flood, that was a review. Have you completed your review?

SENATOR FLOOD: That I have, Mr. President.

SENATOR CUDABACK: With that, then we'll go to the Clerk and he'll announce your amendment. Then you can open on the amendment. Mr. Clerk.

CLERK: Mr. President, Senator Flood would move to amend with AM0614. (Legislative Journal page 762.)

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SENATOR CUDABACK:    Senator Flood, you're recognized to open on AM0614 to LB 217.

SENATOR FLOOD:    Thank you, Mr. President and members. This amendment essentially makes some more changes that we worked on together with Senators Schimek and Chambers to kind of tighten the language up in the bill. One of the concerns, and I think it's a valid concern, is that you can have public agencies that don't necessarily have an electorate that's easily defined, for instance, an ag society or a county fair board, and a number of counties in Nebraska simply elect members of their board at its annual meeting and they can bring whoever they want to the meeting as long as they're registered voters in the county. That makes it difficult when you start making them participants in these kind of projects, because they're not organized as a political subdivision similar to a city, a county, a village, or an ESU, or community college. So, accordingly, the following public agencies are struck from the green copy, and they include county ag societies, county fair boards, joint airport authorities, city or county airport authorities, cemetery district, community redevelopment authority, drainage or levee district, historical society, irrigation district...NRDs were taken out from the committee amendment, as you might remember...nonprofit county historical association or society, public building commission, railroad transportation safety district, reclamation district, road improvement district, rural water district, township off-street parking district, transit authority. That's the list...Metropolitan Utilities District...that's the list that was taken out in this amendment and we've simply made the eligible participants cities; villages; municipal counties; community colleges; counties; educational service units; rural or suburban fire protection districts, which we heard more about yesterday; hospital districts; and SIDs. Those are the folks that can participate in this. Other than that, we took out the emergency clause in the amendment. We worked very closely with Richard Pedersen from Baird Holm Law Firm. He's an expert in bond counsel and provides services to cities across the state. He worked very closely with me on making this happen, so I feel that AM0614 represents the hard work of the Government Committee, together

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with the extra work. Thanks to the folks that have been really paying attention to this: Government Committee counsel, Christy, of course; Senator Schimek; and Senator Chambers. So I would appreciate the adoption of AM0614. Would be happy to answer any questions. I give the balance of my time back to the Chair.

SENATOR CUDABACK: Thank you, Senator Flood. You've heard the opening on AM0614. (Visitors introduced.) Mr. Clerk.

CLERK: Mr. President, the first amendment I have to Senator Flood's amendment, Senator Beutler, AM0726. (Legislative Journal page 792.)

SENATOR CUDABACK: Senator Beutler, to open on your amendment to the amendment.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, since yesterday, I've had a chance to talk to bond counsel and other interested parties in the bill, and also I've had a chance to talk to Senator Flood about it, and my overall impression is that it's an even better bill than I thought it was to begin with. I had had four or five different ideas that were all fairly entertained by Senator Flood, and in an effort to expedite debate today, I think we're at a point where a couple of the amendments are all right with Senator Flood, and I'll let him respond in a minute, and a couple of them I'll withdraw and we'll have some further discussions before Select File, so that for the purpose of getting to other people's bills and facilitating debate perhaps we can move this along. Let me get into a discussion of this amendment but, before I do that, let me yield time to Senator Flood for a couple minutes, in case he would like to comment on the overall treatment of the bill.

SENATOR CUDABACK: Senator Flood.

SENATOR FLOOD: Well, I guess I appreciate the efforts of Senator Beutler and his interest and his passion for natural resource districts and storm water drainage projects. We have, I think, Senator Beutler, worked out an agreement where two of your four amendments that I could agree to and I'd be happy to start discussing their merits at this time, unless you would

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like to actually introduce specifically AM0726.

SENATOR BEUTLER: Senator, if it makes sense to you, since the first amendment is one you're agreeable to, we can take up that discussion. Then I'll withdraw the next two after that and we can further discuss then the fourth amendment.

SENATOR FLOOD: Okay.

SENATOR BEUTLER: Is that agreeable to you?

SENATOR FLOOD: That's agreeable to me.

SENATOR BEUTLER: Okay. Senator Cudaback, members of the Legislature, the amendment before you I don't think was discussed, maybe mentioned but not discussed, at any length before you yesterday, but it relates to the voting procedures in the bill, which start on page 3, down about line 20, in case anybody is interested in following. And, as you know, the incentive in this bill is that there will be no election on these jointly...no requirement for a vote of the people on these jointly issued bonds, but it does have a safety catch in it that if there is, within a certain very short period of time, 30 days, a remonstrance petition signed against the...or requiring an election then there would be an election and that petition has to be signed, according to the bill, by registered voters, registered voters in the qualified public agency equal in number to 15 percent or more of the registered voters of the qualified public agency. All I'm suggesting on this particular provision is that we use the language that's characteristic on these petitions and not use registered voters but, instead, use the number of votes cast for Governor at the general election next preceding the adoption of the bond resolution. And that way you don't have this exaggerated number of signatures that you need to get, but rather it's a number of signatures related to the reality of how many people actually vote. And all of us are going to have to explain to people why we're doing this without a vote of the people, and I think one of the ways that we explain it very rationally is to say, well, no vote is required, but if a certain reasonable number of people object to it then there will be a vote. And you'll be better able to argue that

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if you adopt this amendment. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. You've heard the opening on AM0726, an amendment to AM0614 to LB 217. Senator Flood.

SENATOR FLOOD: I'd just like to...thank you, Mr. President and members. I'd just like to add I agree with Senator Beutler that this is the appropriate thing to do. We do want an incentive. We do want to provide these political subdivisions a carrot rather than a stick, but we have to take our responsibility very seriously when we consider a bill such as this. Five million doesn't build a Taj Mahal, and \$100,000 for a city the size of Norfolk doesn't do a whole bunch of good with regard to computers, but it's a good start. Nevertheless, this is a serious endeavor for any community or political subdivision, and I think 15 percent of the registered voters of the last election for Governor is appropriate. And I could imagine any bond counsel would want an affidavit, probably from the election commissioner of any county in the state that encompasses the district, to find out what number we're actually talking about before they would go forward with this. So I think...I think that's appropriate and I support your amendment, Senator.

SENATOR CUDABACK: Thank you, Senator Flood. On with discussion. Senator Schimek.

SENATOR SCHIMEK: Thank you, Mr. President and members. I, too, would like to weigh in on the amendment, and I am going to support the amendment, Senator Beutler. I don't...I think it's perfectly reasonable. I was just having committee counsel look it up. I think that's the way the initiative process works in other respects, and so I don't think it's an unusual request that you're making. And I'm sorry, I haven't heard any of the discussion because I've been over on the side talking with someone else, but I do support it and I think it would be...I think it would probably be a good thing to do. So, with that, I have no further comments. Thank you.

SENATOR CUDABACK: Thank you, Senator Schimek. Senator Wehrbein, on the Beutler amendment. Senator Wehrbein waives the

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opportunity. Any further discussion on the Beutler amendment? Senator Beutler, there are no...Senator Beutler waives the opportunity to close. The question before us is adoption of AM0726, which is an amendment to AM0614. All in favor vote aye; opposed, nay. Question before the body is the Beutler amendment to AM0614 to LB 217. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of Senator Beutler's amendment to Senator Flood's amendment.

SENATOR CUDABACK: The Beutler amendment has been adopted. Mr. Clerk.

CLERK: Senator Beutler, FA78.

SENATOR CUDABACK: Senator Beutler, you're recognized to open on FA78.

SENATOR BEUTLER: Mr. Clerk, I would withdraw that amendment.

SENATOR CUDABACK: It is withdrawn.

CLERK: Senator Beutler, AM0745, Senator.

SENATOR CUDABACK: Senator Beutler, to open on AM0745.

SENATOR BEUTLER: I'd withdraw that amendment.

SENATOR CUDABACK: It is withdrawn.

CLERK: Senator Beutler, AM0744. (Legislative Journal page 797.)

SENATOR CUDABACK: Senator Beutler, to open.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, this is the second amendment which represents a kind of compromise on the concept of including natural resource districts within the bill. And, Senator Schimek, we...my discussion with Senator Flood was first thing this morning. I

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didn't have a chance to get to you and I'm sorry about that, but here's what it...here's what the compromise would be. As you know, under Senator Flood's amendment, as it now is, natural resource districts are not allowed to be a qualified public agency; that is, they're not allowed to participate in this, in this program. In the Lancaster County area, we have an excellent, excellent NRD with an excellent, excellent management, and the city and the NRD and the county work back and forth all the time. So I feel, personally, very strongly that I would like to have the NRDs in. I know that there is a feeling in the Omaha area that that NRD doesn't need this additional resource that's provided by this bill; that it has the funding of Omaha and the backing of a large urban population in Omaha, so they may not need this bill. So what was agreeable was if we included all NRDs, except those containing a city of the metropolitan class, and with that compromise we can move forward to Select File and proceed from that point. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. You've heard the opening on AM0744. Open for discussion on that amendment. Senator Schimek.

SENATOR SCHIMEK: Yes, Senator Beutler,...thank you, Mr. President...I do have questions about this amendment and, first of all, let me tell you where I'm coming from, and that is the committee...it didn't look as if the committee was going to advance this bill unless we did remove the NRDs from it. That was, I think, a consensus. So that was agreeable to me. I would not have necessarily made that move or that amendment on my own, but that was, I believe, the committee consensus. So I'm reluctant to be party to an agreement to put them back in, but I have no problem if that's what the body wants. So that's where I'm coming from philosophically. I didn't hear all of your explanation, but what I would like you to tell me again is why we should exempt the metropolitan class districts. And then, secondly, is that...I know we do that a lot in here with different class cities and villages, but is that a good public policy? I...maybe if you tell me why you want to exempt them then I'll understand.

SENATOR BEUTLER: Okay. First of all, Senator, I think it's

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terrible public policy to exempt or to not include any of the NRDs, so I start from what I think is an indefensible position, which is that they shouldn't be included at all. So I'm interested in including in as many as possible. Certain members of your committee were very much against including NRDs that had a city of the metropolitan class in them, and there may be a variety of reasons why they feel that way and maybe they will speak of those. But I think there is a good rationale for excluding that particular NRD simply on the basis that it is the only NRD that has such an incredible financial base, that is, the base of Omaha and Sarpy County, and so, quite arguably, they don't need whatever benefits this bill might give that particular district, and that would be my personal rationale.

SENATOR SCHIMEK: I see. And, Senator, please understand that I believe it's better to have a bill out here that helps a whole lot of subdivisions than having no bill at all, if you...if you understand where I'm coming from. So I'll just listen to the body. Whatever the body decides to do, I probably won't be supporting it, but I'll keep thinking about it. I mean, I'm probably not going to be voting for it, but I'll listen to everybody's discussion. If my...if the Government Committee members get up and say this is a reasonable compromise, then I think that will be okay, and maybe I can hear from some of them who wanted to omit the NRDs from the bill. Thank you.

SENATOR CUDABACK: Thank you, Senator Schimek. On with discussion of the Beutler amendment, Senator Mines, followed by Senator Flood and others.

SENATOR MINES: Thank you, Mr. President, colleagues. Let me just stand in support of the underlying bill, LB 217. I think that ultimately that is the key to this entire discussion. It's important that local governments have this opportunity and option to rapidly respond to their needs at the local level. AM0614 I also support. It makes great sense. And AM0744 I've agreed to support as well. As a matter of public policy, Senator Schimek makes a great argument that they should all be included or they should all not be included. On the other hand, I think this is a unique application where, in fact, we do have a wealthy district that is historically aggressive, that has

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chosen to undertake projects that perhaps are on the cusp of being outside their authority. And at this stage, I am comfortable that AM0744 carves out just that district and in the future this body could, in fact, add that back in if they so choose. But I think at this point in time, this time in history, it's appropriate to carve out that district and allow the other NRDs to participate. Thank you, Mr. President.

SENATOR CUDABACK: Thank you. Senator Flood.

SENATOR FLOOD: Thank you, Mr. President. Members, I've kind of been on the outside looking in as the Government Committee considered which entity they wanted out. Obviously, they chose NRDs in their committee amendment. I've talked to some of the senators on the Government Committee and I can understand some of their concerns. So, for what it's worth, I support AM0744, in the spirit of compromise, with the understanding that Senator Beutler obviously recognizes, as I think we all do, there may be a concern or two in the Douglas, Washington County area. But let's not hold this against every NRD in the state, many of which are doing great projects that we should support and want them as joint partners. So, for what it's worth, I also support AM0744. Return the balance of my time.

SENATOR CUDABACK: Thank you, Senator Flood. Senator Janssen, on the Beutler amendment to the Flood amendment. Senator Janssen.

SENATOR JANSSEN: Thank you, Senator Cudaback, members of the Legislature. I thought you said Senator Jensen.

SENATOR CUDABACK: I'm sorry for that

SENATOR JANSSEN: Of course, my hearing isn't that great so, anyway, Senator Beutler, could I have a little conversation with you?

SENATOR CUDABACK: Senator Beutler, would you respond?

SENATOR JANSSEN: Senator Beutler, now you are including which NRD, or are you taking an NRD out? I heard both sides of this

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now.

SENATOR BEUTLER: All NRDs would be taken back into the bill and could avail themselves of the benefit of the bills, except the one in...one...the...any NRD with a city of the metropolitan class in it.

SENATOR JANSSEN: Well, that would be just the Papio NRD.

SENATOR BEUTLER: That's right.

SENATOR JANSSEN: So you would exclude the Papio NRD. What...and what was your reasoning for that? Because they are so large and have such a great financial base that they're able to do whatever they want to? Is that correct?

SENATOR BEUTLER: Their assessed valuation in their area is many times the valuation of any other NRL, so they are relatively well-off and probably don't need the benefits of this bill. One could argue that both ways, perhaps, but members of the committee didn't want NRDs and, as far as I could ascertain, it related to...the objection really didn't relate to all NRDs.

SENATOR JANSSEN: Right. I'll use a little hypothetical situation here. Say the city of, oh, let's see, the city of Scribner, Nebraska, which I believe is in the Lower Elkhorn NRD, they needed a dike project. Could they joint together on that, on that project someday or another? Would that be a possibility?

SENATOR BEUTLER: They could certainly join together with other entities under the interlocal agreement situation that currently exists in law, but they wouldn't have the benefit of this particular bill, of joining together to issue bonds that didn't require an election. And you may not particularly like that situation, but yesterday nobody was defending leaving all the NRDs out, you know? I didn't get very many votes for that. But it does seem to be agreeable to bringing most of them back in, and I would like to do that, Senator.

SENATOR JANSSEN: Okay. Thank you very much, Senator Beutler.

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Senator, could I have a little conversation with Senator Jensen, please?

SENATOR CUDABACK:      Yes, you may.      Senator Schimek, would you respond?

SENATOR JANSSEN:      No, Senator Jensen.      Jensen.

SENATOR CUDABACK:      Senator Jensen?      Senator Jensen, would you respond?

SENATOR JENSEN:      I sure will.

SENATOR JANSSEN:      Senator Jensen, if my memory is correct, at one time you served on the Papio NRD.      Is that correct?

SENATOR JENSEN:      That is correct.

SENATOR JANSSEN:      Could you see any projects now that would have benefited that NRD joining with a community, say Omaha or Bennington, Irvington?

SENATOR JENSEN:      Yes, I do, and I do have my light on and I was going to address this.      And if we're going to do this, let's do them all or let's not do any.      I think this is not the proper approach whatsoever.      The Papio NRD has the same needs as any other NRD and, yes, they do do joint ventures and joint work with other NRDs, as well as other communities all the way from South Sioux City to the Plattsmouth entrance of...the Platte River entrance into the Missouri River.      And they have a great deal of issues that are coming before them, some of those they need funding for, and so I think this is wrong to take out...

SENATOR CUDABACK:      One minute.

SENATOR JENSEN:      ...and pick and choose which NRD should be used.      And so I say either take them all or don't take any.

SENATOR JANSSEN:      Well, if this...if I'm understanding the bill correctly, you could do this without a vote of the people.      Is that correct?      I believe that's correct.

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SENATOR JENSEN:      From what I understand, no, you do not need a vote of the people.

SENATOR JANSSEN:      Only the 15 percent of the people who voted at the last general election. Is that right? It's something like that.

SENATOR JENSEN:      I'd need to check on that, but I think that's my understanding also.

SENATOR JANSSEN:      Okay. Thank you, Senator Jensen.      Maybe we can further this conversation when your time is up. Thank you.

SENATOR CUDABACK:      Thank you, Senator Janssen. Further debate on AM0744.      Senator Schrock, followed by Senators Raikes, Kopplin, Jensen, Stuthman, and Brown. Senator Schrock.

SENATOR SCHROCK:      Senator Beutler, I appreciate what you're doing and I guess it disturbs me that certain members of the body, they just don't trust their NRD. Well, I'd like to ask you, where would Douglas County be without the Papio NRD? You probably wouldn't have the reservoirs and the recreation you've got. You wouldn't have the flood control. And yet we just don't trust them to do anything, and that bothers me. Now, I realize they may step on toes along the way, but in the scheme of things I think you'd be in pretty sad shape if they didn't have some budget authority and they hadn't spent some money up there. And the Natural Resources Committee has had time to discuss those issues and we've seen, we've toured the area. And I think it's very important for planning, as your city grows, as your metropolitan area grows, that you have the NRD involved. And, Senator Mines, I see you have pushed your button. Senator Mines, I see you've pushed your button. And would you like to respond to what I'm saying? What is it with the Papio NRD? What have they done or what have they not done that bothers some people up there so much? And I'm going to give you some time.

SENATOR CUDABACK:      Senator Beutler, would you respond?

SENATOR MINES:      How about Senator Mines?

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SENATOR CUDABACK: Senator Mines. I'm sorry.

SENATOR MINES: Thank you, Mr. President. Senator Schrock, the NRD, the Papio-Missouri NRD has done wonderful things, as have all NRDs across the state. In this particular instance, LB 217, this would allow entities as, without reexplaining it, it would allow them to bond projects without a vote of the people, without true public input and knowledge. It has been my experience with our NRD that many decisions don't reach full public disclosure, and I am concerned that, given the circumstances in my county of Washington, with the dam projects that are being proposed...not proposed, but are being forcefully and aggressively pursued, that this funding mechanism is just another tool that those in favor of primarily recreation, you could throw in some flood control but primarily recreation, could use their power of eminent domain, could displace farmers and farm families and, in fact, parts of the villages of Washington and Kennard without a vote of the people. I have a problem with that, Senator.

SENATOR CUDABACK: Senator Schrock.

SENATOR SCHROCK: I was...I was being visited by another senator. I didn't catch everything you said. Would you mind repeating that last statement? (Laughter)

SENATOR CUDABACK: Senator Mines.

SENATOR MINES: (Laugh) I have a problem with that, Senator.

SENATOR SCHROCK: I'm not quite sure what you have...

SENATOR MINES: No, what I was saying, Senator, was that the...there's an aggressive plan to build a series of dams and reservoirs in Washington and northern Douglas County that would...that would use the power of eminent domain that those natural...that that natural resource district has to create environments that take property from farmers, that create lakes for recreation and, as a sidebar, for a 500-year flood plan, and then allow private citizens or private developers to build

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high-level houses on those lakes and those lakes may or may not be public access. There's one in Bennington right now that has no public access.

SENATOR SCHROCK: I'd beg to differ with you. It does have public access.

SENATOR MINES: It does not, Senator. There's no public access to that Bennington Lake.

SENATOR SCHROCK: Well, then we're thinking about different bodies of water.

SENATOR MINES: You try and get your boat down on the Bennington Lake and you're not getting on.

SENATOR SCHROCK: Okay.

SENATOR CUDABACK: One minute.

SENATOR SCHROCK: Senator Mines, just let me tell you this. As the city of Omaha grows, they're going to need recreation. They're going to need some planning. And I understand where you're coming from. We had that hearing. That bill on bonding, there's not enough votes at the current time to get it out of committee, and that's fine, but if you just keep on hamstringing them, you won't have good planning and you won't have...by the way, as a rural senator, I'm interested in property values going up in your area, because if you build those lakes, those lots are going to be worth lots of money. Those houses will be worth a lot of money. It will raise your valuation and then the more property value you have there, the less state aid you're going to get, and we can share that pie, you know. So I hear where you're coming from, but I just have a problem when we single out the Papio NRD, because I think you'd have to acknowledge in the past they have done a lot of good work and I think they should be proactive as these projects come along and they can be partners in. But whenever you do it, you're going to step on toes, and that irritates people.

SENATOR CUDABACK: Time.

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SENATOR SCHROCK: I understand that.

SENATOR CUDABACK: Thank you, Senator Schrock. Senator Raikes, followed by Senator Kopplin and others. Senator.

SENATOR RAIKES: Thank you, Mr. President, members. My questions, I think, relate more generally to the procedure rather than specific local governments, like NRDs. And I see Senator Flood is busy at the moment, but I will ask him a couple of questions, if I may.

SENATOR CUDABACK: You may. Senator Flood, would you respond?

SENATOR FLOOD: Yes.

SENATOR RAIKES: Senator, this is, in effect, a proposal that allows a bond to be issued without a vote of the people and that is outside the levy limits. Is that correct?

SENATOR FLOOD: No, I believe that any bond issue is subject to the lid and levy limits right now. I mean for a city of the first class, 45 cents for a city that size, and an additional 5 cents for any interlocal agreement. You're still subject to the regular restrictions, lid and levy restrictions, and under this you're also restricted to your...your annual debt service can be not more than 5 percent of your restricted funds. So there are some protections built in.

SENATOR RAIKES: Okay. So for...I was thinking of it in terms of a school district. So with a school district, if they were to participate, say, with another school district or with a city or county, then you're saying that any amount of money that they use to support this bonding would have to come from within the levy lid? It would have to be under the \$1.05 lid?

SENATOR FLOOD: They cannot increase their property taxes in order to pay for this, no.

SENATOR RAIKES: Okay.

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SENATOR FLOOD: As long...they can't go over the lid. I mean, every school district in my county is at their \$1.05 lid. I mean, nobody has exceeded that, so you cannot increase taxes to pay for this. So the answer would be no.

SENATOR RAIKES: Okay. So, in effect, all this allows is a restricted opportunity to use money that you can now collect from taxpayers to issue bonds, rather than pay it directly. And you cannot use more than 5 percent of your restricted fund budget for this purpose. Is...would that be a fair characterization of...?

SENATOR FLOOD: Yes, Senator, that would be fair. In any given year, your debt service cannot exceed 5 percent of your restricted funds for the fiscal year that you're going into.

SENATOR RAIKES: Okay. Thank you very much, Senator.

SENATOR CUDABACK: Thank you, Senator Raikes. On with discussion. Senator Kopplin.

SENATOR KOPPLIN: Thank you, Mr. President and members of the Legislature. I have a few concerns with this amendment. Actually, I'm in favor of the amendment, of allowing the NRDs to be a part of this. I don't know why we would not. But when you take one out, it happens to be mine, and I think the reference when the discussion was going on was that, well, senators didn't think it needed to be. I'm sorry, I wasn't privy to that conversation. I definitely think it should. I think the reason it was taken out had to do with a few landowners, perhaps in Washington County...no, not perhaps, let's be honest about it...a few landowners in Washington County. I understand part of their thinking. I don't understand it all because the Papio NRD does great things in flood control. They have a long way to go with Papio Creek, and it needs to be considered. But my biggest concern is, hey, if this bill is good public policy for the state of Nebraska, then it's good public policy for every entity in Nebraska. And to exclude the Papio NRD because of a few objections from landowners, and to try to pass it off as that we have a lot of money so we don't need to be in this, that just doesn't make sense. And I'm afraid I can't support this

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amendment the way it is because I think it's wrong. Thank you very much.

SENATOR CUDABACK: Thank you, Senator Kopplin. Senator Jensen, followed by Senator Brown and others.

SENATOR JENSEN: Thank you, Mr. President, members of the Legislature. And just to kind of follow up where Senator Janssen and I were visiting, yes, I was a member of the Papio NRD for four years before running for the Legislature. I also originated from Washington County and grew up...went to a country school a mile and a half west, two miles north of Kennard, Nebraska. I'm very familiar with not only the Papio NRD and its area, but also Washington County and that entire circumstance. The Papio NRD, of course, has a tremendous challenge, and it is flood control. And as we do develop more property and the runoff becomes quicker and faster, there needs to be more containment of that water. Everything from dams to even individual subdivisions now have holding basins so that the water is slowed down. And as the metropolitan area continues to grow, there needs to be more flood control and greater control within the development. And then to take an area that is the fastest...one of the fastest growing in the state and to say that, in this bill, that they should be segregated out, I just don't feel is right at all. And certainly, as Senator Schrock said, look at the tax base that is building, and there has been an agreement with the Papio NRD that they have entered into agreements with developers, of which I was one...I'll never do one of those...but, however, that has allowed them to develop flood control without a great expense to the taxpayers. To me, that's a good use of money and a good way to get flood control without putting it on the backs of the taxpayers. Yes, there's development that goes around there. There is not one single dam of the Papio NRD that does not have public access. Every single one does. It might be in a different place and, yes, somebody might come out there with their boat and say, I want to launch here, and that's a launching facility that was either provided by an SID or some other entity, but I think that there has been a great partnership between the private and the public sector, between the NRD with the surrounding communities and then also, yes, with some developers. And to segregate them out of this, I

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just think that is wrong. We have...the NRDs across this state have done a tremendous thing. I'll tell you, you look at Iowa and you look at the Nishnabotna River that floods every year over there, that would not happen here in Nebraska because we have NRDs. It's probably one of the greatest things that was structured within this state. But I don't see any reason whatsoever to segregate this out, and if this amendment passes, AM0744, I will not support the bill. I certainly will not support this amendment. But I think that is a wrong way to go and would urge my colleagues to think about this issue before you would pass on AM0744. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Jensen.      Senator Brown, followed by Senator Mines and others.

SENATOR BROWN:      Mr. President, members, I serve on the Government Committee, was a part of the underlying philosophy of excluding NRDs, and it was not because I do not trust NRDs. It was not because I have any problem with some of the activities that the Papio NRD has undertaken. I do not support AM0744 because I think the decision was made not negatively towards NRDs, but rather looking at the nature of what we wanted to accomplish with LB 217, looking at the nature of the entities that we were encouraging. That the...what we were encouraging were entities that traditionally bond for activities and allowing them, in a special sense, to have a special way of bonding. And I think that there is a difference with what we're trying to encourage. I support LB 217. I support the ideas that are included and I think that we are getting a little outside what we were trying to accomplish with LB 217 with the inclusion of NRDs and with the whole discussion that we're having this morning. Now, there very well may be issues that need to be addressed by the Natural Resources Committee about the authority of NRDs to be able to bond and things like that, but I don't know that it should be...that those kinds of decisions should be decided on LB 217, which was meant to be an opening of the door, but a fairly narrow opening of the door as to what individual entities could do together to accomplish efficiencies. When we find out about that and when possibly the Natural Resources Committee comes to more conclusions about the authorities...the authority of NRDs to do things like bonding,

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then I think that we revisit the issue in regard to how...why we want the door to be open about this permission that we are giving in LB 217. So my rationale for supporting the committee amendment had nothing to do with having a problem with activities of NRDs. It had to do with what I think the central mission of LB 217 is, and whether our first step shouldn't be to the most obvious activities that we want to promote, and then if we're willing to open the door wider, to do that in a very measured, considered process. And, with that, I would yield the rest of my time to Senator Flood, because I think that Senator Flood needed to address some issues about the levy limits and budget limits. Thank you.

SENATOR CUDABACK: Thank you, Senator Brown. Senator Flood, about a minute and a half.

SENATOR FLOOD: Thank you, Senator Brown. I want to correct the record. I answered a question from Senator Raikes a moment ago regarding lid levy limitations and I was thinking that we had a school district that wanted to partner with a city, and a city cannot build a school when its a city and a school together. Two schools could. And, no, under 13-520 and under LB 217 in front of you, participants in this are not subject to the lid and levy limitations, and I would call your attention to 13-520(3) with regard to political subdivisions and where restricted funds apply and where they don't. So it would be over and above the restricted funds, but the saving grace, I believe, for political subdivisions is that not more than 5 percent of the restricted funds could be used to pay for debt service on an annual basis for whatever project that we're doing. So if you had a school district that had \$2 million in restricted funds, what would that be, \$100,000 of that could be used each year for debt service. But that 5 percent restriction or 5 percent of restricted funds is meant to be kind of a safeguard so we don't have these Taj Mahals being built. And I really believe that that's, together with the ability for citizens to...

SENATOR CUDABACK: Time.

SENATOR FLOOD: ...petition against such a project after a

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public hearing and reasonable notice, as Senator Chambers will discuss, provides accurate protection for the citizen, with the intention...

SENATOR CUDABACK: Thank you...

SENATOR FLOOD: ...of getting them to work together. Thank you.

SENATOR CUDABACK: Thank you, Senator Flood. (Visitors introduced.) On with discussion of AM0744, Senator Mines, followed by Senator Redfield and others.

SENATOR MINES: Mr. President, thank you, colleagues. Senator Flood is making wonderful arguments, and really this discussion about LB 217 is what I think is critical. It's being amended a bit and we're carving out a few issues, but it's important that today we move LB 217 along. Senator Brown, nail on the head that this was about...when the bill was brought, and our discussion centered around, the cooperation between schools and cities and counties in the building of facilities, in the building of buildings, joint libraries, all those things that can save taxpayers money in the long run and that make local government more efficient, and that was our goal. As a matter of practice, NRDs don't typically build buildings that people can go into, although there are some nice ones around the state. And then, when Senator Beutler offered LB (sic) 744, which would reenact and bring back the NRDs but for the Papio NRD, I agreed to his proposal. Certainly there are issues in Washington County about the taking of property of a few and the right of and the power of eminent domain to serve the many that probably doesn't need to be done to the extent that they're doing it right now. The study that that NRD is using was...I believe it was 1969 when it was completed, and they're still using that same premise. And certainly I'm not an expert, but I've got to believe things have changed in that since 1969. So I support the amendment, I support AM0614, absolutely support LB 217 and hope we can move this on yet this morning. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Mines. Senator Redfield.

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SENATOR REDFIELD:      Thank you, Mr. President.      members of the body, I have generally looked at issues that have been before us on the floor and I think that it's well known that I try to look for equality and fairness in our policy, and I would have to echo the words of Senator Jensen and others who have expressed a concern that we are saying only one cannot participate.      I am far more comfortable with the committee amendment, which said we're going to treat all NRDs alike. I do not believe that I can support the amendment. Thank you.

SENATOR CUDABACK:      Thank you, Senator Redfield.      Senator Langemeier.

SENATOR LANGEMEIER:      Thank you, Mr. President, members of the body.      And I, too, support LB 217 and AM0614, although I do not support AM0714 (sic) for a couple of reasons.      Number one, cherry-picking one NRD out I don't think is good public policy. But the second thing is, is coming off an NRD board, which you've heard me say many times, the NRD system has mastered the use of cash funds and leveraging cash funds to Environmental Trust Funds, to federal funds to build projects. I've never seen anybody do interlocal agreements as well as NRDs do, and it's just phenomenal how many they have gotten involved in. And so I don't support AM0744. I think NRDs need to be excluded from the bonding business. They can do revenue bonds for water projects, community water/rural water systems. They have that authority already. Right now, again, they have mastered the use of leveraging cash funds and I think we need to leave them in that manner. With that, I'd yield the rest of my time back to the Chair. Thank you.

SENATOR CUDABACK:      Thank you, Senator Langemeier.      Senator Wehrbein, on the Beutler amendment.

SENATOR WEHRBEIN:      Thank you, Mr. President, members of the body. I'm going to...I do support LB 217 and I...and the Flood amendment. One of the questions I wanted to ask Senator Flood, just...

SENATOR CUDABACK:      Senator Flood, are you available for a question?

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SENATOR WEHRBEIN: Thank you. I'm going to...Senator Flood, I'm going to do some work on this between now and Select, assuming that this bill goes, but I was interested in the 5 percent limitation on the debt. One of the things that bothers me, and I'm going to give a little time to respond, is the fact that we're allowing up to a \$5 million debt without a vote of the people, which we do have the 15 percent factor in there, I understand. But it looks like to me, if the debt load is not too heavy in NRDs, and I have no idea where it's at, they could do this annually, every year do a \$5 million, especially in conjunction with a larger city or so forth. And that's...the reason I'm talking about it on this bill is because it could be peculiar, if you will, to larger tax bases where \$5 million is not very much compared to another NRD. In some parts of the state, a \$5 million debt would be, obviously, a terrific load. Do you have any comments you could make on the size of debt and how often this could be done, as your understanding of the bill?

SENATOR CUDABACK: Senator Flood.

SENATOR FLOOD: Well, thank you, Senator Wehrbein. I guess it depends on the size of community you're in. One of the eligible participants is a...contemplates a city-county merger. So if Douglas County ever did want to merge the county and the city together, they would obviously have a number of projects that I could envision for the benefit of citizens just to agree with the idea of merger or coming together. Five percent of restricted funds is fairly difficult for a lot of smaller communities. A town the size of maybe Senator Langemeier's hometown of Schuyler may only have, you know, restricted funds of about \$1 million or \$800,000. That's not a lot of money for debt service throughout the entire year. My thought is the more people, the more tax dollars, the more restricted funds a political subdivision has, the more needs that may exist in that particular subdivision and the more opportunities for a city to work together with a county. And every time a political subdivision wants to use the bonded indebtedness under LB 217, they have to work together with another partner, and not another partner in name only, but another partner that's at least willing to accept 25 percent of the total indebtedness. So I

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think that's fairly substantial. And the public still has the chance to remonstrance against this by petition, and I want that to be as easy as possible. And with the amendment we just passed, it's not all the registered voters; it's all the voters that voted...the same number of voters that voted in the last general election for Governor, so I think there's protection built in for the public. But I can appreciate your concerns.

SENATOR WEHRBEIN: Okay. Thank you. I will be doing some more examination between now and Select to see what this is relative to, because if we could...if this could be done on a large scale annually, up to \$5 million, there could be significant bonding done by a fairly small group of people, if people weren't paying attention. And I just want to determine the impact. Thank you.

SENATOR CUDABACK: Thank you, Senator Wehrbein. (Visitors introduced.) On with discussion of the Beutler amendment. Senator Stuthman.

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. The thing that I have a concern about is, you know, taking one out, leaving a bunch in. I don't agree with that totally because I think it's either all or none. The issue that I have is, you know, that I think, you know, the bonding authority, the fact that, you know, if it's a project that needs to be done, goes to a vote of the people, I think that's the right way to do. I don't...I'm not in favor of allowing them to have bonding authority without a vote of the people. I totally disagree with that part of it. I think the NRDs, you know, have sufficient funds. They can get sufficient funds. If valuations stayed the same and were constant all the time, then I would see that there would possibly be a need. But, most generally, valuations go up anywhere from 4 to 8 to 10 percent, plus added valuations, which would be new homes or anything like that, and they can get a certain mill for that, and that's set by a statute, what they can get, and they can go up to that no matter if they spent the money or not. So they do have the authority, you know, to get a lot of money. So I'm not...I'm in favor of LB 217. I am in favor of the concept of it, but I am really thinking hard about the amendment that we're discussing right now. And, with that, I'll give the balance of my time to the

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Chair. Thank you.

SENATOR CUDABACK: Thank you, Senator Stuthman. Senator Flood. Senator Flood, are you...?

SENATOR FLOOD: Thank you, Mr. President. You know, I appreciate the debate about NRDs, and I guess, for the record, my bill, when I introduced it, included NRDs. I value their significance to the state. I value what they do. There can be arguments made on both sides of what type of bonded indebtedness they can enter into, or what type of projects they can do. You know, I'm interested in Senator Beutler's amendment because it seems to address the very reason the committee, from what I understood, for the most part, excluded NRDs for, and that was for a certain NRD that exists in the eastern portion of our state. After talking with Senator Brown and other members, Senator Langemeier, of the Government Committee, I understand now that maybe NRDs, you know, are quite a different political subdivision. Maybe they don't belong in here. So I'm just interested to find out what the body wants to do with that. I think it's important to note there's been much said about what can be done without an election. I want to give you some examples of debt that cities can issue, cities mind you, can issue without an election: revenue bonds for utility projects, cities can, without an election; special assessment bonds for projects as part of a special assessment district; flood control bonds for drainage projects, and you can find that in Section 10-142; public safety anticipation bonds for purpose of public safety equipment, payable from a special public safety tax limited to 5 cents; off-street parking bonds for off-street parking projects in an off-street parking district; highway allocation pledge bonds for street projects, payable from city highway allocation funds. So there are instances where cities can issue debt without an election and I, at times, am frustrated that the Legislature ties the hands of the elected officials across our state who are trying to make decisions for the betterment of their own community and who still answer to the citizens of that community. If every time we wanted to spend money on behalf of the state we had to ask for the citizens' approval on our budget, it would be so burdensome I don't know how we'd ever get business done. We do that to

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cities, and maybe in some cases for good reason. But in this situation we're trying to get them to work together and I think that this approach is the most reasonable and I think it makes sense. I thank you and I would return my time to the Chair.

SENATOR CUDABACK: Thank you, Senator Flood. Senator Connealy, on the Beutler amendment, AM0744.

SENATOR CONNEALY: Thank you, Mr. President, members. I appreciate the debate on the bill and on NRDs. The NRD system in Nebraska is one of the systems that works really well. It works different than in other states. You know, we don't have a DNR, like Iowa does, that everything is state mandated from here, you know, from Des Moines on down. And we have local control. We have authority down there at the other level. What we have...we've given them a lot of tools, and one of the things that Senator Langemeier talked about that they've really mastered is working together with other entities, building joint projects, using cooperative agreements to build structures and projects, and I think they do it better than anyplace else, and that NRDs ought to be lauded for that. I'm in opposition to this amendment because I think it treats one NRD differently than the rest, and I'm in agreement that NRDs don't necessarily need to be in LB 217. I'm open to the fact to giving them the authority to bond. That's a bill in the committee. I haven't really studied that issue in detail, but I think that ought to stand on its own. This bill is less of a level than adding authority to an entity that doesn't have bonding authority. This is allowing two entities to work together to build projects that they both have authority to do now. I'm in agreement with the bill, and I'm in opposition to the amendment because of the fact that I think it treats one NRD differently than the rest. And I think that the...expanding the authority for NRDs, while may be appropriate, ought to be...ought to stand on its own, so I oppose the amendment. Thank you.

SENATOR CUDABACK: Thank you, Senator Connealy. Senator Stuhr.

SENATOR STUHR: Thank you, Mr. President and members of the body. I, too, have appreciated the debate on the bill. I will be supporting the bill, but I am opposed to the amendment for

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many of the reasons that have already been stated. I don't believe that we should give special preference to...or actually leaving out one of the natural resource districts. But I did want to make a comment that LB 552 is the bill that was in Natural Resources, in our committee. It was the one to give some bonding authority, particularly to one NRD, and that bill is remaining in committee. At this point, there has not been enough support. I do believe that most of the NRDs have not reached their levy limit so that there is opportunity for them to increase that if there is a need. Again, I will be opposing the amendment and I'm hopeful that we can move on. Oh, I will yield the rest of my time to Senator Flood. Thank you.

SENATOR CUDABACK: Senator Flood, three and a half minutes.

SENATOR FLOOD: Thank you, Mr. President, members. I wonder if Senator Raikes would yield to a question.

SENATOR CUDABACK: Senator Raikes, would you yield to a question from Senator Flood?

SENATOR RAIKES: Yes.

SENATOR FLOOD: Senator, you expressed a very good concern and I've been doing some research on that. You asked, can a public entity do this every year? And one of the...and I have a direct answer for you on that. If you've got AM0614 in front of you or on your gadget--if not, I can read it to you--on page 5, line 1, one of the amendments that we worked on after the committee, and I wanted to raise this on the floor, we added, in page 5, line 1, "which may be outstanding at any time." Going back to page 4, it says here, Section 5, line 23, page 4, "For joint projects described in subdivision (3)(a) of Section 3 of this act, the principal amount of bonds which may be issued by a qualified public agency under the Public Facilities Construction and Finance Act shall not exceed \$5 million as to the total principal amount of such bonds which may be outstanding at any time." I think that accurately addresses that point and I was wondering, does that satisfy some of your concerns about a school or a public agency doing this every year?

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SENATOR RAIKES: Yes, it does, Senator. I would ask you, now, would outstanding...an amount outstanding at any one time, so this...would this, in effect, mean that you could only do one project? Suppose the city and the school wanted to go together with a library project, so they did that. That was \$5 million. And then a couple years later they wanted to go together on a student center or something like that. Then they couldn't...they couldn't undertake the second project until the bonds were paid off completely on the first one?

SENATOR FLOOD: As long as the debt was paid down enough that...I guess if you amortize it out, you're going to be meeting 5 percent of restricted funds if you use the maximum there. I guess it would depend on what kind of project you have, how much you're having to pay, whether you went to your full 5 percent. But if you had one project that was using 3 percent of your restricted funds, you would be limited to using the balance of 2 percent of restricted funds on your second project, would be my explanation.

SENATOR RAIKES: Okay. Or, looking at the \$5 million cap,...

SENATOR CUDABACK: One minute.

SENATOR RAIKES: ...if we had \$5 million and then we, in a couple years, we got that paid down to \$3 million, then we could go ahead with a \$2 million project at that point to take us back up to \$5 million?

SENATOR FLOOD: I don't think that the \$5 million cap and the 5 percent of restricted funds are mutually exclusive, and you have to...you have to meet each one of those requirements for each project. So maybe you weren't at your \$5 million cap, but you were at 5 percent of restricted funds. You would be ineligible, in my understanding, of doing a second project if you had not met every single requirement of LB 217 as written here, as amended in AM0614. That's my take.

SENATOR RAIKES: Okay. Thank you, Senator.

SENATOR FLOOD: I return the balance of Senator Stuhr's time to

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Senator Stuhr or the Chair, I guess.

SENATOR CUDABACK:    There's only eight seconds remaining. Senator Flood, your light is next. Why don't you go ahead with your opportunity to speak.

SENATOR FLOOD:      I guess at this time I'd like to call the question, to find out where we're at on AM0744 to my amendment, AM0614.

SENATOR CUDABACK:    Senator Flood, I'm sorry, but you can't speak and then call the question, too. You have to call the question, and that's the object of that.

SENATOR FLOOD:      Oh. I'll put on my light.

SENATOR CUDABACK:    I'm sorry about that. Did you want to continue with your speaking?

SENATOR FLOOD:      Call the question.

SENATOR CUDABACK:    Are you through?

SENATOR FLOOD:      I am through.

SENATOR CUDABACK:    Senator Mines.

SENATOR MINES:      (Microphone malfunction) (inaudible).

SENATOR CUDABACK:    Senator Mines?

SENATOR MINES:      Question, Mr. President.

SENATOR CUDABACK:    Senator Mines, there are no other lights on, so if you don't want to speak...

SENATOR MINES:      Thank you very much.

SENATOR CUDABACK:    Senator Flood, you have spoken. This will be your fourth time. I'm sorry, you are not allowed to speak. Senator Beutler, you may close on your amendment.

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SENATOR BEUTLER: Senator Cudaback, members of the Legislature, I'm just trying to find a way to include people that I very strongly feel should be included, and I feel that way because of the experience that Lincoln has had with its NRD, with the cooperative projects that go on year after year, because this bill would benefit those cooperative projects. I know in a lot of other areas of the state, because I used to follow NRDs pretty closely, cooperative projects are out there. And so if this is not agreeable, I believe I'll reintroduce the amendment asking that NRDs be included because I still have not heard a solid reason why they should not be included. But the agreement I made with Senator Flood was that if this compromise was agreeable to body, that I would stick with that, and so I think we're all anxious to see where the body wants to go on this. And I would recommend the amendment to you, and hope that you're of a mind to at least include those NRDs that nobody has any disagreement with. Nobody has expressed any disagreement on the floor with various NRDs being included, and we seem to be hung up here where there's a couple of currents of differing feelings, some related to local issues and some not. But I hope we can work our way through that and include all of the NRDs that we possibly can. And to that end, I would recommend the amendment to you. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. You've heard the closing on AM0744 which is an amendment to AM0614 to LB 217. The question before the body is, shall AM0744 be adopted? All in favor vote aye; opposed, nay. We're voting on adoption of AM0744 offered by Senator Beutler. Have you all voted on the question who care to? Record please, Mr. Clerk.

CLERK: 7 ayes, 22 nays, Mr. President, on the amendment.

SENATOR CUDABACK: The amendment was not adopted.

CLERK: Mr. President, Senator Chambers would move to amend AM0614. (FA79, Legislative Journal page 797.)

SENATOR CUDABACK: Senator Chambers, you're recognized to open on your amendment.

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SENATOR CHAMBERS: Mr. President, members of the Legislature, if anybody is interested in this amendment, you can find it on your gadget. And although I haven't called it up on mine, the staff is so competent around here that I know it has been done, and as I get the gadget operational, it is there. I'm amending the white copy of the bill that we're working from, which is AM0614. Earlier, Senator Beutler persuaded the body to adopt an amendment with which I agree, that when you're talking about the percentage of voters, the percentage of signatures that you have to get, it would be based on the number of people who actually voted rather than registered voters. I like that amendment; however, there's another problem. We should not hold out to the public the idea that they are being given the opportunity to express objection to a proposed action by a governing body, if in fact what we offer is ineffective and totally impractical of being acted on. This bill, as it's drafted, could involve some very small entities, and it may not be difficult to obtain signatures of 15 percent of the electorate in those small entities, but it also would include the public schools of Omaha. And 30 days, which is the amount currently in the bill during which these signatures can be collected, would be woefully inadequate to give anybody a semi-realistic opportunity to collect signatures equal to 15 percent of the number of people who voted in the prior election. So what my amendment would do, on page 3, in line 22; on page 4, in line 11; strike the word "thirty" and insert the word "sixty" so that the number of days available to obtain signatures on this petition, this remonstrance petition, would be increased from 30 to 60. You get a few more days. That still is a very short time. Anybody who has tried to get signatures on a petition, valid signatures, will understand that it's not the easiest thing in the world to do. So this is very reasonable. I've talked it over with Senator Flood, Senator Schimek, and they agree. So if anybody else has a question that you would like to put to me, I'm prepared to answer it. I hope I've said enough to give my rationale for the amendment. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the opening on the Chambers amendment, FA79. Open for discussion. Senator Schimek.

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SENATOR SCHIMEK: Thank you, Mr. President and members. I had a chance to visit with Senator Chambers and others on the floor and, to me, this seems like a very reasonable request, to make it 60 days instead of 30 days. I can see that in the metropolitan areas, that kind of time would probably be necessary. That was one of things that the committee itself never questioned. Perhaps we should have. But I would certainly be supportive of this. I don't think 30 days is going to make a huge difference in the long run on this process. So, Senator Flood, would you like some of my time to also respond to the amendment?

SENATOR FLOOD: Thank you, Senator Schimek. Very briefly, I think it's appropriate. I think 60 days is the right thing to do, and I support that. Thank you. Senator Schimek, do you want the balance of your time?

SENATOR CUDABACK: Senator Schimek, would you like your time back? She waives her opportunity. Senator Janssen.

SENATOR JANSSEN: Thank you, Senator Cudaback, members of the Legislature. You know, it's not only in the metro areas; out in the rural area also. I do believe that 30 days was not enough time. We certainly should treat everybody the same. I think 60 days is adequate. That should get the...even in the remote areas of Nebraska where communication isn't as good as it is in our metropolitan area. No, I'm just kidding about that. But 60 days is better. Senator Chambers, thank you for recognizing that fact. With that, I'll give the rest of the time back to the Chair.

SENATOR CUDABACK: Thank you, Senator Janssen. (Visitors introduced.) Thank you for being with us. Senator Chambers, there are no further lights on. You're recognized to close on FA79.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I need not comment any further on that. But I hope those who are following this area of the bill about voting, consider reducing that 15 percent. I haven't drafted an

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amendment to do it yet, but I've been talking about it. I've been thinking about it. And to my great delight, one of my colleagues raised the issue with me, so it is on the minds of others. I haven't drafted an amendment yet but I don't want it to blindside anybody who is favoring this bill. I think, not Senator Flood but the people behind this bill, don't really want a vote of the people. This language, even as amended, has the ultimate purpose of preventing a vote being taken. I don't want to see that happen. As for a comment Senator Flood made earlier about requiring votes, and the fact that the Legislature doesn't have to go to the people for a vote every time we're going to pass a bill to raise taxes or anything else, there's a great difference between the Legislature and the cities. The cities do what the Legislature allows them to do. They are creatures of the Legislature, they are the handpersons of the Legislature, they carry out duties that the Legislature delegates to them, they serve the Legislature, they exist at the pleasure of the Legislature. They are not legislative bodies in their own right. The Legislature giveth, the Legislature can take away. On the other hand, the Legislature, as I've pointed out in the past, has plenary or unlimited power to legislate, except on those issues and in those areas where the Constitution of Nebraska specifically limits that legislating power; or if a federal law, a federal Supreme Court decision, says otherwise. And naturally, the U.S. Constitution cannot be abrogated by anything a state legislature does. But it's a mistake to think of these counties, cities, school districts, or any other political subdivision, as miniature versions of the Legislature. They are not. They are not in the Legislature's category, in the Legislature's class, in any sense. So it is a poor analogy to go from what the Legislature has the power to do, to what cities, counties and other political subdivisions are allowed to do by the Legislature. There should be votes at the local level, especially when you have something like what is being contemplated in LB 217. A lot of what we're talking about here today is not clear to the members on the floor, and we are fabricating the law now. We don't know what's in the law. You heard discussions about what's under the lid and what is not under the lid, what are the limitations. And nobody is completely sure. So if we who are more informed than the public, if we who are writing the book don't know what's in the

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book and don't understand it, why should we pretend that somehow the public has this all-knowing awareness and understanding of what we don't understand; and therefore, we're going to make it as hard for them once they find out what's go on, to express any opposition to it?

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: Somebody, when money is spent, is going to have to pay it back. If a school district spends the money, the school district is not going to pay the money back. The superintendent, the administrators, the counselors, the coaches, the teachers, the janitors, the support staff, are not going to pay it back. The people are. And they should have the opportunity to participate. But I think the language that relates to the opportunity to participate is not really designed to achieve that purpose, but rather to frustrate it. So not being hippopotami, we cannot swallow the entire barrel at one time. We have to nibble at the apple a bite at the time, but we're slowly getting there. I hope that you will accept this amendment, and thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the closing on FA79, which is an amendment to AM0614 to LB 217. The question before the body is, shall FA79 be adopted? All in favor vote aye; opposed, nay. We're voting on adoption of FA79, offered by Senator Chambers to AM0614. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 35 ayes, 0 nays, Mr. President, on the adoption of Senator Chambers' amendment.

SENATOR CUDABACK: The amendment has been adopted.

CLERK: I have nothing further pending to AM0614, Mr. President.

SENATOR CUDABACK: Further discussion on AM0614? Seeing none, Senator Flood, you're recognized to close to AM0614.

SENATOR FLOOD: Thank you very much, Mr. President and members. This has been quite an experience here today. We're looking

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forward to the adoption of AM0614. This is the second round of corrections that I started making after the committee did its work and filed its amendment. And I worked with Senator Chambers, I worked with Senator Schimek, committee counsel for the Government Committee, and our idea was to tighten up the language. One of the things we did, as I discussed with Senator Raikes and Senator Wehrbein was concerned about earlier today, was, can you have a new project every year, \$5 million every year, more money going out, going out from a public subdivision? That's not the case. Five million dollars outstanding at any one time, for whatever projects you've got, that's the cap, that's the limit, and 5 percent of restricted funds. The other thing we did is we took out some of the political subdivisions that were in the green copy of your bill, I believe in Section 2 of the green copy. We had a whole litany of different agencies. We trimmed that down. And in Section 3, you find...Section 3(3), you find cities, villages, municipal counties, community colleges, counties, ESUs, rural or suburban fire districts, hospital districts, school districts, sanitary improvement district--that's what's in there. Is this new? Is this a brand-new concept? There are already examples of debt cities can issue without an election. Revenue bonds for utility projects, flood control bonds for drainage projects--check Statute 10-142--off-street parking bonds for off-street parking projects in off-street parking districts. So this is not new, this isn't recreating the wheel. But it is an incentive to get governments to work together. And if they don't start working together in rural Nebraska, in urban Nebraska, you're going to have a county building here, a county shed here, a city shed over here, a school district shed over here, and everybody is going to have all their different vehicles in all the different places. You're going to have administration buildings that would benefit from the joint communication that you get under this. So I would urge you to adopt AM0614. Thank you.

SENATOR CUDABACK: You've heard the closing on AM0614. The question before the body is, shall AM0614 be adopted? All in favor vote aye; opposed, nay. We're voting on adoption of AM0614. Have you all voted on the question who wish to? Record please, Mr. Clerk.

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CLERK:      38 ayes, 0 nays, Mr. President, on the adoption of Senator Flood's amendment.

SENATOR CUDABACK: The amendment has been adopted.

CLERK: Mr. President, Senator Flood has AM0605 pending.

SENATOR CUDABACK: Senator Flood.

SENATOR FLOOD: I guess in closing on...oh, AM0605.

SENATOR CUDABACK: You're opening on AM0605.

SENATOR FLOOD: I'd like to withdraw AM0605. I'm sorry.

SENATOR CUDABACK: It is withdrawn.

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

SENATOR CUDABACK: Back to discussion now of LB 217. Open for discussion. Senator Beutler.

SENATOR BEUTLER: Senator Cudaback, members of the Legislature, I think it's been a very good discussion this morning on a number of issues, although other issues were not discussed and some were not probably discussed in the depth that they should have been. But there will be another round of debate. Senator Flood has done a great job, so hopefully we can move this bill on. I'm hoping that members of the Legislature will talk to their NRDs. I hope they'll talk to them about participating in this bill and whether it makes sense or doesn't. I hope they'll talk about the storm water provision because, again, I would suggest to you that there is no valid reason for excluding storm water as an improvement that might not be the subject of a an advantageous joint effort by, for example, an NRD and a city. I know projects here in our own city where this would be useful. I can't imagine that there wouldn't be a whole large number of projects elsewhere that...where this might not be useful. And then, I hope that folks from some of the bigger areas will think about whether the \$5 million cap, which applies alike to Omaha and to a city of 1,000; a \$5 million cap doesn't mean the same

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thing to a city of 1,000 as it does to a city of 700,000. And as the drafter of the amendment differentiated the caps with respect to the computer section of the improvements, certainly it would make some sense to differentiate the cap that applies to buildings and other kinds of improvements. And I hope between now and Select File, maybe some people can work on the idea of selecting a little higher cap that would apply to larger places, so that the relative scale of things is recognized, and one entity is allowed to do essentially what the other is, at about the same scale. And with that, I'll conclude my remarks and thank Senator Flood for being open-minded on a whole number of topics, and hopefully there can be some more compromises before this bill comes before you again. Thank you.

SENATOR CUDABACK: Thank you, Senator Beutler. Senator Flood, there are no further lights on. You're recognized to close on the advancement of LB 217.

SENATOR FLOOD: Thank you, Mr. President and members. I'll be very brief. I think I just did a closing that I'd like to substitute when I...when we did AM0614, incorporated by reference. But this is important to the state. It's important for the cooperation of governments statewide, and I think after its adoption, and I urge your adoption of the bill on General File, you'll see counties and cities working together because they see a mutual benefit. And that's what this bill does, and I urge you to vote for it. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Flood. You've heard the closing on advancement of LB 217. The question before the body is, shall LB 217 advance to E & R Initial? All in favor vote aye; those opposed vote nay. Have you all voted who care to? Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB 217.

SENATOR CUDABACK: LB 217 advances. Mr. Clerk, items for the record.

CLERK: Thank you, Mr. President. Your Committee on Education,

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chaired by Senator Raikes, reports LB 690 to General File with committee amendments attached. Transportation Committee, chaired by Senator Baker, reports LB 65, LB 68, LB 86 to General File; LB 697 to General File with amendments; LB 333, indefinitely postponed; and LR 15 reported back to the Legislature for further consideration; all those signed by Senator Baker as Chair. New A bills: Senator Mines offers LB 389A (read title); LB 664A, by Senator Cudaback, (read title). Priority bill designations: Senator Friend to LB 116; Senator Janssen, LB 573, as one of the General Affairs committee priority bills. And an announcement, Mr. President: the Revenue Committee will have an Executive Session today at 1:30 in Room 1524; Revenue at 1:30 this afternoon. That's all that I have, Mr. President. (Legislative Journal pages 798-800.)

SENATOR CUDABACK: Thank you, Mr. Clerk. (Visitors announced.) Members, it is approaching 11:00. We will now go to the 11:00 item, motion to override gubernatorial veto. Mr. Clerk.

CLERK: Mr. President, Senator Schimek would move that LB 53 become law notwithstanding the objections of the Governor.

SENATOR CUDABACK: And members, if there is any time remaining we will go...after we dispense with this item, we will go to LB...back to LB 675. Senator Schimek, to open on your motion.

SENATOR SCHIMEK: Yes, thank you, Mr. President and members of the body. I didn't file this motion lightly, but the motion is part of an institutionalized process that maintains the checks and balances and assures some equality among our three branches of government. The Governor has tremendous power and he can veto what 49 have done as a body, but the Legislature's ability to override has that equalizing function. Now I have to tell you that I think, if my memory is correct, this is the second time that I have ever offered a motion to override a veto. The first one was on the Women's Health Initiative, oh, about five or six years ago, and frankly, I didn't know if I had the votes to override. Of course, you never know whether you have the votes override, but I could count 23 votes for sure at that point. And I think the discussion on the floor actually convinced people that we needed to override that veto, and we

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ended up with 33 or 34 votes without even calling the house on that one. So this debate this morning is important, and I think it's important for us to try to get as many of the issues discussed as we can. I believe there was one other time a bill of mine had a motion to override, and that was the Governor's...or constitutional officers salary bill, but we always have to override those vetoes, and I think somebody else offered the motion. In the Governor's veto message, he said: I firmly believe that any restoration of voting rights should be considered thoughtfully on a case-by-case basis. In other words, it should be a Board of Pardons process. I disagree, for several reasons. First of all, I think that's a subjective process. Secondly, it could change whenever the Board of Pardons decided to change it. They could have changed the ten-year provision years ago, had they wanted to do so. And actually, it would be like being in court for a second time for that ex-felon. I believe that Nebraska's process needs revision. Ten years is a long time to wait, particularly if you consider that you may have already spent a long time either in prison or on parole or whatever. Very few people make it through the pardons process. And I made it a point to look up some information about how many felons are released from prison every year and what the pardons process actually did. So I used the year 2004, and in the year 2004, there 1,214 men and women who were released or discharged from our prison system. Now there were a whole lot of others that were released to parole, that were released from work camp, that were released from evaluation, but those don't count because the only ones we're talking about here are the ones who have completed their sentence and are discharged from the prison system. In comparison, last year...or actually it's Fiscal Year '03-04, because that's the way they compiled the data, there were 145 applications presented to the Pardons Board for consideration. Now if you think about that, think about around 1,000 people released every year from our prison system, and yet we're not having very many people actually apply. Of those 145 applications that were presented, 26 were denied or tabled. So that means 69 people actually got through the Board of Pardons process. Why is that? Well, because the pardons process is somewhat intimidating. Sometimes you even need an attorney to go before the Pardons Board. Secondly, I think people are

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reluctant to dig up their past. They've put their past behind them and they've gotten back out into the community. They've maybe even raised a family, been successful, starting a business, whatever. And they don't want to go back to a public process and have to expose their past to people who may not even know about it at this point. I think it's also difficult to administer for county clerks and election commissioners. And I mentioned to you on General File that we had at our hearing county clerks and election commissions who came in in support of this bill, because as we discussed in a Vote Nebraska Initiative, there are many times when a county clerk or election commissioner is not going to know whether somebody is a convicted felon or not. They're not going to know. So they feel uncomfortable about it and they don't feel comfortable challenging people, so they were very much in favor of making it a straight across-the-board automatic kind of procedure. One of the things that I believe that the Governor mentioned at some time or other, either in newspaper articles or letters or whatever, that there isn't any public support for this, the public doesn't support it. Well, I can at least tell you about one survey that was done and published in a book by two men named Uggen and Manza and they surveyed 1,000 Americans, and those...that poll showed that 80 percent of Americans, of those thousand that were polled, favored restoring voting rights once the sentence was completed, which is what we're trying to do here now. I should mention to you that, again, that the public hearing was very well attended. And in fact, if you look at your gadget and look at the statement, the committee statement, you'll see that there was no opposition to the bill. It was very definitely a huge representation from the public. And I want to remind you that there were committee members who came into that hearing thinking that they weren't going to support it, who left having voted for it in committee with the two-year provision. I also would like to remind you that the Lincoln Journal-Star and the Omaha World-Herald, two of the largest newspapers in the state...or the largest newspapers in the state, have also endorsed the plan. In fact, the Omaha World-Herald said, why wait two years; this seems to be the thing to do. I don't know about you, but I received very few letters, e-mails, or phone calls, in opposition to this bill. The American Bar Association, the American Correctional

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Association, the League of Women Voters, the Ford-Carter Commission in '96, all of these groups and many more are...support the idea of the restoration. Finally, and I know that this may be something that's on at least a few minds in here, is the constitutionality question. And that's been raised in connection with this bill.

SENATOR CUDABACK: One minute.

SENATOR SCHIMEK: In other words, why aren't we trying to adopt a constitutional amendment? Why do we think we can do it by legislation? And I can see that I'm going to run out of time, Mr. President, so I think I will turn my light back on and get to that in a minute. I'm also going to hand out, to refresh your memories, a handout that will show you what other states are doing. Nebraska is really the most regressive in its policies of most of the states in the United States regarding the ten-year wait. And what that ten-year wait means for most ex-felons is that they never do get the right to vote. So I would ask for you to thoughtfully consider the override, and I would be happy to answer any questions that you might have. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Schimek. You've heard the opening on the motion to override. (Visitors introduced.) Those wishing to speak to the motion to override are Senators Brashear, Brown, Kruse, Foley, Smith and five others. Senator Brashear.

SENATOR BRASHEAR: Thank you, Mr. President, members of the body. And unless engaged by one of you, I will only speak once. I wanted to speak early. I thank Senator Schimek for all of her work on this bill, and having done that, as we so often do in politics, now I respectfully disagree with her. I do not think there is a debate to be had. I do not think we need a great debate. I think the time has come to do our duty as we see it. The Governor has done his. I respect that. And this is not about the Governor. He's acted, that's over. The fact is that we had what...a debate that I would commend the body for on this bill. We thoroughly engaged in the process. It was informative, it was civil, it was elucidating. We acted, we

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acted correctly. Then I think we act correctly now if we override. I don't think there's a debate to be had. It's not about the Governor, it's not about the victims. I've heard people talk about victims, I understand that point of view. I've done a little work in the victim area, trying to give victim...you know, maintaining the status quo and keeping things from people is not a positive or a rehabilitative thing and, in fact, it takes on shades of the side of our corporate personality as a state that I don't think we want to foster. Just as we...I have supported victims' rights on this floor and will continue to, this is not...this has nothing to do with victims' rights. It's not a positive for them. This is not about process; this is about those people who would have had justice administered in their case, who would have complied with and submitted to the authority of the law, who would have served their time, and who would come back with an affirmative desire to participate in our society positively and compliantly. And what is it about our personality that would put that off for ten years and worry about the exception rather than the rule? I've heard about all the specific horrific situations where we ought not restore rights. Well, somebody I respect has taught me and I've certainly learned it on this floor, perfect is the enemy good. And if you keep it away from all of the several people who should not have their rights restored, you will keep it away from all of the many to whom, if you considered their case individually, you would want to restore their rights. This is a positive, affirming thing for people who will have paid their dues in all respects and then waited two more years for you to bestow upon them a privilege. And that's a good touch for a positive society interested in rehabilitating people. And it ought not be controlled by those who will always be negative or wrong. I urge our affirmation of the good work we did on General File and then that we move on...

SENATOR CUDABACK: One minute.

SENATOR BRASHEAR: ...to the other important business of the people that we have before us. Thank you.

SENATOR CUDABACK: Thank you, Senator Brashear. Senator Brown, followed by Senator Kruse, on the motion to override.

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SENATOR BROWN: Mr. President and members, I can only echo what Senator Brashear has said. And I will acknowledge that part of my change on this issue and on some other issues are the discussions that we've had on the floor, many of those led by Senator Brashear, about our corrections system and what we can do to make individuals who have offended against society a part of society again. And with that, I would yield the rest of my time to Senator Schimek, to continue the discussion about the constitutional issues which I think we do need to have a little bit of a discussion about today. And then I would hope that we can move forward on this override. Thank you.

SENATOR CUDABACK: Thank you, Senator Brown. Senator Schimek, you have about four minutes.

SENATOR SCHIMEK: Thank you, Mr. President, and thank you, Senator Brown. I appreciate that. And I won't be lengthy on this because, let's face it, I'm no attorney and I'm not going to be able to explain all of the intricacies of the law. But what I can explain to you is that there recently have been two court cases which led our committee counsel--first, I have to give her a lot of credit--and then a professor at the University of Nebraska, and the Brennan Center from out of state who looked at this issue, too, led us all to believe that, yes indeed, this is...at least there is a strong argument that this is constitutional. One never knows until one goes to court whether it is or isn't. But in the case...in the first case that I want to mention to you, it's Ways v. Shively, and in that case Mr. Ways wanted to compel the election commissioner here in Lancaster County to allow him to register to vote, even though he was an ex-felon. And the court found that Mr. Ways, indeed, was not entitled to vote under current law, but the court stated in that decision, and I want you to listen carefully to this; the court stated that "restoration of the right to vote is implemented through statute." That's as simple as I can make it, and I think it speaks loudly and clearly. The second thing I wanted to go over, and it's a little bit more complicated, is that one of the arguments made against restoring felons' voting rights through statutory changes is that the Board of Pardons is the entity authorized to grant reprieves, respites, pardons, or

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commutations. And that's in Article IV, Section 13, of the Constitution. To allow the Legislature to restore voting rights through statute, the argument goes, would be a violation of separation of powers. In other words, if the Board of Pardons, which is an executive branch entity, is the only entity which can restore civil rights, grant pardons and commutations, then the judicial and legislative branch could not perform such functions because of the separation of powers clause. For example, in State v. Phillips, which I think Senator Synowiecki mentioned on the floor one day during debate, the court held that a statute which allowed a court to reduce a sentence was an act of commutation and, therefore, an unconstitutional statute since only the Board of Pardons, not the judiciary, has the power of commutation. The other part of that argument, and the response to that, is that a later case, the State v. Spady, the Nebraska Supreme Court said that...well, in that case Mr. Spady filed a motion to set aside his conviction as allowed by state law.

SENATOR CUDABACK: One minute.

SENATOR SCHIMEK: The lower courts held the statute allowing the court to set aside a conviction was a violation of separation of powers because the set-aside amounted to a pardon or partial pardon. The Nebraska Supreme Court stated a commutation was a substitution of a lesser or partial punishment. And without going on into great detail, the same reasoning applies to LB 53. The bill is limited because it restores only voting rights, not the right to hold office or be a member of a jury or carry a gun or any of those other kinds of rights. I would argue that it is the Legislature that sets...

SENATOR CUDABACK: Time, Senator.

SENATOR SCHIMEK: ...the rights of people to vote, the ages, and so forth, and this is a natural extension...

SENATOR CUDABACK: Time, Senator Schimek.

SENATOR SCHIMEK: ...of that. Thank you.

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SENATOR CUDABACK: Sorry. Senator Kruse.

SENATOR KRUSE: Thank you, Mr. President and members. I support the motion. We've been at this for a while. We've come a long ways, and it is most appropriate that we have spent that time. I remember four years ago when we brought this issue to the Legislature, that we were told to wait for a ruling from the court as to whether this was constitutional. We waited for three years, and one year ago, in fact, this month, the court did say that it was an issue that the Legislature may speak to. We were also told to wait for a change in procedures in the Board of Pardons, and we're still waiting. I see that as kind of a side issue because what we were waiting for, frankly, was unrealistic and disconnected from the real world, as I would see it. I'm in my fifth year here and I've never put on my pastoral hat on the floor. I will do so now. Pastors have to deal with real people. I have a neighbor who has been out for ten years. He is a joyful man, with a wonderful family, good job. He is out there in the community, he does everything, he's just the kind of person you want within your community. Some would say that I should go to him if we were to vote one way on this and say to him that he should approach the Board of Pardons for permission to vote. Could I ask him to do that? Could I ask him to go back to a place that he has successfully put behind him? Can I ask him to go back to the nightmare of the courtroom and to relive that? Could I ask him to go back and, with hat in hand and attorney at his side, putting down as much of himself as he can, be as self-effacing and humble as he possibly can, as he stands before the man and pleads for justice; and then sits there waiting with rounded shoulders and bowed head to hear the man decide if he was worthwhile? I don't think I could ask him to do that. I know that he would not do it. It is total humiliation. And one thing that I have to recognize, we on the floor see this Board of Pardons as good folks. That's our view. His view is a nightmare. Would I, if I were in his place, go back and make application? I don't think so. I would rather keep my dignity, and I would much rather that we allow him to keep his dignity and help him to move on.

SENATOR CUDABACK: Thank you, Senator Kruse. Senator Foley, followed by Senator Smith and others.

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SENATOR FOLEY: Thank you, Mr. President and members. I spoke on this bill on Final Reading and I want to just amplify a bit some of the comments I made at that time. And again I want to thank Senator Schimek for offering this bill, although I will be voting to sustain the Governor's veto. I think Senator Schimek has called to our attention a policy that many of us probably didn't know a lot about because it wasn't a question any of us had ever had to face in our lives or in our families' lives. And Senator Schimek has made some good points about those who have made mistakes and want to just move on with their lives and be reintegrated into our society and become full members and hold down jobs and raise their families and pay their taxes and play by the rules. But I think there's more to it than that. I think we're taking away an element of discretion here that ought to be exercised in certain circumstances where people commit crimes, show no remorse, make no effort whatsoever to assist those who have been victimized. And those of us who have expressed reservations about this bill have, at certain levels of debate, been accused of playing politics with the issue. But we've got 800 bills on the floor here. Every single one of those bills has a political dimension to it, including this one. As I understand it, the green copy of this bill didn't have the two-year rule in it. It does now. Why was that put in? Why two years? It was a political calculation, and I don't begrudge that. That's fine, that's fair. But what we're really doing here is we're taking away the discretion of the Board of Pardons to handle these cases with all the facts in front of them. This is one-size-fits-all approach, and I don't think one size fits all, with respect to the restoration of these voting rights. I think there are cases where two years is not long enough. I think we've had a very healthy debate on this issue. I don't know if we'll learn a lot new this round. Most of us have probably made up our minds but, again, I just want to put myself on record as being appreciative of the work that Senator Schimek has done. I think she's trying to move us in the right direction, quite frankly, and I'll acknowledge that. But it just goes further than I'm...than I want to go, and I'd like to see a policy that shows a little bit more discretion. We hear about all these states that have all this automatic restoration. That's not quite true. Many of those states do have...make

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distinctions for categories of crimes and the severity, the seriousness of crimes. But this approach really isn't about that, and that's why I have some objection. Thank you, Mr. President.

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

SENATOR SMITH: Thank you, Mr. President and members. I rise to support the veto, if you will, or at least vote to sustain the veto of the Governor. I think he has very adequately and appropriately pointed out the constitutional concerns about it. I would argue that if this is about civil rights, we would be restoring all rights. We would be restoring gun ownership to violent criminals. We wouldn't even think about doing that. There's hesitation in the body to let a law-abiding citizen carry a gun the way he or she may want to, but I don't want to dwell on that. I don't think that editorials in our newspapers should have anything to do with it, the way I vote certainly. Sometimes I wish that I could leverage a few more votes based on editorials, but that hasn't worked in the past. This Legislature is not the body to grant ultimate redemption. We can't even try to do that. We've heard from families of victims, and I understand that's not really part of this debate either, but nonetheless, we can't get around that. I'm disturbed by the fact that our Secretary of State, John Gale, says that the Board of Pardons has a policy of never pardoning drug offenders. That's his policy, that's not ours. He has a vote there. I know he's pushed for the Vote Nebraska Initiative that has within that restoring felons' right to vote. I know that Secretary Gale apparently has been supporting that. I find that disturbing. But the fact is, we have the rule of law in our society. We have law and order, and I think it's only appropriate that the pardons process is subjective. Senator Schimek very appropriately pointed out that the pardons process is subjective. That's exactly right. Some felons are violent criminals, others aren't. They can determine for themselves who should be pardoned, and for various reasons, and withhold some, not an automatic pardon. This is about an automatic pardon relating to voting for felons, automatic, when there's already a process in place that withstands constitutional scrutiny, that might restore the voting rights. But I strongly object to the

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fact that this is all about rights and redemption and forgiveness because it's not. I still argue that it's political because if this were based on rights, we would be restoring all rights upon completion of the sentence, not even after two years, all rights: first amendment, second amendment, down the line. That's why I admire the Governor for vetoing this, because I think it maintains law and order in our state and not this piecemeal bit that whatever rights can muster the political support in the Legislature, well, then we'll do that. If there's something else, well, then we'll do that, too. I have concerns that there are parts of our voting system that are wide open. I'm not convinced that a convicted felon living in prison...

SENATOR CUDABACK: One minute.

SENATOR SMITH: ...cannot vote. I don't think we have a process in place that protects the disenfranchisement of the rest of the voters. But I'm not here to work on that at this point. I'm not...certainly not up here to speak on that. But we have the process in place that withstands the constitutional scrutiny, provides a pardon for those who deserve it, those who ask for it. And I realize that it might be difficult to sort through some of those issues after a time for criminals who are truly repentant and remorseful, and that is part of the process of restoration is dealing with those issues. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Smith. Senator Friend, followed by Senator Dwite Pedersen. Senator Friend.

SENATOR FRIEND: Thank you, Mr. President. Members of the Legislature, I almost turned my light off, and part of that reason that I almost...part of the reason that I almost turned the light off is because of some of the comments that have already been made. Senator Brashear, obviously, as always, eloquent comments. Senator Schimek, very well thought out. Even the proponents of, I guess, the Governor's actions, well spoken. But there's something here that I guess disturbs me a little bit, and that is the idea or the implication that we can't talk, or we shouldn't be talking any more about this

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issue. This is a huge, public policy shift, huge. We have a process in place, as Senator Smith eloquently spoke of, that works. Over 50 percent of the people that actually approached this process to receive their voting rights back were reinstated, which led me to the conclusion or to ask the question and try to find a conclusion, what happened to the people that wanted those voting rights back but didn't get them? I wonder why. You think we might want to investigate that? One more thing, one more thing. This is political. We brought it up. Not only that, it's probably partisan. But let me tell you this. I never saw anything from the Republican party yet. I haven't seen anything from Democratic party. But let me tell you this. This disenfranchising voters, in my opinion; 33,000 voters in each of our districts, potential voters; 20,000 of them are registered. I'll bet less and 10,000 of them voted for each and every one of you, even if you were uncontested or hotly contested. I would submit that throughout this country, and particularly in this state, the only people that are truly, truly disenfranchised are the ones that choose to disenfranchise themselves. Twenty thousand registered voters in my district, less than 10,000 of them voted last time. Let's go disenfranchise ourselves. Let's sit at home and watch Mike Friend go down there, take the microphone, and make...and mess up District 10. Well, next time maybe they'll have a chance when they hear these type of comments to kick me right out because they don't like it. But guess what? I'm here to tell you we're disenfranchising ourselves. This doesn't help anything. There's a pardons process there. Evidently it works pretty well. Fifty percent of the people were actually reinstated and, hmm, another 48, 49, or 50 percent weren't. I wonder why. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Friend. Senator Dwite Pedersen. The question has been called. Do I see five hands? I do see five hands. The question before the body is, shall debate cease on the motion to override? All in favor vote aye; opposed, nay. We're voting on the motion to cease debate. Have you all voted on the question who care to? We're voting on the motion to cease debate. Have you all voted? Have you all voted who care to? Record please, Mr. Clerk.

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CLERK: 25 ayes, 12 nays, to cease debate, Mr. President.

SENATOR CUDABACK: Debate does cease. Senator Schimek, you're recognized to close on your motion.

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I think I'm going to follow the lead of our Speaker and try to be abbreviated and short on my closing remarks. I appreciate the fact that people do feel strongly about this issue, on both sides, I might say. I feel powerfully strong about this issue, but I know that there are people who...like Senator Foley, for instance, who is very gracious in his remarks. I know that he feels strongly about his point of view as well. But I would just ask you to uphold the vote of this body and to indicate to everyone that we stand behind our decisions, and that it is important for us to do so if we believe that this is good public policy. And I have to remind you, you were very supportive on General File, on Select File, even though we didn't call the house, and on Final Reading. So I would ask that you vote to overturn the veto of the Governor. Thank you.

SENATOR CUDABACK: Thank you, Senator Schimek. You've heard the closing on the motion to override the gubernatorial veto. Senator Chambers, for what purpose do you rise?

SENATOR CHAMBERS: I'd like a call of the house.

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. Senator Smith, for what purpose do you rise?

CLERK: 40 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 report to the Chamber. Senator Smith, for what purpose do you rise?

SENATOR SMITH: On the vote I would request a roll call vote in reverse order, please.

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SENATOR CUDABACK: The house is under call. Senator Synowiecki. All members are present or accounted for. There's been a request for a roll call vote in reverse order on the question, and the question is, shall LB 53 pass notwithstanding the objection of the Governor? Mr. Clerk, call the roll on the question, please.

CLERK: (Roll call vote taken, Legislative Journal page 801.) 36 ayes, 11 nays, on the motion that LB 53 become law notwithstanding the objections of the Governor.

SENATOR CUDABACK: The motion was successful. I do raise the call. As stated earlier, we will now return to LB 675. Mr. Clerk.

CLERK: Mr. President, LB 675. (Read title.) The bill was introduced on January 19, referred to the Transportation Committee for public hearing, advanced to General File. I do have committee amendments, Mr. President. (AM0631, Legislative Journal page 697.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Langemeier, to open on LB 675.

SENATOR LANGEMEIER: Mr. President and members of the body, LB 675 would change two things regarding school permits: the allowable use of the school permit, and the requirements necessary to obtain a school permit. LB 675 would define and expand the allowable uses of a school permit to include extracurricular activities within a school district or adjacent school districts. The second portion of this bill requires an applicant for a school permit must present a driving examiner proof of successful completion of a driver's safety course and either proof of successful completion of a written examination with a driving test conducted by a driving safety instructor or a certificate signed by a parent, guardian, or licensed driver 21 years of age or older, verifying the applicant has completed 50 hours of lawful motor vehicle operation. A learner's permit, good for two months, would be issued to the student at the age of 14, to allow time to complete the 50 hours of driving

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experience. When the above requirements are met, the school permit could be issued to the student at age 14 years and two months, effective until age 16. As stated earlier, there is an amendment to add on to this bill that goes back to the first portion that I talked about, to allow school permits to be used in adjacent school districts. You'll see the amendment is added on there because that was not my intent. My intent was to allow the students to use the school permit, to go to the school in which they are enrolled, not to attend a neighboring school, away basketball game, and it may not even be their school even participating. So the amendment clarifies...restricts the use of it back to the school district in which the student attends. And with that, I will return my time and look for discussion.

SENATOR CUDABACK: Senator Baker, you're recognized to open on the committee amendment, AM0631.

SENATOR BAKER: Thank you, Mr. President and members. Senator Langemeier did an excellent job of explaining the committee amendment. It strikes the language that says "or adjacent school districts" and insert only "in which he or she attends school" so that it is not as broad as the green copy. It simply says you may use a school permit to attend activities within your school district, not adjacent school districts. And that's the amendment. I'd be glad to answer any questions. Thank you.

SENATOR CUDABACK: Thank you, Senator Baker. You've heard the opening on the committee amendments by Chairman Baker. Open for discussion. Senator Erdman. He waives the opportunity. Senator Cunningham.

SENATOR CUNNINGHAM: Thank you. Senator Cudaback and members. I stand in full support of Senator Langemeier's bill. I, too, brought a school permit bill to the Transportation Committee. It was LB 220. I had the same concerns as Senator Langemeier. In one of my counties, actually probably more than one, but it was brought to their attention that the judge was interpreting where a school permit could be used differently. And we found that across the state of Nebraska it was interpreted differently. So in one of my counties, at least one of them, it was determined that the student with a school permit could not

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drive to school in the summertime for weight lifting or any other school activity. And my main goal in introducing the bill was just to clarify so it was done across the state of Nebraska the same way. So that was my number-one goal. My bill had some other parts of the bill, but Senator Langemeier's came out of committee and I'm in full support of his and I would hope that we could support that. Thank you.

SENATOR CUDABACK: Thank you, Senator Cunningham. Senator Janssen.

SENATOR JANSSEN: Thank you, Senator Cudaback, members of the Legislature. Now, it was my understanding that a school permit always was to and from the school you were attending by the shortest route possible. And I don't believe it ever was intended for that person to go to another school to attend a basketball game or a football game or something like that. Now, Senator Langemeier, if I could just ask you a couple of questions?

SENATOR CUDABACK: Would you respond, Senator Langemeier?

SENATOR LANGEMEIER: Yes.

SENATOR CUDABACK: Members, it is a little noisy in here. Would you please hold it down? We have trouble understanding the speakers and...thank you.

SENATOR JANSSEN: Now, Senator Langemeier, with your bill, they would be able to attend, like, weight lifting and during the interim when there is not school going?

SENATOR LANGEMEIER: Yes, they would. We encourage our kids to participate in sports, but yet the weight lifting we exclude them from in the summertime. And there's a trend out there, if you don't participate in those summer activities, you don't get to play. So it would expand to allow them to drive in the summer.

SENATOR JANSSEN: All right. Thank you, Senator Langemeier. And this is a privilege we have given young students under the

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age of 16. And I know myself several years ago, I did have a school permit. That's been a long time ago. But at that time, we were...we did abuse that. No one ever said too much. But with the mode of transportation we have today, I believe it is necessary to have this type of statute to not only to protect the lives of these young people and not make it so restrictive that they cannot attend those programs during the off year. Senator Langemeier, I appreciate your bringing this bill. I think it's a good bill, and the young people will have to learn not to abuse the privilege that we do give them. So thank you very much.

SENATOR CUDABACK: Senator Stuhr.

SENATOR STUHR: Thank you, Mr. President and members of the body. I thank Senator Langemeier for bringing this bill. It is an issue that has certainly...I have received a number of phone calls from parents in my district who have been concerned about this because of the various interpretations of the bill. They may live in one county, their children attend school in another county, and their learner's permit has been taken, which then means that they have to provide transportation for their students to attend these extracurricular activities, which may be 30 miles from where they live. And if...they have expressed to me that if they were in another profession besides farming, it would be very difficult and their sons or daughters may not be able to participate. So I commend you for bringing this to us because I do believe that we need this clarification in the statutes, and I am in support of the amendment and also the bill. Thank you. And I would certainly give the rest of my time to...back to the Chair. Thank you.

SENATOR CUDABACK: Thank you, Senator Stuhr. Senator Schrock, on AM0631.

SENATOR SCHROCK: Mr. President and members of the Legislature, Senator Langemeier, this has always been a contentious issue in my area of the state, and it's contentious for those who have children that live in town that can't drive, and contentious for those that do. But could you just help me out a little bit? Is there any restrictions on who can ride with someone with a

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school permit? Can they have other school children, school kids, ride with them? If you would respond?

SPEAKER BRASHEAR PRESIDING

SPEAKER BRASHEAR: Senator Langemeier, will you yield, please?

SENATOR LANGEMEIER: ...,too. Yes. The provision now is to take your siblings only.

SENATOR SCHROCK: Okay. And that hasn't changed then?

SENATOR LANGEMEIER: I don't believe so.

SENATOR SCHROCK: Because I know when my sons got their school permits, why then, the issue was everybody wants to ride with them. And that becomes a big issue. And so, if...I think what you're doing is appropriate. I don't think it's good for other siblings. But what about if a neighbor is 15 years old and your son is 14 years old and they want to carpool? How does that work?

SENATOR LANGEMEIER: Right now, the provision does not allow them to ride together.

SENATOR SCHROCK: I think we should take a look at that. And I will not hold this bill up now. But I do know that when I was younger going to school, we carpooled, and it wasn't always people 16 years old available to drive. And so, if the neighbor wants to ride with you and you want to take turns driving, I think that's probably very appropriate, and saves some expenses when you live out there in the country. So does that sound like something rational to take a look at to you?

SENATOR LANGEMEIER: I appreciate your thoughts. Some of the concern right now with the whole school permit process is just the unclarity of who can use them, where you can use them, and who can go with you. The intent of this was, number one, to kind of clean that up. And I'm receptive to the idea, but that, too, would add more confusion than clarity. Senator Bromm, prior to mine, and I'm burning your time now, but Senator Bromm,

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my predecessor, looked at this and did a survey of county attorneys across the state and got 20 different opinions back from 20 different county attorneys on how they were going to enforce this. And that was some of the concern to bringing this was to clarify it. And if we could do it in a manner where we could keep it pretty clear, I'd be very receptive.

SENATOR SCHROCK: Okay. Let's take a look at that between now and Select File about students who live some distance from town and may have limited resources, about their ability to carpool. So I would like to look at that because I know, in the past, I've seen carpooling done and the driver doesn't necessarily have the 16-year-old driver's license, but just has a school permit. And should the neighbor be able to ride with him? And matter of fact, I could tell you that was my mode of transportation for football practice because my brother went home early so I had to ride home with a neighbor. And we were both the same age and we were on a school permit. And of course, at that time who knows how we interpreted the school permit, but I think bringing clarity to this is definitely important because, you're right, everybody has a different opinion of what is right and what isn't. But I would like to see us look at that. And maybe it's inappropriate, but I think maybe it's something we should consider.

SENATOR LANGEMEIER: I'm more than happy to talk about it and we'll see what we can do.

SPEAKER BRASHEAR: Thank you, Senator Schrock. Members, LB 53, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 10th day of March, 2005, and I have signed same. Thank you. (Legislative Journal page 802.) Senator Price.

SENATOR PRICE: Mr. Speaker and members of the body, I will do some homework, Senator Langemeier, between now and Select, but hearing the discussion, I just thought of a young man who called me. He attends Lincoln Public Schools, and he could not get a school permit because he lived in Lincoln, but his rural...his post office box and route was a rural route. And so it might be

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something that should be considered in this legislation also. But like I said, I will go through a file downstairs and find this information. I don't know if you had questions on this also.

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Senator Langemeier, would you respond.

SENATOR LANGEMEIER: I'd be more than happy too. We can look at that. I don't have a clarification on that at this time.

SENATOR PRICE: Well, I would appreciate your help. It's too late to help this young man because he now is a senior or has graduated. But it was just something that, when I did some checking, it just was very unclear. I'd appreciate your help.

SENATOR LANGEMEIER: You bet, more than happy to.

SENATOR PRICE: Thank you. I return the balance of my time to Senator Langemeier if he would like to use it.

SENATOR CUDABACK: Senator Langemeier, would you like to use the remainder of her time?

SENATOR LANGEMEIER: Sure, thank you, Senator Price. I think the key thing to this is, it's...we're trying to take a simple approach to defining the use of school permits. Right now, there's a wide variety of uses out there that's going on. And again, we're trying to just clarify what you can use it for to bring some consistency in across the state of Nebraska. And as you talk to students,...this was brought to me by the Butler County youth group, and as they look at how it's treated in just different areas of the county from where they live, it's just trying to clarify this and make it consistent across the state so we know what our 14-year-old young students are doing. Thank you.

SENATOR CUDABACK: Thank you, Senator Langemeier. Further discussion? Seeing none, Senator Baker, you're recognized to close on AM0631.

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SENATOR BAKER: Thank you, President Cudaback and members of the body. I could answer a couple of questions that were raised there. That person who...to be eligible for a school permit, you have to reside one and one-half miles outside the city limits. That's in statute now. We're not changing that. It's what this bill is doing. And I'm going to speak to the bill, I guess, more than the committee amendment, because there's not much to the committee amendment. And I won't turn my light on again. I'd like to move this bill. But it clarifies to the fact that a student can use their school permit to attend school functions outside the school year, extracurricular activities, as Senator Langemeier mentioned, weight lifting and band practice and things like that in the summer within their district. Speaking directly to the committee amendment, the bill was written too broadly and it allowed people...school permit holders to drive to adjacent districts for activities. We took that back out and it has to be within their attending school district. I do want to add one item while I have the floor, and that's that we had a group of students from...representing the Butler County Youth Council come down to testify on this bill. I know they worked with Senator Langemeier with it, did an excellent job. There may be a future state senator or two in that group, the way they testified. I want to commend them publicly that they did an excellent job. I would urge adoption of the committee amendment, AM0631. Thank you.

SENATOR CUDABACK: Thank you, Senator Baker. You've heard the closing on AM0631. The question before the body, shall those amendments be adopted to LB 675? All in favor of the question vote aye; those opposed, nay. The question before the body is the adoption of the committee amendments offered by the Transportation Committee. Have you all voted on the question who care to? Record please, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of committee amendments.

SENATOR CUDABACK: Committee amendments have been adopted.

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

SENATOR CUDABACK: Thank you, Mr. Clerk. Back to discussion on advancement of the bill itself. Senator Langemeier, there are no lights on. You're recognized to close on LB 675.

SENATOR LANGEMEIER: Thank you, Mr. President, members of the body. And again, this bill is out there to clarify and expand some uses of the school permit, and to give the rights to expand the use. We're going to add a little more training on it. I think it's crucial that we keep our drivers out there informed and educated. And with that, I'd appreciate and ask for your support for LB 675 and advancement to Select File. Thank you.

SENATOR CUDABACK: Thank you, Senator Langemeier. You've heard the closing on advancement of LB 675. The question before the body is, shall LB 675 advance to E & R Initial? All in favor of the motion vote aye; those opposed, nay. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 35 ayes, 0 nays, on the advancement, Mr. President, of LB 675.

SENATOR CUDABACK: LB 675 does advance. Mr. Clerk, LB 675A.

CLERK: LB 675A, by Senator Langemeier. (Read title.)

SENATOR CUDABACK: Senator Langemeier, to open of LB 675A.

SENATOR LANGEMEIER: Mr. President and members of the body, as you all well know, everything doesn't come cheap in this body. LB 675A is an A bill required by the Department of Motor Vehicles. They have to do a little bit of software upgrading in their system to allow for these licenses. And with that, I'd appreciate your consideration in supporting LB 675A, which is the funding for some software for the Department of Motor Vehicles that they've requested to implement the program. Thank you.

SENATOR CUDABACK: Thank you Senator Langemeier. You've heard the opening. Open for discussion. No senators wishing to

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speak. Senator Langemeier, you're recognized to close. He waives the opportunity to close. The question before the body is, shall LB 675A advance to E & R Initial? All in favor of the motion vote aye; those opposed to the motion vote nay. Voting on advancement of LB 675A. Record please, Mr. Clerk.

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB 675A.

SENATOR CUDABACK: LB 675A advances. Mr. Clerk, items for the record, please.

CLERK: Mr. President, priority bill designations: The Urban Affairs Committee has selected LB 748 and LB 161. Senator Janssen has selected LB 82; Senator Wehrbein, LB 90; Senator Thompson, LB 713. Mr. President, I have notice of hearing from the Business and Labor Committee, signed by Senator Cunningham. Business and Labor reports LB 554 to General File with committee amendments attached. Amendments to be...Senator Mines would like to print amendment to LB 71; Senator Landis, to LB 66. Mr. President, an additional priority bill designation: Senator Landis, LB 48. That's all that I have, Mr. President, other than a priority motion. (Legislative Journal pages 803-809 )

SENATOR CUDABACK: Thank you, Mr. Clerk.

CLERK: Senator Burling would move to adjourn until Friday, March 11, at 9:00 a.m.

SENATOR CUDABACK: You've heard the motion to adjourn till 9:00 a.m., Friday. All in favor say aye. Opposed to motion say nay. We are adjourned till Friday morning at 9:00 a.m.

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