

JUNE 3, 2005

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 239

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Good morning. Welcome to the George W. Norris Legislative Chamber. Our chaplain of the day is Bishop Ann Sherer, United Methodist Church Conference in Lincoln, a guest of Senator Kruse's, and also is Senator Kruse's bishop. So, Bishop Ann, would you please?

PASTOR SHERER: (Prayer offered.)

SENATOR CUDABACK: Thank you very much, Bishop Sherer, for being with us this morning. We appreciate it. I call the ninetieth day and final day of the Ninety-Ninth Legislature, First Session, to order. Senators, please record your presence. Record please, Mr. Clerk.

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

SENATOR CUDABACK: Are there any corrections for the Journal, Mr. Clerk?

CLERK: Mr. President, I have no corrections this morning.

SENATOR CUDABACK: Messages, reports, or announcements?

CLERK: Mr. President, your Committee on Education, chaired by Senator Raikes, reports LB 239 advanced to General File. (Legislative Journal page 1901.)

SENATOR CUDABACK: (Visitors introduced.) Mr. Clerk.

CLERK: Mr. President, I have the lobby report for this week to be inserted, and a series of reports that will be on file in the Clerk's Office, available for member review. That's all that I had, Mr. President. (Legislative Journal pages 1901-1902.)

SENATOR CUDABACK: Also, with the Speaker's instructions, we will pass over LB 478A. We now go to the first item on the agenda, Final Reading. Members, as you know, please take your seats. All unauthorized personnel please leave the floor. We are on Final Reading. Everybody is at their seat. Mr. Clerk,

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 71A, 589, 645

the first bill will be LB 645.

ASSISTANT CLERK: (Read LB 645 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 645 pass? All in favor vote aye; all those opposed vote nay. Have you all voted on the question who care to? Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1902-1903.) Vote is 37 ayes, 8 nays, 1 present and not voting, 3 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 645 passes. Mr. Clerk, next bill, LB 71A.

ASSISTANT CLERK: (Read LB 71A on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 71A pass? All in favor of the motion vote aye; those opposed vote nay. Have you all voted on the question who care to? Record please, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1903.) Vote is 43 ayes, 2 nays, 1 present and not voting, 3 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 71A passes. Mr. Clerk, LB 589.

ASSISTANT CLERK: (Read LB 589 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 589 pass? All in favor vote aye; all opposed, nay. Have you all voted on the question who care to? Record please, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1904.) Vote is 45 ayes, 0 nays, 1 present and not voting, 3 excused and not voting, Mr. President.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 373, 577, 589, 589A

SENATOR CUDABACK: LB 589 passes. Mr. Clerk, we now go to LB 589A. Please read the bill.

ASSISTANT CLERK: (Read LB 589A on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 589A pass? All in favor vote aye; all those opposed vote nay. Have you all voted on the question who wish to? Record please, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1904-1905.) Vote is 45 ayes, 0 nays, 1 present and not voting, 3 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 589A passes. We now go to LB 577. The first vote would be to dispense with the at-large reading. All members in favor vote aye; all those members against vote nay. Please record, Mr. Clerk.

ASSISTANT CLERK: 40 ayes, 3 nays on the dispensing with Final Reading, Mr. President.

SENATOR CUDABACK: The at-large reading is dispensed with. Mr. Clerk, please read the title of LB 577.

ASSISTANT CLERK: (Read title of LB 577.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 577 pass? All in favor vote aye; all those opposed please vote no. Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1905-1906.) Vote is 42 ayes, 0 nays, 6 present and not voting, 1 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 577 passes. Now we go to LB 373. Mr. Clerk.

ASSISTANT CLERK: (Read LB 373 on Final Reading.)

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 116, 373, 594

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 373 pass? All in favor vote aye; all those opposed vote nay. Have you all voted on the question who care to? Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1906-1907.) Vote is 47 ayes, 1 nay, 1 excused and not voting, Mr. President.

SENATOR CUDABACK: LB 373 passes. We now go to LB 116. The first vote will be to dispense with the at-large reading. All in favor of the motion vote aye; all those opposed vote nay. Please record, Mr. Clerk.

ASSISTANT CLERK: 38 ayes, 6 nays to dispense with Final Reading, Mr. President.

SENATOR CUDABACK: The at-large reading is dispensed with. Mr. Clerk, please read the title of LB 116.

ASSISTANT CLERK: (Read title of LB 116.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 116 pass? All in favor vote aye; all those opposed vote nay. Record, please.

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1907-1908.) Vote is 48 ayes, 0 nays, 1 excused and not voting.

SENATOR CUDABACK: LB 116 passes. We now go to the last and final bill on Final Reading. LB 594, Mr. Clerk.

ASSISTANT CLERK: (Read LB 594 on Final Reading.)

SENATOR CUDABACK: All provisions of law relative to procedure having been complied with, the question is, shall LB 594 pass? All in favor of the motion vote aye; all those opposed to the motion vote nay. Have you all voted who care to? Please record, Mr. Clerk.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 594, 683

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1908-1909.) Vote is 46 ayes, 0 nays, 3 present and not voting.

SENATOR CUDABACK: LB 594 passes. That completes the Final Reading. We now go on to the next agenda item, motion to override the gubernatorial vetoes. Mr. Clerk, LB 683.

ASSISTANT CLERK: Mr. President, Senator Schimek would move that LB 683 becomes law notwithstanding the objection of the Governor. That motion is found in the Journal on page 1818.

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

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I don't intend to take a lot of time with my remarks. I just intend to say that I believe the Legislature was pretty strong in its decision initially to pass this on Final Reading with 38 votes. I would hope that you would feel that we need to sustain it. Keep in mind this is not about one person or one office. It is about whoever takes office in 2007. In the Governor's veto message, he mentioned that we had just done an increase two years ago. That's true, but we can't increase salaries more than once every four years, so even though it was two years ago that we did the last one, it will be two years until this one can actually take effect. So, in essence, it's every four years. I would also remind you that in every category that we examined in the Midwest, we were, in four of those categories, absolutely the last one in the amount of pay for our Governors and for all of our other constitutional offices except two, and in those cases we were second from the bottom and third from the bottom. We've been way behind for a long time. We need to catch up and maybe, if we do, we won't have to really address this issue more than in a very small way from now on. I would like to see us vote to overturn the Governor's veto and I ask for your support. Thank you.

SENATOR CUDABACK: Thank you, Senator Schimek. You've heard the opening on the motion to override. Senator Brown, followed by

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 683

Senators Chambers and Redfield. Senator Brown.

SENATOR BROWN: Thank you, Mr. President, members. On the overrides of the budget, I spoke about how the Governor had been quite measured in what he had done and that we should hold out an olive branch because he had held out an olive branch to us. Well, now we've gotten to the point in time (laugh) where the Legislature needs to assert itself. I will not be voting on this override. I was not voting on the bill on Final Reading. Mine is more about the process of the committee than it is about the merits. I believe that we do need to give the constitutional officers an increase in salary. I'm just not comfortable with how we arrived at what that was. I would have preferred to stay with the committee's work, but we need to do this despite what was said in the veto message. The last time we did this was two years ago. It was four years late, and so we need to do it now. I would urge you to vote differently than I will and override the Governor's veto and assert the appropriateness of the Legislature. I find it interesting that...the assertion of the amount that the Governor would be paid in the veto message. I wonder if he was trying to say that he does not believe that he's worth the \$114,000, (laugh) I...by addressing that amount specifically in the veto message. But this is something that we do not for the particular individuals, not for any other reason but that it has to be done for the continued good functioning of the state of Nebraska. And so I've taken back the olive branch for today. Thank you.

SENATOR CUDABACK: Thank you, Senator Brown. On with discussion. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I have always supported increases in salary for the constitutional officers. Never have we been anyplace near what those salary amounts ought to be. In collaboration with Senator Stuhr, I arrived at the figures that I felt would be reasonable, which would place Nebraska about midway among those states within this region. So, as Senator Schimek pointed out, if we override the Governor's veto, make these modest increases, and that's all they are, they are modest, from now on there can be small incremental increases as we do other employees. Sometimes when

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 683

you do things on a percentage basis it can sound overwhelmingly out of order. But if you look at the fact that our salary increase in 1988 went from \$400 a month to \$1,000 a month, what huge percentage increase that appears to be. But when you look at the actual dollar amount, it was still next to nothing. So I'm hoping that we will vote to override, bring these salaries to a respectable level. Then we won't have to consider in the future making very large increases. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Further discussion on the motion to override? Senator Redfield.

SENATOR REDFIELD: Thank you, Mr. President, members of the body. I supported the bill as it came out of the committee with the committee amendment; however, I did not support the final bill because I did agree with the Governor that in fact I felt that the percentage increase was excessive in a short time frame. Do I think we should get there? Yes, I do. I do believe that we should have three equal branches of government. When I look at what the judiciary is paid, I do believe that the Governor's Office is worth more. But I am also looking at the average annual pay in 2003 for Nebraskans, and I see that we are ranked number 40 in the nation for our citizens. And when we ask the taxpayers to foot the bill, I think we have to be cognizant that when we look at averages that sometimes being at the midpoint may actually exceed the wherewithal of the people. I would remind everyone here that we actually have another chance next year to address this issue before the new term of office would take place, so we do have an opportunity to address this in a more modest proposal. I would also tell you the Governor could have taken another tack if he felt that in fact the other constitutional officers were underpaid in proportion to our population, and he could have actually signed the bill and then he could have taken the increase that was given to him and he could have generously donated it back to the state. So there was another option for the Governor here if he felt that, indeed, all of the constitutional officers who would be affected by his veto would be shortchanged in his decision. So I would again remind you that we have an opportunity to address this next year and we may want to go back to the committee's recommendation, which was \$100,000 for the Governor on down.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 683

That was a proposal that I certainly did support and it was a very sizeable increase from where we are now. I don't believe that the compensation we have currently is accurate or sufficient for the responsibilities of the job or the respect that we should hold that office in. At the same time, I think we may have gone too far and we will have another opportunity next year to address it. I will not be voting for the override. Thank you.

SENATOR CUDABACK: Thank you, Senator Redfield. Further discussion? Seeing none, Senator Schimek, you're recognized to close.

SENATOR SCHIMEK: Yes, thank you, Mr. President, and thank you, members. I believe that we said about as much as we need to say on this. I would like to just caution you that if we have to come back next year and do this all over again, then that gets mixed up with the whole salary issue that's going to be on the ballot. I would just as soon have us take care of it this year as not. And so I would encourage you to vote to make the bill become law. And I would like to give just a little bit of my time to Senator Stuhr.

SENATOR CUDABACK: Senator Stuhr.

SENATOR STUHR: Thank you, Senator Schimek and Mr. President and members. I believe we all knew that the Governor was going to override this bill because he had stated so earlier, and I concur with Senator Schimek that I do feel that it is something we need to do this year. I also know that when we were discussing the issue that what we have suggested here is more in line with what the rest of the states are paying, and we have to also realize that this will not take effect until two more years. So I agree with what has been stated and urge you and hope that you will override the Governor's veto. Thank you.

SENATOR CUDABACK: You heard the closing on the motion to override. The question before the body is, shall LB 683 pass notwithstanding the objections of the Governor? All in favor vote aye; opposed, nay. Have you all voted on the question who care to? Remind the body it takes 30 votes. Have you all voted

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005 LB 71A, 116, 373, 577, 589, 589A, 594, 645
 683
 LR 98, 223

who care to? Senator Schimek, for what purpose do you rise?

SENATOR SCHIMEK: To ask for a check-in and a roll call vote, please. Oh, if we're no longer under call, I'm sorry, let's ask for a call of the house and a roll call vote, please.

SENATOR CUDABACK: Thank you, Senator Schimek. Been a request for a call of the house. All in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk.

CLERK: 34 ayes, 1 nay, 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. The house is under call. The house is under call. Senator Combs, Senator Heidemann, Senator Synowiecki, please. Thank you. And Senator...all members are present or accounted for. Been a request for a roll call vote on the question. Mr. Clerk, please call the roll.

CLERK: (Roll call vote began.)

SENATOR CUDABACK: Members, please keep the noise down or off.

CLERK: (Roll call vote taken, Legislative Journal page 1909.)
25 ayes, 21 nays, Mr. President, on the motion to...that LB 683 become law notwithstanding the objections of the Governor.

SENATOR CUDABACK: The motion to override the Governor's veto was not successful. I do raise the call. We will pass over...

SPEAKER BRASHEAR PRESIDING

SPEAKER BRASHEAR: Members, while the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following legislative resolutions: LR 98 and LR 223. In addition, members, I will...I propose to sign and do hereby sign the following legislative bills: LB 645, LB 71A, LB 589, LB 589A, LB 577, LB 373, LB 116, LB 594. Thank you.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 126

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: We will pass over LB 683A. Mr. Clerk, next motion, LB 126.

CLERK: Mr. President, Senator Raikes would move that LB 126 become law notwithstanding the objections of the Governor.

SENATOR CUDABACK: Senator Raikes, to open on your motion.

SENATOR RAIKES: Thank you, Mr. President and members of the Legislature. The Governor has asked you to sustain his veto of LB 126. I'm asking you to join me in voting to override his veto so that this measure, which we the Legislature have worked so hard to develop over the past three years, can become law. Let me address the points the Governor included in his veto message. The Governor would have you believe that LB 126 would not result in a more cost-efficient K-12 system. He did not mention the \$12.7 million that our own Fiscal Office estimated could be realized on an annual basis by simply allowing local K-12 school boards to decide how best to use the resources available to them. This, as you know, is local property tax money. I know he doesn't believe that it's okay to use over \$800,000 of taxpayer money to fund 11 schools that have no students. He failed to mention that the average expenditure per student in Class I schools, according to the most recent data we have, is more than \$1,500 per student higher than in K-12 schools, or that we have Class I schools now operating with budgeted amounts per students of more than \$30,000. He can't believe it is cost-effective to maintain 231 school districts' boards, budgets, and administrative units that serve less than 3 percent of the students. Let me remind you, 47 percent of the school districts in the state serve less than 3 percent of the students. If the Governor is saying this is a cost-efficient arrangement, he is simply not aware of the facts. Apparently, the Governor is suggesting that in the event of a significant policy change which serves the greater good, help should not be provided to those school districts affected in the transition. Accordingly, we should not have honored the wishes of those who thought we should allow representation on school boards before decisions are made to close buildings, we should not have

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 126

provided some transitional replacement for federal REAP funds, and we should not have suggested the state offer a small incentive to encourage local elementary bond issues in communities where a large percentage of ELL and poverty students are being served and buildings are desperately needed. None of these provisions were provided, as you recall, when the bill was brought to General File. They were added in a spirit of accommodation and I believe to smooth the transition while preserving the key objectives of the bill. The net gain in cost efficiency, even given these accommodations, likely exceeds \$10 million per year. I don't want to believe the Governor is suggesting that we need not worry about equitable treatment of students. We have ELL and poverty students in a Class I elementary that are being funded at less than 60 percent of the funding rate of non-ELL and non-poverty students in Class I's in the same Class VI system. And when you consider the valuation per student that supports building construction, the disparities are even worse. I'm going to assume the Governor simply doesn't know these facts. If he did know them, I can't think he would endorse this arrangement and result. The Governor made reference to, "quality of education that the students in our small schools receive." We do not know that students in these small schools receive a quality education. Most of these districts do not ever report their assessment results to the public. They can't. The small numbers do not allow reporting without violating confidentiality. If these schools are in K-12 districts, someone would be able to analyze the results and detect if there is a problem. The loss of the school boards is one of the primary objections to LB 126. However, there would still be a school board and the parents and taxpayers are not losing a voice in their children's education; just the opposite. They are maintaining a voice in their elementary education and gaining a voice at the high school level. And from everything that I have seen, those school boards will act responsibly and in the best interest of all the children in their district. The Governor talks about the impact of forced consolidation. What about the impact of forced nonconsolidation on the majority of taxpayers and students? There are far more taxpayers and students who are negatively affected by the constraints on the efforts of their school boards to maximize the quality of education while holding property taxes to reasonable levels.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 126

The Class I advocates would have you believe that 97 percent of our students are attending inadequate schools and that their indifferent parents could care less about their educational success. In K-12 districts the parents may not be painting the building, but they are working with their children on their homework, attending the band concerts, volunteering in the classrooms, fund-raising for playground equipment and computers, organizing teacher appreciation celebrations, going to book fairs and spelling bees, and communicating with the teachers who share a devotion to the students' success. If I believe that the passage of LB 126 would compromise the quality of education that the students across Nebraska receive, I would not have introduced the proposal. The goal of LB 126 is not to close small schools to the detriment of rural communities and at the expense of their children's education. It is repeatedly about simplification of the organization of schools in Nebraska. LB 126 reduces the total number of school districts and school district governing boards in the state from 488 to 257. The Governor is correct in stating that this issue does evoke strong emotions, emotions that often cloud people's perspective. Our job is to stand back and look at the situation objectively and do what is right for the state as a whole. LB 126 would allow local people to control local resources for the benefit of local children. This is the right thing to do for our state. Please join me in maintaining our stature as the policymaking branch that is charged by our constitution to provide for the education of our children. Please join me in adopting LB 126, notwithstanding the objections of the Governor. Thank you.

SENATOR CUDABACK: You've heard the opening on the motion, pass LB 126 notwithstanding the Governor's objections. Open for discussion. Senator Smith, followed by Senators Fischer, Heidemann, Erdman, Baker, and about eight others. Senator Smith.

SENATOR SMITH: Thank you, Mr. President and members. I stand to not repeat myself with information that I've offered to the body numerous times before, but I do want to add some new information and certainly respond to Senator Raikes' assertions of inefficiency, lack of quality and otherwise in the Class I schools. I'm here today to tell you that 20-some Class I

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 126

schools will already close this year, voluntarily so, and probably most of those that Senator Raikes mentioned, given the costs that are some state mandates upon some of these schools that have no students, certainly they will experience some cost, I will tell you that the only way to save money in education truly today is by closing buildings. And if LB 126 is not about closing buildings, there's no savings in the fiscal note. Please remember that. Please remember that. Senator Raikes mentioned that I think 47 percent of the districts in Nebraska serve a very small percentage of the students. Absolutely. That's the nature of rural education. That's the nature of a rural environment. K-8 education is a thing of the future. That structure has been productive. Those Class I schools that still exist today, and especially those that will be here next year, are strong, viable. But the most important thing is that community support. We cannot afford, as policymakers, to alienate public education from the community. We need community support now more than ever, ever before. There's so many good examples I don't have time to list, but K-8 education is what we need. That local component is the most important. LB 126 is a boilerplate, one-size-fits-all approach that has nothing more than the board structure. It's not based on research. It's not based on the quality education needs. Please vote to sustain the Governor's veto on LB 126. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Smith. On with discussion. Senator Fischer, followed by Senator Heidemann and others.

SENATOR FISCHER: Thank you, Mr. President and members, and I would like to thank the members for giving me one more chance to speak on this issue. I do applaud the Governor for taking into consideration the needs of the children and the families across the entire state of Nebraska, and I support his veto of LB 126. As I have said, this bill affects all Class I districts and all of their students in this state. I respectfully do not agree with statements made by Senator Raikes. In the Legislature's Education Committee study from a year ago, the Valentine rural high school Class VI-Class I system was held up as a positive example of a K-12 system in this state, and yet, under LB 126, no exceptions are made for systems that are currently providing

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 126

quality and efficient education for students under their current governance structure. Instead, LB 126 takes this broad-brush approach at the perceived problems and it destroys systems that have a proven and a positive record. There are no cost savings under LB 126 for the state of Nebraska. I agree with Senator Smith, the cost savings are found in the fiscal note only if buildings are closed. There will be no efficiencies found in the districts in my area if LB 126 becomes law. These districts already report their assessments to the Department of Education, and while the results are not available to the public, the state has access to those results. We addressed those concerns in the amendment that Senator Louden and I filed on Select File. It did not pass. We are state senators. I ask that you consider the effects of this bill on the families across the entire state. We've listened to state senators here say that they have no Class I's in their area, in their legislative district, so they're not affected by it. We've listened to senators speak about the small Class I's that sit right outside of their towns. Senator Baker, Senator Schrock have brought those examples up. I would say that those are the exceptions. Those are not the Class I's in central and western Nebraska that this bill adversely affects. Please remember LB 126 affects all of us, and remember we are all state senators. I hope you will join me in sustaining the Governor's veto and vote no on this override motion. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Fischer. On with discussion. Senator Heidemann, followed by Senator Erdman.

SENATOR HEIDEMANN: Senator Cudaback, fellow members, here we go, top ten reasons not to vote for the override: Number one, we'll lose millions of dollars in federal refunds; number nine...started the wrong way, number nine, will cost the state millions to make up for lost federal refunds; number eight, best let the decision be made at the local level; number seven, Class I's don't want this; number six, the K-12 districts, with the compromise that we have now that leaves the Class I's open for seven to nine years that are affiliated with the K-12 districts, they don't want to be responsible for these Class I's or these attendance centers, and they don't even want it; number five, for the kids that are thriving in these Class I's, please

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 126

vote no; number four, for the kids; number three, for the kids; number two, for the kids; and the number one reason, for the kids. Give the rest of my time back to the Chair.

SENATOR CUDABACK: Thank you, Senator Heidemann. Senator Erdman, followed by Senator Baker.

SENATOR ERDMAN: Yeah, Mr. President, I'd yield my time to Senator Louden.

SENATOR CUDABACK: Senator Louden, you have almost five minutes.

SENATOR LOUDEN: Thank you, Senator Erdman and members of the Legislature. As Senator Raikes says, they've been working on this thing for three years and thank God he hasn't been working on it for five or Lord only knows where we might end up at. There's something here that we're not looking at. I mean, you have a problem so why not work at where the problem is? We have Class VI districts in the western part of the state. We have some in central Nebraska. These are, in fact, K-12 districts and they are quite efficient. When he talka about his 237 Class I districts, how many of them are involved in a Class VI district and how many of them are actually part of a K-12 district, probably the most efficient type of education in the rural areas of Nebraska? LB 126 junks the whole thing. They don't go in and use any way of working on the districts that have a problem. They want to talk about consolidation. I think Senator Stuhr has mentioned that consolidation in her areas that they're all K-12 districts now. If you will look in some of the material that comes out from the Education Department, you'll notice that Heartland, which is in her district, is one of the highest cost per pupil K-12 districts in the state of Nebraska. So you're not necessarily going to get a savings just because you consolidate and go to a K-12 system. First of all, when you talk about the 3 percent kids that take up 47 percent of the money or whatever, those 3 percent kids are still going to be out there. They're still going to be out there in rural areas or...and where we have long distance of travel. How many of you sitting in here today have rode a school bus here in the last six months or year? The kids are the ones that are going to be starting to ride farther distances to go to school. Sure, you

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 126

say it isn't about closing buildings, but you certainly will be closing buildings. There will be no savings unless you are. It will also be about cost of administration. You're going to have to have more administrators and people to see that these different areas are taken care of. Right now, we're consolidating two Class VI districts in Sheridan County and Cherry County. They'll probably cover more land than there is between here and Omaha. It could be somewhere around...I haven't looked, but somewhere around 400 square miles of territory we're talking about. Why don't you make one large school district have Omaha and Lincoln? Then you can cut down your cost of administration. How many districts are in Douglas County? Why don't you consolidate them to save your...some of your revenue and your assets. These are a lot of other problems that could have been addressed but, instead, we go out here with a one-shotgun approach that we're just going to get rid of these Class I's and the heavens will all smile on us again and everything will be great. It won't happen that way. This is something that's going to wreck our entire school system and especially in the western part of the rural areas in Nebraska. I certainly think the Governor was very correct in vetoing this. It's been a bad bill. It's been something they've been working on for three years. The LR 180 study showed that your Class VI districts were one of your more efficient ways of education in the state of Nebraska. They showed where other states are trying to go towards those type of school systems. But, yet, with the "boldheadedness" or whatever we have in our system around here, we went with this LB 126 and we junked the whole works. This is something that I think we have to consider and I would ask those of you that when you say you have...don't have any Class I districts in your area and you have nothing but K-12 districts...

SENATOR CUDABACK: One minute.

SENATOR LOUDEN: ...so it don't make any difference, then just don't vote. Because what...if you vote to override the Governor's veto, what you're doing is affecting other parts of the state that isn't in your area. And unless you're familiar with it, then I would urge you to vote very carefully because this is something I think the Governor thought quite well and

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 126

it's something that we need to continue with. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Louden.

SENATOR LOUDEN: Thank you, Senator Erdman.

SENATOR CUDABACK: Thank you, Senator Louden and Senator Erdman. Senator Baker, followed by Senator Brashear.

SENATOR BAKER: Thank you, Mr. President, members. And I say enough already. This isn't going to be the end of the world. The sky isn't falling. We've worked hard on this, Senator Louden mentioned, three years. If this bill...this veto isn't overridden, it will be four, five years we worked on it. You may not like the product so much then either. LB 126 opponents, and I have to preface this, not all these people have got my dander up to the point some of them on the phone did this morning, but these opponents that have called me had both lines ringing a good part of the morning, and I don't know why they picked on me. Maybe it wasn't just me. They look at this as a threat. I look at this as an opportunity. Big difference. We've gone through this process out there voluntarily, yes, for the most part. I still have some Class I's out there. I have a couple, one on either side of McCook, and I have pieces of Class I's in Dawson County I share with Senator Cudaback. I acknowledge that. But those Class I's that I still have, particularly one of them will be closing shortly, as I understand it; the other one will not close forever, even though their enrollment is dwindling and so on. But I look at this potential change as an opportunity, not a threat. The next thing we might do is look at those districts and get down to one district per county. I do have a couple of those left out there out by...all my counties, I do have one with a couple of high schools in it. This is a first step. Let's look at them next. And some of the tactics I heard this morning of these people that called me, and I'm talking about the people...and there's some people up in the balcony that were in my office and they were very, very cordial and so on, but the threats that they're going to not vote for me, that they're going to campaign against me...and I have caller I.D., I know where they were calling

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 126

from, I wrote the numbers down...irrational. I can't understand why they think we could believe that kind of a comment. I have gotten some support this morning and yesterday, e-mails and so from board members in my area who are working yet with some Class I's out there. They support LB 126, the administrators in particular. I served on a board for 12 years out there and, although I was never involved with Class I's, there is still a Class I with some land affiliated with our unified district. I know they've had some serious accounting problems out there and it's difficult to administer taxes and the accounting process through the county treasurer's office. There were some mistakes made. I don't know who's to blame out there, but there were mistakes made. It took a long time to straighten this all out. There was an unwillingness to cooperate when the mistake was discovered and it took a threat of a lawsuit, as I understand it, and I said I'm not on the board, wasn't at the time, but serious problems. Then we have the problem that shows up in the paper today. I think it's out here at Hickman, I believe it is, south of Lincoln--no district students. It takes the county...or the state board of reorganization to say you have to close. The statutes are clear on that, but yet they're not willing to obey the law. It's time to move ahead. We've worked on this issue a long time. We had 35 votes on Final Reading before you had your arms broken. You were using good judgment at that time, I really believe. Thirty-five senators voted for the bill. I wouldn't want some broken arms to change your votes. I think we used good judgment when we passed the bill initially or on Final Reading there with 35 votes, and I would strongly support that we...or strongly suggest or hope that we all continue to support LB 126 and vote to override the veto. And with that, I would yield the balance of my time to Senator Brown. I think Senator Brown...

SENATOR CUDABACK: Senator Brown.

SENATOR BAKER: ...would like the balance of my time. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Baker. Senator Brown.

SENATOR BROWN: Thank you, Senator Baker. Another admonition

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 126

that at a certain point there's a dynamic of where we need to assert the Legislature, and all I want to say is thank you to the people on both sides, but particularly to those members of the Education Committee who have worked on this a lot for the last three years,...

SENATOR CUDABACK: One minute.

SENATOR BROWN: ...and worked on it longer than...for longer than that. These are the people that we have decided to trust with the education policy setting and 7 to 1 they have recommended to us that this is an important step for the state of Nebraska. And I think that in this instance we know more about this than the executive branch does, and I think that we need to assert our conclusion as has been represented in the previous votes on this bill. Thank you.

SENATOR CUDABACK: Thank you, Senator Brown. Senator Brashear.

SPEAKER BRASHEAR: Thank you, Mr. President, members of the body. I'll only speak on this once. I wanted to take a moment because I was, at least tangentially, involved. In my 11 years of service in the Legislature, there were more people involved in these discussions and negotiations than any other matter I've ever done. There was great collegiality, but tenacity, demonstrated on both sides of the negotiations, skill and ability. I'm proud of everybody who participated. It's one of the few, if not the only, negotiation I've seen take place here where we were exchanging hard copy of documents. That's how carefully it was done. This is a historically very difficult, difficult subject. I happen to have come from a school district where we just always knew that no matter what any of us had accomplished through the 8th grade that the new people coming in from the Class I schools would be...one of them would be the valedictorian and the other one would be the salutatorian, so...of our high school graduating class. So I'm sorry. I think I understand this, but let's don't let...because this is about process and substance and politics, let's preserve the extraordinarily hard...the extraordinarily hard work, not just of the Education Committee but of the senators from greater Nebraska who represented Class I school districts. And this is

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 126

not a victory for one side or the other, but it's a lot of forward progress where we kept in mind perfect is the enemy of good, and we were searching for a solution that provided a meaningful and substantive transition that would last over nine years. The Governor vetoed it. He's doing such a fine job as Governor, he couldn't possibly have spent the time that we've spent on this bill. So, with all due respect, there's a time when he's a great good friend and then there's the time when he just happens to be the guy who's wrong in the corner office. I urge the body to deal with the issue substantively. The Governor has done his best. Now we'll do our best. But there is so much invested, it is such a good result, we have so distinguished ourselves, all of you by your hard work, that I urge that we very, very carefully preserve this accomplishment. Thank you.

SENATOR SCHIMEK PRESIDING

SENATOR SCHIMEK: Thank you, Senator. Senator Louden, you're the next to speak.

SENATOR LOUDEN: Question.

SENATOR SCHIMEK: There has been a request to call the question. Do I see five hands? I do see five hands. The question is, shall we call the question? All in favor vote aye; all opposed vote nay. Record, Mr. Clerk.

CLERK: 27 ayes, 4 nays, Madam President, to cease debate.

SENATOR SCHIMEK: Debate has ceased. Senator Raikes, you are recognized to close on your motion.

SENATOR RAIKES: Thank you, Madam President and members of the Legislature. I understand the importance of campaign considerations, whether the campaign be for Governor or some other higher office, but this is important public policy. We have to be above campaign considerations. This is about an efficient and equitable public education system. This is about maximizing the educational opportunities for our kids. I will be forever grateful to those of you who have stuck with me on

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 126

this. You have risen above narrow interests, and you have shown remarkable courage. Many of you have worked to craft the provisions of the bill, and several of you, and prominently our Speaker, have worked tirelessly to achieve what consensus there could be on a bill that has such major policy implications. I wish I didn't have to ask more of you, but the Governor, as is his right under our system, has put me in a position where I must ask once more, let's move head with this policy. Even though you certainly have already paid the price, I'm making this last request. Again, you will always have my deepest respect. Thank you. Mr. President, if I may, I would ask for a call of the house and a roll call vote in reverse order.

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Has been a request for a call of the house. All in favor of the house going under call vote aye; those opposed vote nay. Please record, Mr. Clerk.

CLERK: 38 ayes, 2 nays, Mr. President, to place the house under call.

SENATOR CUDABACK: The motion was successful. The house is under call. All unauthorized personnel please leave the floor. Unexcused senators...there aren't any unexcused. All senators report to the Chamber. The house is under call. Senator Burling, would you check in, please? Senator Chambers, the...Senator Chambers is present. All members are present. Been a request for a roll call vote in reverse order. Mr. Clerk, please read the question before the body.

CLERK: Mr. President, the motion is that LB 126 become law notwithstanding the objections of the Governor.

SENATOR CUDABACK: Mr. Clerk, please call the roll, in reverse order, on the question.

CLERK: (Roll call vote taken, Legislative Journal pages 1912-1913.) 32 ayes, 16 nays, Mr. President, on the motion that LB 126 become law notwithstanding the objections of the Governor.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 126A, 126

SENATOR CUDABACK: The motion to override was not successful.

CLERK: It was successful.

SENATOR CUDABACK: I meant (inaudible). I'm sorry. I'm sorry. I was thinking of 33. (Laughter) I apologize to everybody, my first mistake. Now that we're settled down, Mr. Clerk, next agenda item. I do raise the call.

CLERK: Mr. President, the next motion I have, Senator Raikes would move that LB 126A become law notwithstanding the objections of the Governor.

SENATOR CUDABACK: Senator Raikes, to open.

SENATOR RAIKES: Thank you, Mr. President, members of the Legislature. LB 126A provides the funding for the transition programs for LB 126. I supported this program or this effort to provide this accommodation; I continue to do so. I will tell you that it is not essential to the provisions of LB 126, but it is, I believe, fair and important to the school districts that are impacted, so I would urge your support on the override on this question. Thank you.

SENATOR CUDABACK: You've heard the opening on the motion to override. Senator Smith, followed by Senator Brashear.

SENATOR SMITH: Thank you, Mr. President. If Senator Raikes would yield to a question.

SENATOR CUDABACK: Senator Raikes.

SENATOR RAIKES: Yes.

SENATOR SMITH: Senator Raikes, on the \$12 million savings that has been purported to take place, how can we check on that to make sure that that takes place?

SENATOR RAIKES: Senator, that is budgeted money and that budgeted...it's an amount that is collected from taxpayers.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 126A

It's in the tax asking. You can track that every year. So, it's not immediately up-to-date. I think the most recent information we have available is two years old, if I'm not mistaken, but that is...if you're asking for the data and how you can get it, that would be the information and that is collected through the department.

SENATOR SMITH: So we'll have to go through district by district on the tax asking for each district?

SENATOR RAIKES: The information is provided district by district. There may be in some systems where, if what you're asking, if it's building by building, I'm not sure that's reported to the state, but...but the...and, in fact, I'm almost sure it's not reported to the state in budget information. Now, in the annual financial report there may be some final information, final financial data that's available on a building basis. I'm not quite...

SENATOR SMITH: No, I'm not looking for buildings. I just want to make sure that the...what's kind of been promised here is going to take place, and so I want to be able to try to keep tabs on that, as...

SENATOR RAIKES: Okay.

SENATOR SMITH: ...some who's looking out for tax dollars.

SENATOR RAIKES: Okay.

SENATOR SMITH: So then you're telling me I have to go to the Department of Education and go district by district and try to add up the savings in the tax asking?

SENATOR RAIKES: I'm telling you that would be the best way to get the information that I think I understand that you would like.

SENATOR SMITH: Okay. Thank you. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Smith. Further

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 126A, 126

discussion? Senator Brashear, followed by Senator Chambers.

SPEAKER BRASHEAR: Mr. President, members of the body, I pushed my light and certainly don't want to belabor this point, but the part that I wanted to say, as having been involved with the negotiations, this is \$650,000 of money that goes...I believe it is fair to characterize, as goes to those who are opposed to and were opposed to and maybe have voted against LB 126. And I want to make the point that I believe the good faith negotiations that took place and were a part of and resulted in the passage of LB 126 now requires that we as a body fund this \$650,000 which will very principally benefit those who are affected by LB 126, and I urge the override of this veto and the passage of this bill. It's all a part of what we're doing and I would feel particularly bad individually, having been involved, if we passed LB 126 and then did not deliver this \$650,000 to those who should receive it who are affected by it. Thank you for your consideration.

SENATOR CUDABACK: Thank you, Senator Braahear. On with discussion, the motion to override. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, this is the last official act we'll take for this session, as far as voting. And in trying to be a peacemaker, which I delight in doing when I can, I don't want to see anybody lose altogether. The Governor just lost a big one. I think we ought to split it down the middle and give the Governor this one. We ought to uphold his veto here, and I'm going to vote to uphold the Governor's veto. I've listened to what some of the "ruralies" have said. They don't like the bill; they don't like anything about this; it's unjust. And they persuaded me, so I'm going to vote to uphold the Governor's veto. I hope he will take note of it. And although he's a shorty, like myself and Senator Stuthman--we have kind of a short men's club--he is shrewd as a politician. He knew that this bill would be overridden. He knew that what the bill proposed to do needed to be done. But he's running as fast as his little legs will carry him against Tom Osborne, so now he can have it both ways. He can tell the suckers out there who are not politically savvy that he tried to stop this but he couldn't, but he knew that the

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 126A

Legislature, in this instance, would do what it ought to do. Now, he can boast about vetoing the salary increase and that's all right, because all those officeholders are just like him--"Repelicans." He's a "Repelican" Governor. His "Repelican" colleagues in the Legislature voted against a raise, so who knows better than "Repelicans" what "Repelicans" are not worth? So the Governor told his minions in the Legislature, speaking for himself, I ain't worth nothing; Bruning ain't worth nothing; Kate Witek ain't worth nothing; John Gale ain't worth nothing; ain't none of them worth nothing so let's don't give them nothing; let's be staunch down the line "Repelicana." So I took my lumps on that. But I now feel no need to try to push for salary increases for the "Repelican" party, and on this I'm going to go with the Governor and vote to uphold his veto. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. On with discussion, the motion to override. Senator Baker, followed by Senator Mines.

SENATOR BAKER: Thank you, Senator Cudaback and members. I want to echo what Senator Raikes and Senator Brashear said. We owe it to these schools that are impacted now to go ahead and override the veto on LB 126A. This is money that they're entitled to and will replace some of their other lost funds. So I'm hoping that some of the people who voted to sustain the veto now will see if they can't bring themselves to vote for LB 126A. This is important. This replaces some lost funds out there, and this was all part of the compromise, if you will. So I...what I want to go on record also saying though, we've eliminated, will over a period of time, 250 or so political subdivisions out there. I want to see some changes in Department of Ed. They should have a whole lot less paper shuffling and bookwork to do with half the school districts they now have, and I want to see some efficiencies in Department of Ed, as well as county treasurers, county treasurers' offices. This was a lot of time-consuming work out there in the county treasurer's office that I was aware of, and problems were discovered and mistakes made. I want to be...see some acknowledgement of this reduction of political subdivisions out there by the various agencies, Department of Ed and the treasurers' offices and so on. That's

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 126A, 126

my point I want to make, and I certainly urge you now to override the Governor's veto of LB 126A. I think since we've overridden LB 126 veto, we certainly need to pass now LB 126A. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Baker. Senator McDonald.

SENATOR McDONALD: Mr. President and members of the body, looking at the override that we just did, sadly disappointed, in overriding the Governor's veto, looking at the past opportunities to override the Governor's veto that was not taken here by this body. Senator Thompson's bill, protection of safety of children, that was not overridden. Senator Stuthman's bill, assistance to the five federally accredited community centers, we didn't override that one. Senator Kruse's bill, local transit assistance, we didn't override that one. We didn't override the county jail reimbursement from Senator Stuthman, nor did we override the Governor's veto on Senator Schimek's bill to...for the constitutional officers' salary. But we did override the forced consolidation. It passed. We did override the Governor's veto. Part of the compromise was to replace those REAP funds. We can't totally replace those with state dollars, but the mere dollars that we have appropriated in LB 126A helps those schools for the dollars that they've lost. It's only right that we support that part of the bill. That was part of the compromise. We have to live with LB 126 as it is today. Please don't deprive those schools of those dollars that were created in LB 126A for...to replace those REAP funds. Thank you.

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

SENATOR LANDIS: Question.

SENATOR CUDABACK: The question has been called. Do I see five hands? I do see a number of hands. Question before the body is, shall debate cease on overriding LB 126A? All in favor vote aye; opposed, nay. Please record, please, Mr. Clerk.

CLERK: 32 ayes...excuse me, 34 ayes, 1 nay, Mr. President, to cease debate.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 126A

SENATOR CUDABACK: The motion was successful to cease debate. Senator Raikes, you're recognized to close on your motion.

SENATOR RAIKES: Thank you, Mr. President, members of the Legislature. I'll second what Senator McDonald and Senator Brashear said. This was a part of the agreement and this is meant to smooth the transition for those districts that are impacted by this, by this change in policy. My belief is that this is a major...not only a major change in policy but a major change for the good, but there are some districts that are negatively impacted or financially impacted in the interim or in the change. This deals with that and I would urge your support. Thank you.

SENATOR CUDABACK: Thank you, Senator Raikes. As you all know, this does require 30 votes. All in favor...Mr. Clerk, please read the question before the body.

CLERK: Mr. President, the motion is that LB 126A become law notwithstanding the objections of the Governor.

SENATOR CUDABACK: All in favor of the motion vote aye; those opposed to the motion vote nay. We're voting on the motion to override. Have you all voted on the question who care to? Have you all voted who care to? Record please, Mr. Clerk.

CLERK: (Record vote read, Legislative Journal page 1913.) 38 ayes, 4 nays, Mr. President, on the motion that LB 126A become law notwithstanding the objections of the Governor.

SENATOR CUDABACK: The motion to override the Governor's veto was successful. As noted before by the...Senator Thompson, for what purpose do you rise?

SENATOR THOMPSON: A point of personal privilege.

SENATOR CUDABACK: You may.

SENATOR THOMPSON: Thank you. A couple months ago I was hired to be the CEO Executive Director of Big Brothers Big Sisters of

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LR 237-239, 243

the Midlands, and at the time I was hired I said publicly that I would be resigning the Legislature this summer to go full-time at that position. Since that time, I started working there. I've been working part-time since March. And earlier this week, after a lot of soul-searching and thinking and stress, I asked them if they would consider letting me finish my term, which they have agreed to. So, Senator Stuhr, thank you for the farewell party and I feel really bad (laughter) about that, but I'm going to have one for you next year. But I am very grateful to this organization to let me finish my term and look forward to working with you. Thank you. (Applause)

SENATOR CUDABACK: With that applause, nothing else needs to be said. Thank you, Senator Thompson. As noted by the Speaker, Select File, LB 478A will be passed over. Mr. Clerk, legislative resolutions.

CLERK: Mr. President,...

SENATOR CUDABACK: LR...

CLERK: Excuse me, Mr. President. LR 237 is the first resolution, offered by Senator Raikes, found on page 1814 of the Journal.

SENATOR CUDABACK: As these will be voted on as a group, we will let each one address their particular LR, then after they're all completed we will have discussion on all of them. So you're recognized, Senator Raikes, on LR 237.

SENATOR RAIKES: Thank you, Mr. President and members of the Legislature. This is a resolution to congratulate the Lincoln East High School boys' golf team for winning the Class A state championship. Thank you.

SENATOR CUDABACK: Are you completed, Senator Raikes? Thank you. We will now go to LR 238. Senator McDonald.

SENATOR McDONALD: Yes, last week, last Thursday, actually was my birthday, former Senator Carson Rogers passed away. He had

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LR 237-239, 243

been the senator from District 41 for eight years, I think between 1988 to '92, and I know many of you served with him. He was an honorable man. He was with many organizations. He worked hard down here for the 41st District and it was sad to have him pass away. So I know that there are senators here that, like I said, worked with him, can think of fond memories from the time that they served with him. And I just wanted to let you know that he thought highly of this body and his years of service here, so we need to say our sympathies to their family. Thank you.

SENATOR CUDABACK: Thank you, Senator McDonald. We will now go to LR 239. Senator Landis.

SENATOR LANDIS: Senator Cudaback, members of the Legislature, Nebraska is privileged to have among its many citizens Ted Kooser, the current Poet Laureate of the United States of America, and he has recently been reinstated for another term for a second period, and I believe it lasts for a year or two years, I'm not sure which. His many contributions to the cultural life of this state are appreciated and we need to recognize this foremost voice of the life of the great plains. So I will, I, like you, I think will be doing ourselves an honor when we have a chance to link ourselves to the gift that Ted Kooser has given the state of Nebraska, and that's contained in LR 239.

SENATOR CUDABACK: Thank you, Senator Landis. Members, I know it's getting late and we're ready for sine die, but it's getting a little noisy here, so please show your respect for the speakers. On with LR 243. Senator Mines.

SENATOR MINES: Thank you, Mr. President, colleagues. LR 243 is a resolution recognizing Colonel Tom Nesbitt for his 26 years of service to the Nebraska State Patrol and to the state of Nebraska, and I would urge your adoption of the resolution. Thank you.

SENATOR CUDABACK: Thank you, Senator Mines. Now you may either address one, all or whatever of the four LRs mentioned previously. Senator Stuthman, followed by Senator Chambers,

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LR 237-239, 243

Jensen, and Fischer.

SENATOR STUTHMAN: Thank you, Mr. President, members of the body. I would like to show my respect to the former Senator Carson Rogers. I had worked with him through the Pork Producers Association for several years before he became a senator; respected him very much. He was very instrumental in helping with the Pork Producers Association on their pseudorabies eradication program, of getting some funding to get this program going. So I just want to express my sympathy to the family. Thank you.

SENATOR CUDABACK: Thank you, Senator Stuthman. Senator Chambers.

SENATOR CHAMBERS: Mr. President, I'm going to comment briefly on three of these. I served with Senator Rogers and I had made a comment one day, and to show that he was listening to me, he tried to have done what I said couldn't be done. I said you can't make a silk purse out of a sow's ear, so he brought something back to the Legislature to give to me and it proved the truth of what I said. It was a sow's ear, but it certainly was not a silk purse. It was one of the ugliest concoctions I had ever seen, but it gave the whole Legislature a laugh and I kept it as long as I could bear to look at it. But if anybody saw the picture of Dorian Grey, when he stabbed that picture and the picture had bumps and blisters and all kind of things on it, that's the way that looked. But it fixed Senator Rogers in my mind as a man with a sense of humor, and he did do good work while he was here. Senator Landis said about as much as can be said that is of substance about Mr. Kooser. It is good that Nebraska will be known worldwide, I would say, for something other than a football team or an eroding rock, which, if the rock could vote, it wouldn't vote for former Governor Heineman. Now, I have to give him credit for one thing. When...and this is on Senator Mines' resolution. I don't feel for Mr. Nesbitt what other people do. I've served here 30-some-odd years, and I've watched the State Patrol have its highs and its lows, and it reached its nadir, the lowest point, under Mr. Nesbitt. That was the worst politicization of the State Patrol that could have happened. And before people groan, you all didn't deal with him

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LR 237-239, 243

on issues like I did, so until you can be...make yourself aware of what was happening on issues like racial profiling on the interstate, you keep your groans to yourself. But it's stupid and unheard of in a military or paramilitary organization to elevate a sergeant over a general. They took this man with no ability even in the field beyond what an ordinary trooper would have, no administrative knowledge whatsoever. The seasoned competent officers left because they saw the quality deteriorating, and what can you expect when you put a sergeant in a general's position and he's not qualified for it? So what they wound up having to do was bring somebody else back to become a de factor superintendent of the State Patrol, to administer it, because Nesbitt messed up so much. You all can vote for him. That's the way things are done, but it's not the way I operate. The "Bibble" said when a man dies, if he is righteous, let him be righteous still; if he is filthy, let him be filthy still. Nesbitt remains, to me, what he always was. The only thing today that I can give the Governor, who sits over there now, credit for is having gotten rid of Nesbitt, but he should have done it sooner. I want to say my words openly and notoriously because Nesbitt knows how I feel, others on the patrol know how I feel. I've had troopers come to me with their complaints. I guess they don't go to the rest of you all because you all don't take things seriously, but they know that I do and I've made public comments trying to upgrade the status of the patrol, not successfully. So the Governor removed the impediment and for that I thank him. Now I'm not going to stay around here to vote on these, because the real work of the Legislature is done. Had not Senator Mines' resolution...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...been here, I wouldn't be here this long. But I could not let this resolution go without me putting my mark...my remarks on the record. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator. Thank you, Senator Chambers. Senator Jensen.

SENATOR JENSEN: Thank you, Mr. President, members of the Legislature. First of all, I do approve of the resolutions

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LR 237-239, 243

before you, but I did want to comment just on something that I passed out to all of you, which was a list of the committee structure and who is serving on committees and what their term limits are. And I did this primarily when Senator Thompson...it appeared that she was going to resign and I looked at the Building and Maintenance Committee, the 309 Committee, as we refer to it, and there was only one person that even went beyond 2006, and that really concerns me a great deal. And as you look through that list of individuals and their date that they'll be term limited out, I think on some committees we really have some concern. And as Chairman of the Health and Human Services Committee, during the interim I do attend some health chairs' conferences that are very, very helpful, and this year I'm encouraging some junior members on the Health Committee to attend those to prepare themselves to take over a leadership position, not only in this body but leadership positions throughout the nation. So I would urge any other committees that they look at the term limit issue and look at those who will be leaving, and there are some committees that it is going to have a drastic effect, Appropriations, Revenue for just two of them. Others seem to be a little better balanced. But it is of concern. I wanted to have this in your hands so that you can take a look at that and see how we proceed to ensure that this body has the proper leadership and the proper individuals on their various committees. With that, I'll return the rest of my time back to the Chair.

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

SENATOR STUHR: Thank you, Mr. President and members of the body. I just wanted to speak on LR 238 and express sympathy to Senator Carson Rogers' family. And I just...I knew him personally and knew how much he respected and worked for rural Nebraska, and certainly want to express our sympathy to them. Also, I want, on LR 239, I would like to thank Senator Landis for offering this resolution in recognizing Ted Kooser. He is a distinguished member of the 24th Legislative District, which is my district, and I am so proud to have him as a constituent and really want to...and say that we are very proud of his accomplishments and all of his talents. Thank you.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LR 237-239, 243

SENATOR CUDABACK: Senator Stuhr, thank you. Senator Louden.

SENATOR LOUDEN: Thank you, Mr. President, and this is something that I would just like to bring up before the Legislature before we adjourn, and I have concerns that should be brought to our attention. We've been in session for 90 days. We debated the future of feral pigs, discussed the merits of beef checkoff, spent over ten hours concerning the safety of prairie dogs, opened the checkbook to entice businesses, and overhauled the school system, and vocalized the dastardly deeds of Dave. Not one word, not one whisper has been said concerning the safety of people in Omaha. Since we started this session, 15 people have met violent death in Omaha. According to the recent issue of the World-Herald, people are afraid to let their children outside because of random gunfire. People sleep in basements behind brick walls for fear of stray bullets. This is an intolerable situation. My colleagues who represent these areas, and especially District 11 where ten people have met the ultimate fate, should be in the forefront to demand safety for their constituents. This is no time to be marking turf in the Legislature. It is time to address the safety of our constituents and the people of Nebraska. In the heat of debate on prairie dogs, I offered to help Senator Chambers with any problems he had in the district he represents, and I do not renege on offers that I make, so here's my suggestion. We as the Legislature should ask the Governor, Attorney General, and the State Patrol to explore the formation and use of a community safety detachment of officers that can go into areas in need of law enforcement to secure the safety of the local residents. This would be Omaha, Whiteclay, or any area in the state that is unsafe and life is being sacrificed. I have spoken with the Attorney General about this concern. I cannot speak for him, but I believe that he is generally concerned, as I am, and that he would listen to proposals to work together to protect our citizens. Such a unit would need to be well trained, made up of specialists in investigation, criminology, and community safety, and be equipped with up-to-date technology and tools. We took a hammer to the piggy bank this session and I would like to see the Department of Economic Development release \$3 million from the \$15 million that was set aside from the training fund to be used for this endeavor. There can't be anything more important

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LR 237-239, 243

for us as a Legislature to do than to secure the safety of our citizens. How can we put out incentives for businesses and not secure the safety of people who are working for those businesses? How do you expect people to work all day and then come home to get behind bullet-proof walls because of fear of being shot? This is our last days to set in motion a plan to make the safety of citizens a priority. Fifteen people met death in Omaha since January 18. This is three a month, or a person every ten days. If there was a person being killed every ten days in my district, I would be on law enforcement with a vengeance, but we heard not a peep from the representatives of that area--unexcusable. We must address this situation and it should be taken care of. Thank you, Mr. President and members of the body.

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

SENATOR FISCHER: Mr. President and members, I ask for the body's indulgence and I hope you will give me your attention for a few minutes here. There is a serious problem that the Legislature has not addressed this year and I can't think of a more appropriate place than to discuss it now. Every year in the Midwest cattle thieves rustle thousands of head of livestock. These thefts not only result in millions of dollars in financial loss to farmers and ranchers, but also in higher places to consumers and great expense to taxpayers of Nebraska who pay for that law enforcement and the prosecution and the "incarcination." I would caution my colleagues that the old stereotype of rustlers as being grizzled, holed up in abandoned mines with half a full bottle of moonshine may no longer be accurate. A more modern rustler may very well be the button-down banking type, (laughter) coiled up with half a bottle of Chardonnay conveniently sealed and placed in a doggy bag at his favorite restaurant in a more urban setting like Omaha, Lincoln, or even Blair. (Laughter) I want to warn those modern day sidewinders that what us country folk may sometimes lack in "viligance" we more than make up for with long memories, and somewhere, sometime down the trail justice will be served. Mr. President, notwithstanding Mr. Mines' irresponsibility, I do intend to vote for the Legislative Resolution 243. Thank you. (Laughter)

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LR 237-239, 243

SENATOR CUDABACK: Thank you, Senator Fischer. Senator Mines, for rebuttal. You're recognized.

SENATOR MINES: Question! (Laughter)

SENATOR CUDABACK: I'm sorry, but I have to rule that out of order because there are no other lights on. (Laughter) We had discussion on LR 237, LR 238, LR 239, LB 243. The question before the body is, shall those all be adopted? All in favor vote aye; opposed, nay. We're voting on the adoption of all four resolutions, as I mentioned. Have you all voted on the question who care to? Please record, Mr. Clerk.

CLERK: 45 ayes, 0 nays, Mr. President, on the adoption of LR 237, LR 238, LR 239, and LR 243.

SENATOR CUDABACK: The resolutions have been adopted. We now go to the next agenda item, legislative confirmation reports. Mr. Clerk, first report, Agriculture Committee.

CLERK: Mr. President, the first report, excuse me, offered by the Agriculture Committee, found on page 1753, involves an appointment as director of the Department of Agriculture.

SENATOR CUDABACK: Senator Kremer, to open on your report.

SENATOR KREMER: Thank you, Mr. President and members of the body. We're drawing down to the close and this is one of the most significant confirmations that we've had. On May 25 we held the hearing to confirm the appointment of Greg Ibach to the director of the Nebraska Department of Agriculture, as he was appointed to fill the shoes of Merlyn Carlson, who served so well in the last, I think, what, five years or six years, as he has gone to Washington to fill a post there to...part of the...of the supporters of Mike Johanns in the Department of Agriculture there. Greg Ibach, since 1999, has served as assistant director of the Nebraska Department of Agriculture. In that role he's worked to promote Nebraska agriculture products, both domestic and in foreign markets. On a state

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

level, he's worked closely in conjunction with the Governor's Policy Research Office on legislative initiatives affecting agriculture, and serves as the liaison to various Nebraska agriculture production boards and associations. On the federal level, he is interactive with all members of the Nebraska congressional delegation on issues affecting agriculture. He's assisted the Governor in agriculture policy development through the Western Governors' Association, through the Midwestern Governors' Conference, and through the National Governors Association and the Governors' Ethanol Coalition. As I said before, he served as our assistant since 2001 in the state Department of Agriculture. He's been a member of the Beginning Farmer Board, he's been the past-president of the Nebraska Beef Council for two years and treasurer for three years, he served on the Nebraska Rural Development Commission, he served as the district chairman of the Nebraska Farm Bureau Young Farmers and Ranchers Committee, he served on the Agriculture, Natural Resources, and Education Task Force, and Agricultural Structure Assessment Task Force. As you can see that he served in many positions and many more on even a local level before he served on some of the state levels. He's also the owner and operator of a cow-calf and grain operation near Sumner, Nebraska, so he's a current farmer who understands the issues. He has served as assistant vice president of the Farm Credit Service of America, and a loan officer with Farm Credit Service of America. As far as education, he has a bachelor of science degree in agriculture from the University of Nebraska in Lincoln, and in 1984 he got a double major in animal science and ag economics. I feel like he answered questions very well we asked him. We spent probably more time on this confirmation hearing than any other that we've done, and we felt like that he was very capable of serving. The vote to ask you to support the recommendation was 7 to 1...7 to 0, with 1 not in attendance. He had a wide support of various organizations from the Farm Bureau, the Pork Producers, Farmers Union, Nebraska Cattlemen. Each came and supported Greg and spoke well of him and his ability to work with people and his knowledge in agriculture, and we feel that he will serve the state very well. So I would ask your support that you would support the recommendation that we, as the Agriculture Committee, bring to you to confirm Greg Ibach to the director of the Nebraska Department of Agriculture. Thank you,

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

Mr. President.

SENATOR CUDABACK: Thank you, Senator Kremer. Any discussion on the confirmation report from Ag Committee? Seeing no lights on, Senator Kremer, did you wish...Senator Kremer waives closing. The question before the body is adoption of the confirmation report offered by the Agriculture Committee. All in favor vote aye; opposed vote nay. Have you all voted on the report who care to? Record please, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 1914.) 39 ayes, 0 nays, Mr. President, on the adoption of the Agriculture Committee confirmation report.

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

CLERK: Mr. President, Government Committee, chaired by Senator Schimek, reports on the appointment of Mike Behm as the Nebraska Commission...as director of the Nebraska Commission on Law Enforcement and Criminal Justice. (Legislative Journal page 1759.)

SENATOR CUDABACK: Chairman Schimek, to open on the first report.

SENATOR SCHIMEK: Thank you. Mr. President and members, I know that people are engaged in a lot of side conversations here, but I want to explain about this appointment because it's a little bit unusual. The Government Committee has traditionally heard the appointments to the Crime Commission and we have traditionally forwarded them to the Legislature, and this year it was discovered that it's not necessary because it isn't in statute. After discussions with several people, the Government Committee went ahead and had the hearing on Mike Behm and we made the decision to forward his appointment to you, even though it's not totally necessary, and we did that because I think there is some concern that we need to continue hearing this particular appointment and forwarding it to the Legislature because this commission has taken on a lot of new projects and is receiving a lot of funding through grants and federal funding

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

and so forth. So we think it's important to continue oversight over this committee. We will be bringing some kind of a statutory change to the body next year, and I want to explain exactly what we're doing here today. Mike Behm is a candidate who is from Malcolm, Nebraska, and he's actually been with the State Patrol for a number of years. First joined in 1977, became acting superintendent in 1998, became assistant superintendent in 1995, was a professor at Bellevue during that period of time, was engaged in Project Safe Neighborhoods from 2003 to 2004, and has served as executive assistant to the superintendent's office of the Nebraska State Patrol since March 2004. He has his master of arts in business management, and his undergraduate in criminal justice. He's involved in a lot of professional organizations and has published and made presentations. The committee was not only impressed with his resume but with his responses to our questions. This was not an appointment that we took lightly. With that, Mr. President, I would recommend...the committee recommends that we...that we do confirm this particular appointment.

SENATOR CUDABACK: Members, I know it's difficult, but if you could hold off with your chatter for about another five or ten minutes, we'd surely appreciate it. Discussion of the Chairperson Schimek's report? See no lights on. Senator Schimek waives closing. The question before the body is adoption of the first report by the Government, Military and Veterans Affairs Committee. All in favor vote aye; opposed, nay. Have you all voted on the report who care to? Please record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 1915.) 35 ayes, 0 nays, Mr. President, on the adoption of the Government, Military and Veterans Affairs' confirmation report.

SENATOR CUDABACK: The first report has been adopted. Mr. Clerk, second report, please.

CLERK: Mr. President, a second report from Government Committee involves the appointment of Mr. Bryan Tuma as Nebraska State Patrol superintendent. (Legislative Journal page 1759.)

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

SENATOR CUDABACK: Chairperson Schimek, you're recognized to open.

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. Major Tuma appeared before the committee this past week. He is a new appointment, of course, to this, as the superintendent of the State Patrol. He actually will take office tomorrow on June 4 and serves, of course, at the pleasure of the Governor. The committee did ask a lot of questions of Mr. Tuma and we were extremely impressed with his resume, and I don't know how much of it to go through, but he's not only been with law enforcement for 25 years, but he's served on groups like the Governor's leadership group on terrorism; the Governor's committee on domestic preparedness; Police Standards Advisory Council; Nebraska Crime Commission; Governor's council on year 2000...remember that, (laugh) Y2K; State Emergency Response Commission; Governor's nuclear transportation working group; the Governor's designee for transportation and security, which involved nuclear shipping; and a lot of other related committees: the state wireless communications project; Nebraska 511 deployment project; the joint operations center project; collocation of the Nebraska State Patrol Training Academy and the Nebraska Law Enforcement Training Center. He has a bachelor of science degree in criminal justice, attended and graduated from the FBI National Academy, went to a law enforcement executive development seminar, and has postgraduate hours at the University of Virginia in Arlington. With that, Mr. President, the committee confirmed this on a 6-2 vote. Two people were absent that day, but we felt that he was highly qualified and recommend him to you for confirmation.

SENATOR CUDABACK: Thank you, Senator Schimek. Open for discussion on the second report, Government, Military and Veterans Affairs Committee. Seeing none, Senator Schimek. Senator Schimek waives closing. Before the body is adoption of the second report by the Government, Military and Veterans Affairs Committee. All in favor of the motion vote aye; those opposed, nay. Voting on adoption of the second report by the Government, Military and Veterans Affairs Committee. Have you all voted on the question who care to? Please record, Mr. Clerk.

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

CLERK: (Record vote, Legislative Journal pages 1915-1916.)
33 ayes, 0 nays, Mr. President, on the adoption of the
confirmation report as offered by Government, Military and
Veterans Affairs.

SENATOR CUDABACK: The confirmation report has been adopted.
Mr. Clerk, next report by the Education Committee.

CLERK: Mr. President, Senator Raikes, as Chair of Education,
reports on the appointment of Timothy Hodges to the Coordinating
Commission for Postsecondary Education. (Legislative Journal
page 1814.)

SENATOR CUDABACK: Chairman of the committee, Senator Raikes,
you're recognized to open.

SENATOR RAIKES: Thank you, Mr. President. Members of the
Legislature, the Education Committee recommends the appointment
of Mr. Timothy Hodges to the Coordinating Commission on
Postsecondary Education. Mr. Hodges is a new appointment to the
commission. His term extends from April 15, 2005, through
January 1, 2008. Tim is from Gretna. He is currently a
research consultant with the Gallup Organization in Omaha. He's
pursuing a doctorate in business at the University of
Nebraska-Lincoln. He holds a master's degree in leadership
education, as well as a bachelor's degree in agribusiness from
the University of Nebraska-Lincoln. He has authored several
academic publications over the past four years. He's also been
active in a number of community services activities, including
serving as an entrepreneur advisory council member for the
Metropolitan Community College, and fund-raising director for
the Royal Family Kids Camp. Background on the commission,
quickly: It consists of 11 members, 6 representatives from
proportionately sized districts, and 5 on an at-large basis. As
defined in statutes, the duties of the commission are to, one,
develop an ongoing comprehensive statewide plan for the
operation of an educationally and economically sound, vigorous,
progressive and coordinated system of postsecondary education;
two, identify and enact policies to meet the education, research
and public service needs of the state; and three, affect the

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 126

best use of available resources through the elimination of unnecessary duplication of programs and facilities among Nebraska's public institutions. I'll close by again recommending the appointment of Mr. Tim Hodges to the Coordinating Commission on Postsecondary Education. Thank you.

SENATOR CUDABACK: Thank you, Senator Raikes. Discussion on the confirmation report of Education Committee? Senator Erdman.

SENATOR ERDMAN: Thank you, Mr. President. Members of the Legislature, I rise in strong support of this nominee, and I appreciate the Education Committee's willingness to advance his nomination to the floor. Timothy Hodges is a fantastic candidate for this position, and his experience and knowledge is going to be of value, I think, to the commission. He's also a man of great integrity and I think that's something that, after our discussion the last few days, we're looking for. And I would encourage your strong support of his nomination. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Erdman. Further discussion of the confirmation report by Education Committee? Senator Raikes, there are no further lights on. You're recognized to close on the report. Senator Raikes waives closing. The question before the body is adoption of the confirmation report by the Education Committee. All in favor of the motion vote aye; all those opposed to the motion vote nay. The question before the body is the confirmation report offered by the Education Committee, chaired by Senator Raikes. Have you all voted on the question who care to? Please record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 1916.) 37 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SENATOR CUDABACK: The confirmation report has been adopted.

SPEAKER BRASHEAR PRESIDING

SPEAKER BRASHEAR: Members, LB 126 having been returned by the

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005 LB 126, 126A
 LR 237-239, 243

Governor with his objections thereto and, after reconsideration, having passed the Legislature by the constitutional majority, it has become law this 3rd day of June, 2005, and I have signed it. Further, members, LB 126A, 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 3rd day of June, 2005, and I have signed it also.

In addition, members, while the Legislature is in session and transacting business, I propose to sign and do hereby sign the following legislative resolutions: LR 237, LR 238, LR 239, and LR 243. Thank you.

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Senator Stuhr.

SENATOR STUHR: Thank you, Mr. President. I move that a committee of five be appointed to notify the Governor that the Ninety-Ninth Legislature, First Session of the Nebraska Legislature, is about to complete its work and to return with any message the Governor may have for the Legislature.

PRESIDENT SHEEHY: Thank you, Senator Stuhr. I would ask the following senators the question...there's a motion on the floor. By voice vote, those in favor say aye. Opposed, nay. The ayes have it. I would request the following senators escort the Governor to the Chambers: Senator Landis, Senator Schimek, Senator Don Pederson, Senator Price, and Senator Langemeier. Mr. Sergeant at Arms.

SERGEANT AT ARMS: Mr. President, your committee now escorting the Governor of the great state of Nebraska, Dave Heineman.

PRESIDENT SHEEHY: (Gavel) Members of the Ninety-Ninth Legislature, I present to you this morning the Governor of the greatest state in this country, Governor Dave Heineman.

GOVERNOR HEINEMAN: Thank you very much. Thank you. Mr. President, Mr. Speaker, members of the Legislature,

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 54, 90, 312

distinguished guests, friends, and fellow Nebraskans, thank you for the opportunity to speak at the conclusion of this productive session of firsts. This legislative session was a first for many of us in these roles, whether as freshmen senators, committee Chairs, Speaker of the Legislature, or Governor. Four and a half months ago I stood before you under extraordinary circumstances and said that together we could accomplish a great deal in a short period of time, and we have. We look forward with eyes trained on the future and consider the best course for our whole state, rural and urban. By extending your focus beyond the needs of today to anticipate the future needs of our state, you have helped to create a solid foundation to build upon in the next session and in the years to come. I know that you were able to accomplish much of what you have because of the efficient management style of a Speaker willing to try new ideas. The results of his leadership speak for themselves. Mr. Speaker, thank you for your hard work prioritizing the work of this body. Let us also not forget the leadership of our state's most experienced legislators. Senator Dave Landis, Senator Roger Wehrbein with extraordinary focus addressed the economic needs of our state with LB 312 and LB 90. Or Senator DiAnna Schimek, who sponsored the first bill I signed, LB 54, which answered access questions about benefits for our veterans, as well as the first one I vetoed and had overridden. Senator Don Pederson, as Chairman of the Appropriations Committee, made sure we paid the low-level waste settlement in one lump sum. He and his committee built a forward-looking budget that values education and the economic vitality of our state along with compassion for the less fortunate. I've been asked what I will remember most about my first legislative session as Governor. What I will remember is this: No matter how we disagreed, you and I did so in a professional and courteous manner. The professional working relationship we've built together, regardless of party politics or the nature of an issue, is vital in an age of partisan bickering and grandstanding. My staff and I spoke with this body's senior member, Senator Ernie Chambers, on a number of issues where I knew we might not agree, but he treated me fairly and I hope he feels...and I hope he feels we did the same. I'm proud to call you colleagues and friends, and I'm pleased that we share a common vision for Nebraska's future. With your help,

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

LB 117, 577

particularly the work of Senator Ron Raikes, we fully funded state aid to schools and increased special education funding. We should be proud of the education we provide the children of this state. I'm proud and pleased to announce that a few minutes ago I signed into law Senator Raikes' LB 577, the Early Childhood Education Act. We both know firsthand the value of early childhood education. I'm also pleased to say that we recognize the importance of education after high school, whether at the university, state college, or community college level. As I've said before, education is forever linked with the economic vitality of Nebraska. We cannot continue to educate the best workers in the world and export them to other states. That is why I'm pleased to see the University of Nebraska and higher education embracing their roles in economic development. That is also why Senator Landis and Senator Wehrbein's job creation package, the Nebraska Advantage, is so important. We had two choices in this state: We could do nothing and watch our population mature, our costs increase, and our tax base dwindle; or we could take bold action and commit to growing our state. I'm particularly pleased that we were able to accomplish the latter. The Nebraska Advantage positions us to grow our tax base by an estimated 57,000 jobs over the next eight years, according to the UNL Bureau of Business Research. It addresses the economic needs of small and large businesses in small and large communities, as well as our agricultural roots. Another important priority for our state that we addressed is public safety. I applaud the leadership of Senator Pat Bourne, Arnie Stuthman, Ray Aguilar, Jeanne Combs, and Marian Price on LB 117. This law will curb the meth labs here at home so that investigators can spend their time and energy on the root of the meth problem--the dealers importing it. Without your willingness to work in tandem towards this goal we might never have accomplished so much. In addition to addressing supply, we also address demand. With the help of Speaker Brashear, Senator Flood, Senator Synowiecki, we are seeking a road map to future treatment and increasing the community corrections funding for the treatment of substance abuse. We continue to work towards our goals of minimizing duplication, embracing technology, and eliminating waste. You've heard me say before that we must take small steps, save pennies to save dimes, dimes to save dollars, but it can grow into large-scale projects, like the telehealth

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

network or a telecommunication backbone that enables distance learning, information sharing, and real-time medical diagnosis. The issues of the day present challenges we have to meet head-on, yet I am hopeful. This was a session of first--first bills passed and signed, first bills vetoed and overridden. This was a collegial, productive, successful session of first. It will not be our last. Thank you for all of your hard work. Have a great summer. (Applause)

PRESIDENT SHEEHY: Senators, would you please escort the Governor from the Chambers. Speaker Brashear.

SPEAKER BRASHEAR: Mr. President, I'd request a call of the house.

PRESIDENT SHEEHY: The question before the body is, shall the house be placed under call? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk.

CLERK: 40 ayes, 0 nays, Mr. President, to place the house under call.

PRESIDENT SHEEHY: The house is under call. All unauthorized personnel please remove yourself from the floor. All senators please report to the Chambers. Speaker Brashear.

SPEAKER BRASHEAR: Members, the reason I did that is because I am requesting that we all, on the premise that a thing worth doing is worth doing right, that we observe the call of the house, except for the exceptions we're going to make of people coming on the floor, and that we take the time now to thank those who are too seldom thanked. I'll plead guilty. I'll pass people in the hall; I've got things on my mind. I've always been dissatisfied with the way...no criticism expressed or implied, I've just been personally dissatisfied with our failure to recognize all of the many people that it takes to make this wonderful institution function, and we're not in that great a hurry that we cannot respectfully thank these people for all they do. If I mispronounce someone's surname, I apologize in advance. First of all, Kitty and the pages, please rise, those who are here. We're not dragging anybody in. We're not sending

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

the Sergeant at Arms out. There's going to be a little informality here, but to the pages, thank you all. We heard stories the other night about how you can take...you can jump over this division and you can go from where you are to out there and make a lot of money, so have at it. Thank you for your service. We appreciate what all you bring to us, in terms of hospitality and enjoyment. Next, I'd like to recognize the...(Applause) Good idea. We won't even hold the applause. Next, I'd like to recognize the Sergeants at Arms: Ron Witkowski, Dewey Foster, Sally Gordon, Bob Lohrberg, Richard Todd, Lois VanDeventer. (Applause) Next, the Ombudsman's Office. Are they here somewhere? All right, good: Marshall Lux; James Davis; Carl Eskridge; Terry Ford; Green, Marjorie; Oscar Harriott; Anna Hopkins; Carla Jones; Marilyn McNabb; Hong Pham; and Kris Stevenson, please. (Applause) The Legislative Research Division, I think they're aggregated over here, step out if you can when...so people can at least see you: Cynthia Johnson; Dan Augustyn, Martha Carter, Nancy Cyr, Deb Emmons, Kate Gaul, Sandy Harman, Peg Jones, Angie McClelland, Andre Mick, Stephen Moore, Mary Rasmussen, and Bernard Scherr. (Applause) Next, the Legislative Accounting and Budget Office, where are we? Where are you? All right: Diane Nickolite, Cindy Engel, Diane McLain, Cynthia Waldman, and Debbie Wilsey. (Applause) From the Bill Room: Donnabelle Millet, Gayle Beals, Robert Bruhl, Ann Hat...Hart--can't read through my trifocals, Jim Lyons, Dennis Rohn, Gaylan Suhr, and Cece Grime. (Applause) Pause a moment, because we have not, and recall that Don Kusy from the Bill Room passed away on the 27th of this month...of last month. Next, I'd like to recognize our transcribers. Where are they? Up front? Raise a hand when I call your name or something, don't...stand out from the crowd: Debbie Smith, Amy Ghormley, Kathleen Higley, Jody Hurlbut, Rita Rohn, Bernie Ward, and Geneva Kitching. (Applause) From our Legislative Technology Center: Ryan Brown, Mike Evans, Daren Gillespie...are you back here? Up there? Ronald Gerdes, Pam Huckins, Chris Leishman, Jennifer McDonald, Steve Ramos, and Gary Wieman. (Applause) From the Unicameral Information Office: Mitch McCartney, Connie Pritchard, Heidi Uhing, Ashley Washburn. I'm in the way. (Applause) Coordinator of Legislative Services, Chuck Hubka and Matt Shultz. (Applause) The Fiscal Office, I assume you're gathered where you've been

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005

all session, please step out: Mike Calvert, Scott Danigole, Jeanne Glenn, Phil Hovis, Elizabeth Hruska, Howard Kensinger, Mike Lovelace, Doug Nichols, Sandy Sostad, Kathy Tenopir, Don Yelick, and Susan Hayes, and Wanda McNally. (Applause) Where are the Revisors of the Statutes? Behind me, all right: Joanne Pepperl, Krista Brandt, Diane Carlson, Jeff Conway, Mary Fischer, Scott Harrison, Marcia McClurg, Neal Nelson, Edith Bottsford, Nancy Cherrington, Kathleen Eppens, Merv Krausnick, Mary Anne Linscott, Joyce Radabaugh, and Marcia Robinette. (Applause) And from the Clerk of the Legislature's Office, we have the seen and the unseen. We want to thank them all: Patrick O'Donnell, Dick Brown, Carol Koranda, Vicki Buck, Diana Bridges, Judy Backhaus, Jamie Kruse, Dallas Mehling, Cindy Wolfe, Pat King, Lori Bristol, and Brad Boesen. (Applause) What I am not going...I'm going to pause just long enough to note that each one of us has in our staffs and on our committees staff without whom we literally could not perform our duties for the people. I'm not going to identify those, but I'm knowing that each of you will be thanking them for their service and for enabling us to serve. I am going to recognize, as a point of personal privilege, my staff, without whom I could not function, and I thank Jim Pieper and Laurie Weber and Jeanette Thiem. Stand up, please. (Applause) A special thank you to my Mr. President, no insult intended, Mr. President, but the Mr. President I rely upon every day and whom I tell everyone without whom I could not do this job, Senator Jim Cudaback. Will you please stand? (Applause) And finally, I want to thank each of you. It has been a privilege and an honor to serve you. I have enjoyed it. You have been wonderfully productive and hardworking. Let me share one fact. We had 109 priority bills, senator priority bills, committee first and second priority bills, and Speaker priority bills; 109. We either voluntarily deferred to the next session, substantively debated and passed, or substantively debated and defeated 103. Only six priority bills by this body of any type were not treated in this session, and that's because of you and your cooperation and your effort. Salute yourself. (Applause) Mr. President, would you raise this call, please?

PRESIDENT SHEEHY: The call is raised. Thank you, Speaker Brashear. Mr. Clerk, do you have information to be read into

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005 LB 8, 12, 12A, 22, 71A, 116, 126, 126A, 373
 577, 589, 589A, 594, 645, 683, 683A
 LR 238
 242, 244

the record?

CLERK: Mr. President, I do have some items. A communication from the Clerk to the Secretary of State regarding LB 126 and LB 126A. Attached to those communications are certificates signed by the Speaker of the Legislature acknowledging that both bills became law notwithstanding the objections of the Governor. Mr. President, also I will be transmitting to the Secretary of State LB 683 and LB 683A.

Bills read on Final Reading were presented to the Governor as of 10:06 a.m. (Re: LB 645, LB 71A, LB 589, LB 589A, LB 577, LB 373, LB 116, LB 594.)

Mr. President, a communication from the Governor. (Read re LB 71A, LB 116, LB 373, LB 577, LB 589, LB 589A, LB 594, LB 645.)

Mr. President, I have a Reference report regarding two study resolutions. (Re LR 242, LR 244.) Explanation of votes from Senators Thompson and Brown. (Re: LB 645, LB 71A, LB 589, LB 577, LB 373, LB 116, LB 594.) And, Mr. President, that's all that I have. (Also, Senator Stuthman adds his name to LR 238, Legislative Journal pages 1913-1920.)

PRESIDENT SHEEHY: Senator Schrock.

SENATOR SCHROCK: Mr. President, members of the Legislature, I would like to thank our Speaker for his leadership this year and for his herding of this group of cats through this session. I appreciate it and I think he deserves a round of applause. (Applause)

PRESIDENT SHEEHY: Speaker Brashear, for a motion.

SPEAKER BRASHEAR: Mr. President, members of the body, I move to suspend Rule 6, Section 3, and Rule 7, Sections 3 and 7, and to indefinitely postpone those bills as printed in the Journal, which the provisions of which have been included in other enacted legislation or which companion bills have been indefinitely postponed. (Re: LB 8, LB 12, LB 12A, LB 22,

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 3, 2005 LB 25, 29, 92, 110, 123, 130, 151, 167, 170
 171, 174, 177, 187, 212, 218, 237, 240, 251
 272, 273, 273A, 300, 302, 330, 365, 367, 368
 395, 410-412, 444, 446, 466, 474, 494, 519
 532, 558, 597, 603, 619, 691, 703, 716, 734
 738, 755, 756, 758

LB 25, LB 29, LB 92, LB 110, LB 123, LB 130, LB 151, LB 167,
LB 170, LB 171, LB 174, LB 177, LB 187, LB 212, LB 218, LB 237,
LB 240, LB 251, LB 272, LB 273, LB 273A, LB 300, LB 302, LB 330,
LB 365, LB 367, LB 368, LB 395, LB 410, LB 411, LB 412, LB 444,
LB 446, LB 466, LB 474, LB 494, LB 519, LB 532, LB 558, LB 597,
LB 603, LB 619, LB 691, LB 703, LB 716, LB 734, LB 738, LB 755,
LB 756, LB 758.)

PRESIDENT SHEEHY: The question before the body is, shall rules be suspended in accordance with Journal page 1878? All those in favor say aye. Opposed vote nay. The ayes have it. Senator Wehrbein.

SENATOR WEHRBEIN: Mr. President, I move that the Legislature approve the preparation and printing of the permanent Legislative Journal, session laws and indexes by Patrick J. O'Donnell, and that he be directed to send to each member of the Legislature a copy of the loose-leaf session laws and of the permanent Journal and session laws.

PRESIDENT SHEEHY: The motion before the body is to approve the preparation of the Journal. All those in favor say aye. Opposed say nay. Motion carried. Speaker Brashear, you're recognized.

SPEAKER BRASHEAR: Mr. President, I move that the Journal for the ninetieth day, as prepared by the Clerk of the Legislature, be approved, and that the Ninety-Ninth Legislature, First Session of the Nebraska Legislature, having finished all business before it, now at 11:57 a.m. on June 3 adjourn sine die.

PRESIDENT SHEEHY: The motion before the body is, shall the legislative body of the Ninety-Ninth Legislature, First Session, adjourn sine die? All those in favor say aye. Opposed say nay. The ayes have it. We are adjourned.

Proofed by: J. Hurlbut