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Floor Debate
May 29, 2009

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PRESIDENT SHEEHY PRESIDING []

PRESIDENT SHEEHY: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eighty-seventh day of the One Hundred First Legislature, First Session. Our chaplain for this afternoon is Senator Harms. Would you all please rise. []

SENATOR HARMS: (Prayer offered.) []

PRESIDENT SHEEHY: Thank you, Senator Harms. I call to order the eighty-seventh day of the One Hundred First Legislature. Senators, please record your presence. []

SPEAKER FLOOD PRESIDING []

SPEAKER FLOOD: Mr. Clerk, please record. []

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

SPEAKER FLOOD: Thank you, Mr. Clerk. Are there any corrections for the Journal? []

CLERK: I have no corrections, Mr. President. []

SPEAKER FLOOD: Thank you. Are there any messages, reports, or announcements? []

CLERK: Mr. President, your Committee on Business and Labor reports LB579 to General File with committee amendments attached. Communication from the Governor to the Clerk. (Read re LB36.) Second communication. (Read re LB288, LB288A, LB561, and LB285.) Reference report, Mr. President, referring two interim study resolutions to the appropriate standing committee. And I have received in the Clerk's Office several reports, on file, available for member review. That's all that I have, Mr. President. (Legislative Journal page 1771-1772.) [LB579 LB36 LB288 LB288A LB561 LB285]

SPEAKER FLOOD: Thank you, Mr. Clerk. Members, we will please...please find your seats in preparation for Final Reading. (Visitors introduced.) Mr. Clerk, the first item on the agenda is LB219E. [LB219]

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CLERK: (Read LB219 on Final Reading.) [LB219]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB219 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB219]

CLERK: (Record vote read, Legislative Journal page 1773.) 39 ayes, 7 nays, 2 present and not voting, 1 excused and not voting, Mr. President. [LB219]

SPEAKER FLOOD: LB219E passes with the emergency clause attached. Mr. Clerk, LB219A. [LB219 LB219A]

CLERK: (Read LB219A on Final Reading.) [LB219A]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB219A pass? All those in favor vote aye; all those opposed vote nay. This is with the emergency clause. Mr. Clerk, please record. [LB219A]

CLERK: (Record vote read, Legislative Journal page 1774.) 39 ayes, 7 nays, 2 present and not voting, Mr. President, 1 excused and not voting. [LB219A]

SPEAKER FLOOD: LB219A passes with the emergency clause attached. Mr. Clerk, we now proceed to LB658. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB219A LB658]

CLERK: 45 ayes, 0 nays, Mr. President, to dispense with the at-large reading. [LB658]

SPEAKER FLOOD: The at-large reading is dispensed with. Please read the title. [LB658]

CLERK: (Read title of LB658.) [LB658]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB658 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record in three minutes. Mr. Clerk, please record. [LB658]

CLERK: (Record vote read, Legislative Journal page 1775.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB658]

SPEAKER FLOOD: LB658 passes. Mr. Clerk, LB675. [LB658 LB675]

CLERK: (Read LB675 on Final Reading.) [LB675]

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SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB675 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB675]

CLERK: (Record vote read, Legislative Journal pages 1775-1776.) 40 ayes, 5 nays, 3 present and not voting, 1 excused and not voting, Mr. President. [LB675]

SPEAKER FLOOD: LB675 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB219, LB219A, LB658, and LB675. Mr. Clerk, has the Legislature received any gubernatorial vetoes? [LB675 LB219 LB219A LB658]

CLERK: I have received none, Mr. President. []

SPEAKER FLOOD: For that reason, we will skip over motions to override gubernatorial vetoes, however, I reserve the right to reschedule this portion of the agenda at which point in time later this afternoon it may become necessary. Mr. Clerk, we now proceed to legislative confirmation reports, Judiciary Committee. []

CLERK: Mr. President, Judiciary Committee would report on four appointments to the Community Corrections Council. (Legislative Journal page 1716.) []

SPEAKER FLOOD: Senator Ashford, you're recognized to open on the Judiciary Committee confirmation report. []

SENATOR ASHFORD: Thank you, Mr. Speaker and members. There were four individuals who came before our committee this week for confirmation to the...of their appointments to the Community Corrections Council. Two of these individuals were reappointments. One, Thomas Dorwart of Sidney, Tom was approved by the committee for reappointment though he was unable to attend the meeting. Mr. Dorwart has served the Corrections Council admirably and served the state of Nebraska as a county judge for over 25 years. During his terms, he started an adult drug court which provided local supervision and education of many who have been justifiably sent to the penitentiary. He is a strong advocate of alternative measures which will provide for the retribution desired by the public, yet better serve the taxpayers. The second reappointment was Jeff...is Jeff Davis of Papillion and he also was approved by the committee for a term from May 18, 2009, to August 29, 2010. Mr. Davis was unable to attend but did provide us with information and we had information in the record. Mr. Davis has been employed at the Sarpy County Sheriff's Department since 1974 in various capacities and he currently serves as its sheriff. During his time on the Community Corrections Council, Mr. Davis believes that they have made great progress and ultimately have had an impact on maintaining and, in some cases, reducing Nebraska's overall jail population. He looks forward to contributing to the council and continuing his work there. The two

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new appointments were Eleanor Marie Devlin of Omaha and Darrell Fisher of Lincoln. Eleanor was approved by the committee for a first-time appointment for a three-year term beginning May 18, 2009. At the hearing, Ms. Devlin discussed the important relationship between corrections and the behavioral health treatment system. As CEO of NOVA Therapeutic Community, Ms. Devlin has a working knowledge of the treatment system across the state. NOVA is specifically designed to help individuals with serious substance abuse issues, many of whom who have had repeated contact with the criminal justice system. NOVA seeks to install in these individuals a sense of responsibility and accountability to self, family, and community. The second new appointment is Darrell Fisher of Lincoln. He was approved for a three-year term beginning May 18, 2009. Mr. Fisher appeared before the committee and was very impressive in his explanation of his past and commitment to the future of community corrections issues. He has 33 years of experience as a professional law enforcement officer and recently retired from his position at the Nebraska State Patrol. He currently serves as executive director of the Lincoln Council on Alcoholism and Drugs. At the hearing, Mr. Fisher expressed an interest in pursuing alternatives to incarceration for DUI offenders, as over half of the offenders on probation in Nebraska are there for DUI offenses. His extensive experience in the field of law enforcement and fighting drug and alcohol abuse makes him a valuable resource for the Community Corrections Council. All four individuals expressed an extreme willingness to serve and the committee voted unanimously to endorse these individuals for the appointments to the Community Corrections Council. Thank you, Mr. Speaker. []

SPEAKER FLOOD: Thank you, Senator Ashford. Members, you've heard the opening on the Judiciary confirmation report. Senator Council, you are recognized. []

SENATOR COUNCIL: Yes, thank you, Mr. President. I want to make it clear that I do not rise in opposition to the persons whom the committee have advanced for your consideration for appointment to the Community Corrections Council. In fact, as Senator Ashford mentioned, these four appointees possess the requisite qualifications and expressed the requisite interest in advancing the statutory mission of the Community Corrections Council. Indeed, as Senator Ashford also stated, one of the appointees, Mr. Fisher, stated his openness and his support for looking to expand the inmates that are currently eligible for Community Corrections Council alternative forms of incarceration to include those who are convicted of alcohol-related driving offenses. I do want it to be noted, however, that I do rise in opposition to the handling of these particular appointments. There were seven seats open on the Community Corrections Council. Three of those seats are statutorily mandated to be filled by representatives of community-based behavioral health services from each of the Congressional districts. Two of those seats are statutorily mandated to be filled by persons from a specific discipline or a specific agency. For example, two of the vacancies were one for the Sarpy County Sheriff's Office and the other a mental health and substance abuse professional. The remaining two seats that were open on the council were at-large

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positions. Of the four appointments you are being asked to confirm, the Governor advised the Speaker that two were reappointments; however, there was no indication of the seats they were being reappointed to hold. As a member of the council, however, I knew that one was the Sarpy County Sheriff slot and the other was one of the at-large slots. That's Mr. Davis and Mr. Dorwart. Now I can see that you could figure out by obtaining a list of all of the council seats and their terms and comparing those with the terms on the Governor's appointment form and figure out what seats these individuals were being appointed to fill; however, it should not be necessary for the Judiciary Committee to have to go through that exercise to determine what seats these appointees are being nominated to fill. As a result of the failure to advise the committee of the seats to be filled by these respective appointees, I did not discover, and I think I can speak for the remainder of the committee did not discover, until after the committee had voted to advance these appointments that one of the appointees was slated to fill the at-large seat held by the current council chairman, Kermit Brashear. What was particularly disturbing was the fact that it was the media that contacted me and provided me with this information. Upon discovering this fact, I posed the very same question that had been posed to me by the press: Why? Why would the Governor appoint a person who possesses the qualifications to fill one of the other open profession-specific seats, appoint that person to fill an at-large seat and not reappoint the person who has faithfully served in that at-large position even beyond the expiration of his term? That at-large seat has been open since May of last year. []

SPEAKER FLOOD: One minute, Senator. []

SENATOR COUNCIL: Based upon my limited time on the Community Corrections Council, I had no rational explanation, particularly in view of the current capacity issues facing our correctional facilities and the impact of recently enacted legislation on that situation. I would think that this is precisely the time to retain strong, knowledgeable, and committed leadership to aid in addressing these issues. In that regard, I must say that I was pleasingly surprised to find all of these traits in Kermit Brashear, pleasingly surprised because I, like some others I have heard from, had formed some opinions about Kermit based upon some other matters he has been involved with. However, I was and am extremely impressed by his knowledge of and commitment to the mission of community corrections, as well as his vision for the future of community corrections. I took it upon myself to contact Kermit to find out what was going on. While he would confirm my understanding that he had not been notified that he was not being reappointed, he declined to engage in any further discussion about himself or to speculate or to engage in the speculation swirling around the reasons he was replaced. []

SPEAKER FLOOD: Time, Senator. Thank you, Senator Council. Senator Christensen, you're recognized. []

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SENATOR CHRISTENSEN: Thank you, Mr. President. I just want to speak a little bit on Darrell Fisher and he is a gentleman that grew up in my hometown of Arapahoe, very, very good gentleman that has...I guess I can't say enough about him and his family that's being nominated here. I just wanted to share my personal background. Our families have worked together and been friends for a number of years and he's just a super individual that's worked for the State Patrol. And I just want to encourage the support of these candidates that the Judiciary Committee has put forth. Thank you. []

SPEAKER FLOOD: Thank you, Senator Christensen. There are no other lights on. Senator Cook, you are recognized. []

SENATOR COOK: Thank you, Mr. President. I will yield my time to Senator Council, if she would like it. []

SPEAKER FLOOD: Senator Council, you have 4 minutes, 50 seconds. []

SENATOR COUNCIL: Yes, thank you, Mr. President. Thank you, Senator Cook. I just wanted to complete my comments because I think it's important, again, to this body. As I was stating at the time my time ran out, I did take it upon myself to contact Kermit Brashear. He returned my telephone call this morning. During that conversation, he confirmed my understanding that he had not been notified that he was not being reappointed. Now if you look at the material that was provided with regard to the two appointees who were being reappointed, Mr. Davis, in his letter to the Legislature, stated that he was excited to have been notified by the Governor that he was being reappointed. As I indicated, Mr. Brashear declined to engage in any further discussion about himself or the speculation swirling around about the reasons he was being replaced. He specifically said to me, Brenda, it's not about me, it's not about the Governor; he told me that we should be about the focus of our attention on the work of the Community Corrections Council and taking the action required to fulfill its mission. So with that said regarding the handling of these appointments, I want to take this opportunity to publicly thank Kermit Brashear for his dedicated leadership and service to the Community Corrections Council and I pledge to work tirelessly with the new appointees as well as the current members to advance the call of community corrections in the state of Nebraska. As to process, fellow members of the Unicameral, as to process, I believe that we should notify the Governor and request that on future nominations of appointments to boards or commissions where individuals are fulfilling specified terms that have specified statutory requirements, that we be notified on the same form that states their name, the board, the statutory authority for the appointment and the term, they also should be...the Governor's Office should also be required to indicate what statutory position this appointee is being nominated to fill. That would have been very simple to add for Mr. Fisher at large. For the two appointees, we did receive information that said they were being reappointed, but, again, if you weren't affiliated with or had knowledge of the current membership of the Community

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Corrections Council, you would not have known what seats those individuals currently occupy. I think at a minimum that is a courtesy that should be extended to the body that has the statutory responsibility of confirming these appointees. And with all of that said, would urge this body to approve the appointment...the appointments of the four individuals that have been advanced to you by the Judiciary Committee. []

SPEAKER FLOOD: Thank you, Senator Council. There are no other lights on. Senator Ashford, you're recognized to close on the Judiciary confirmation report. []

SENATOR ASHFORD: Thank you, Mr. Speaker. I just want to take this opportunity to thank the body for the hard work this year, especially on the issues, the tough issues, that the Judiciary Committee put out here. We know in the committee that they are difficult issues. There are motive issues and they obviously can become very difficult to work through. And I am just so pleased and honored to serve with this group of people. The conscientiousness with which they dealt with these issues is impressive to say the least. So I want to thank, on behalf of our committee, the Judiciary Committee, thank all of you for your work. Thank you. []

SPEAKER FLOOD: Thank you, Senator Ashford. Members, you've heard the closing on the Judiciary confirmation report. The question is, shall the report be adopted? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. []

CLERK: (Record vote, Legislative Journal pages 1776-1777.) 45 ayes, 0 nays, Mr. President, on the adoption of the confirmation report. []

SPEAKER FLOOD: The Judiciary confirmation report is adopted. (Visitors introduced.) []

PRESIDENT SHEEHY PRESIDING []

PRESIDENT SHEEHY: Mr. Clerk, we'll now move to the first item under legislative resolutions, LR224. [LR224]

CLERK: Mr. President, LR224 was originally introduced by Senator Mello and a number of the members. It's a resolution that calls for the Executive Board of the Legislative Council to appoint a task force to be known as the Budget Reform Task Force. Pursuant to the resolution's introduction, the matter was referred to the Executive Board for purposes of conducting a public hearing. The board met, conducted that hearing, and I do have Executive Board Committee amendments, Mr. President. (AM1508, Legislative Journal page 1747.) [LR224]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Mello, you're recognized to open on LR224. [LR224]

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SENATOR MELLO: Thank you, Mr. President and members of the Legislature. LR224 creates the Budget Reform Task Force that would provide strategic recommendations to the Legislature on ways to improve our budgeting process. The Budget Reform Task Force would consist of 11 members from all areas of the Legislature, including the Chair or representative from the Executive Board, Appropriations, Revenue, Education and Planning Committees, as well as two additional members from the Appropriations and Revenue Committees, and three members from the body at large. The Budget Reform Task Force, it would be designated to look into areas of budget reform that includes zero-based budgeting, performance measurements, oversight of public contracts, and evaluation of existing state government programs and agencies, an evaluation of the current legislative fiscal note process, and how strategic planning can relate to the budgeting process. It's my understanding that Senator Wightman will be presenting an amendment to LR224 that changes the composition of the task force, which I've been given assurances from Senator Wightman and other members of the Executive Board that any member of the legislative body who wishes to participate in this task force, if it is created and passed, will be able to do so. Because if you look at the original introduced copy, I'd like to thank the 35 members of the body who cosponsored this resolution, because throughout our ongoing conversations this session we've had debates, just recently the other day, about legislative fiscal notes. We've had debates and conversations about public contracts. We've had conversations and debates about transparency and accountability, and whether or not, when we ask for public information requests from various state agencies, whether we get them or not. A various number of issues regarding transparency and accountability and how we actually budget and provide funding for the state has been brought up, not only within the Appropriations Committee, but it's been brought up by numerous other members on this floor. And so it is my hope that LR224 will be able to provide a strategic framework for the Legislature, with the large number of new members over the last two years that have come to this body, to review our budget process, to go through state agencies and find ways to make our government be more efficient, but also hopefully add more value to what we're currently giving funding for. Because I can tell you, as a freshman member of the Appropriations Committee, there was an awful lot of information that gets thrown at you very quickly and it's something I think that not just members on the Appropriations Committee should know and learn about, because the 49 of us ultimately craft and pass a budget and I think it's incumbent upon all of us to be part of that process if we have ideas of how to make our budget process be more transparent, more accountable, and more efficient in the long run. With that, I'd also real quick as I end, this is not a new issue to some extent. I'd like to thank a few senators in particular for helping providing some framework in regard to this ongoing debate--Senator Harms and Senator Nantkes, as senior members of the Appropriations Committee. I've had lengthy conversations with them about this over the entire session and it's something that they had previously started to look to do and it's something hopefully that with the passage of LR224 we'll actually get done and be able to provide some strong recommendations to

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the Legislature at the end of the 2010 year. Thank you, Mr. President. [LR224]

PRESIDENT SHEEHY: Thank you, Senator Mello. You have heard the opening to LR224. As was stated, there is an Executive Board Committee amendment, AM1508. Senator Wightman, you're recognized to open. [LR224]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. Thank you, Senator Mello, for bringing this legislative resolution and bringing awareness to the floor that probably some work does need to be done in the budgeting process. The committee amendment, AM1508, is quite simple. It does two things: one, changes the membership of the task force to be the members of the Appropriations Committee instead of an 11-member committee made up of various members of the Legislature; and two, provides the sunset date for the task force of June 30, 2010. It was the feeling of the Appropriations Committee that an 11-member committee would be somewhat bulky and would involve an awful lot of senators who might have other committee assignments this year, so that was some concern. I might also say that Senator Mello, I know, does have some concerns about the fact that the base is not being broadened as much as he probably would like to see it by the inclusion of other committee Chairs and members in that committee. At the same time...or in the task force...I'm assured by the Appropriations Committee Chair, Senator Heidemann, and other members of the Appropriations Committee that we will be very open in our consideration of this, the Appropriations Committee will. We will welcome at any meetings in which we are considering this any other members of the Legislature and particularly committee Chairs that will be involved, and I would say all of them would be involved, and we will try to at least make known the dates of those meetings. And hopefully that this would take care of some of the concerns of Senator Mello in limiting the task force itself to members of the Appropriations Committee. Thank you, Mr. President. [LR224]

PRESIDENT SHEEHY: Thank you, Senator Wightman. You have heard the opening of the Executive Board Committee amendment, AM1508, to LR224. Members requesting to speak are Senator White and Senator Harms. Senator White, you're recognized. [LR224]

SENATOR WHITE: Thank you, Mr. President. I support the LR but I think the amendment is ill-advised for the following reason. Appropriations is an incredibly difficult committee and it is so time-consuming that its members serve on no other committees, and anyone who serves on another committee does not serve on Appropriations. Therefore, the interaction between the members of Appropriations Committee and other senators is more limited than any other committee combination. That coupled with a number of years of disagreement on, for example, most recently the request by Judiciary to add a judge for Lancaster County and the Appropriations Committee response was that you should have come to us first to get the money and then gone to Judiciary to get the judge authorized indicates a profound disconnect between other

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committees, even those chaired by experienced persons such as Senator Ashford, and the Appropriations Committee's expectation of how budgeting should occur. What we have here now is another committee that is just the Appropriations Committee. It is the Appropriations Committee all over again. I don't think that is reasonable that you can expect, first of all, innovation by the same committee meeting with the same people, that just got out of five months of brutal everyday meetings, for new thinking. I don't think that's likely, nor, I am certain, will the bridges be built between the various committees such as Judiciary Committee and Appropriations so that when the issue of a new judge comes up there's a mutual understanding of the various roles of the committee. I would tell you, for example, Senator Pahls has brought incredible energy and vitality and new thoughts, not of all of which I agree with, many of which I don't agree with, on the issue of revenue, but I am incredibly thankful for his energy and his concern in bringing perspective from outside of the Revenue Committee into the Revenue Committee. And that's why I think, and I want you to know I was not present for the debate on this amendment and did not vote for it, but that is why I think it's ill-advised. If this committee is to mean anything, what it needs to do at minimum is build better bridges among the various committees and the Appropriations' members so that each at least can understand better the existing system and the members' expectations for that system. I also think bringing ideas from outside of the committee, if you're really looking at new budgeting, is the only realistic way to have this be a meaningful committee and have some kind of meaningful proposal for the body as a whole when we reconvene. Thank you, Mr. President. [LR224]

PRESIDENT SHEEHY: Thank you, Senator White. Senator Harms, you're recognized. [LR224]

SENATOR HARMS: Thank you, Mr. President and colleagues. I rise in support of AM1508. I think it's a...I think, and as well as the underlying bill, LR224. First, let me say that I think that this is part of the planning process. This is part of analyzing what we do. It doesn't mean that what we're doing is wrong. It doesn't mean that our Fiscal staff is not up to date with the processes. What it does, it just gives us a chance to look at ourselves. There's nothing wrong with that. There's nothing wrong with that whole planning process, looking at what we're doing, finding out whether or not we can do a better job. I mean, this is what this is about. And I think what Senator Mello is doing is that I think that's what he's asking for. I think he's wanting to have the opportunity to have that discussion. And I don't think that there's anyone better than the Appropriations Committee, who deals with this issue, understands the problems and knows how sometimes it becomes awkward in addressing some of these issues. I think this is a great amendment. I think we should support the amendment. And the other thing I want to point out to you, this does not mean that the Revenue Committee, it does not mean that the Health and Human Services Committee Chairs can't participate in this. You can come to these meetings. You can be involved in these meetings. You can give your thoughts and your ideas. Because all it is, is a legislative resolution. It's a study

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committee, and a study committee should be open to everyone who's in here. If you've got an interest in this, you should come. I think it's really important for us to address the issue. I think it's important for us to look at change. Change for so many people are frightening. When you start talking about change, people automatically start to say, well, I think they think we're doing a poor job. No, that's not it at all. What we're saying is we just want to look at what we're doing, want to find whether we can make it smoother, whether we have other opportunities to do a better process. I will tell you now, in the three years that I've been here I've been on this Appropriations Committee and I will tell you up front I think that Fiscal staff is as great a staff you're ever going to find. I think Mike Calvert, Tom Bergquist who lead that process and then their staff are excellent. I've worked with many different fiscal people in my life and in my other career. I'm here to tell you, they are some of the finest you'll ever find. And I want them to make sure that they understand that the 30-some people that signed this are not saying you're doing a poor job. That's not it at all. I think it's just saying that we'd like to begin to look at, we'd like to begin to analyze and to think about the process. You know, when you look at this, look at America. I look at this country. We're changing rapidly. Whoever thought we would have over \$1 billion coming to this door with stimulus money? It's going to continue to change and we're going to have to have the ability to analyze ourselves carefully. If we continue to find ourselves in the process of losing revenue, more difficult decisions are going to have to be made. And when you get into that aspect, how do you make those decisions? What criteria are you using to make those decisions? What are their goals and their objectives by these divisions or these departments? I don't know sometimes and I think it's really interesting and it should be discussed and we should look at it and we should have a better understanding about this process. And so I would hope that people understand that what AM1508 says does not say that you cannot participate. In fact, I'm quite sure they'd be very happy to have more people come and have this discussion, to be a part of it. And I hope, as Senator Mello sends out his notices of the meetings, that he'll let everyone else know that this is where we're meeting, this is when we're meeting, this is what's on the agenda, if you have an interest come and talk to us. Because planning for the future involves everyone who's in this room. A committee cannot do it on its own. This is your chance to get your input. This is your chance to come forward and say, you know, I don't understand this, can you help us understand this. And I'm sure that Mike Calvert and the people will be there to help people think through this whole process. But I want you to understand, they're great people, they're very bright, they're very articulate, and I think by coming together and just looking at what we're doing it's vital, it's important to us. We need to be able to do this in the future. So I would ask that you support AM1508... [LR224]

PRESIDENT SHEEHY: One minute. [LR224]

SENATOR HARMS: ...thank you, Mr. President, AM1508 and the LR224. Thank you, Mr. President. [LR224]

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PRESIDENT SHEEHY: Thank you, Senator Harms. Seeing no additional requests to speak, Senator Wightman, you're recognized to close on AM1508. [LR224]

SENATOR WIGHTMAN: Thank you, Mr. President. I would just reiterate what I said previously, that even though the committee amendment does change the task force or the membership of the task force to the members of the Appropriations Committee, I can assure you that we will welcome anyone else to attend. We will get notice to people, hopefully to all of the senators, certainly to all the committee Chairs. Senator Mello will have an opportunity to make sure that everybody is notified of those meetings. I think it's going to be a more workable, probably, than an 11-member task force, as was originally proposed, and I do urge your support for AM1508. Thank you, Mr. President. [LR224]

PRESIDENT SHEEHY: Thank you, Senator Wightman. You have heard the closing. The question before the body is on the adoption of AM1508 to LR224. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR224]

CLERK: 37 ayes, 5 nays, Mr. President, to adopt the committee amendment. [LR224]

PRESIDENT SHEEHY: AM1508 is adopted. We'll now return to LR224. Seeing no requests to speak, Senator Mello, you're recognized to close. [LR224]

SENATOR MELLO: Thank you, Mr. President, members of the Legislature. I'll be brief. Senator Harms and Senator Wightman and Senator White all made very, very good points in regards to looking at the process, respecting the institution of the Legislature and the great work that the Fiscal Office does, but also, in the same vein, being able to understand that there are other ways of doing business. There are other ways of running an agency. There are other ways of managing or administering a program, other ways to look at data and information. That's essentially what this resolution and this task force will do, be able to sit back, look back at various mechanisms and various data points, different processes that we currently enact, maybe look at processes other states enact and seeing what we can do to make Nebraska a bit more effective, a bit more efficient, and a bit more transparent when it comes to our budget. So with that, Mr. President, thank you. [LR224]

PRESIDENT SHEEHY: Thank you, Senator Mello. You have heard the closing. The question before the body is on the adoption of LR224. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR224]

CLERK: 45 ayes, 0 nays, Mr. President, on the adoption of LR224, as amended. [LR224]

PRESIDENT SHEEHY: LR224 is adopted. We now proceed to LR259. [LR224 LR259]

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CLERK: LR259, Mr. President, a resolution introduced by Senator Fischer and the membership. [LR259]

PRESIDENT SHEEHY: Senator Fischer, you're recognized to open on LR259. [LR259]

SENATOR FISCHER: Thank you, Mr. President and members. This resolution was introduced by 48 members of this body and it is in honor of the memory of Carrie Howard and also to offer our deepest condolences to her mother, Senator Gwen Howard. Carrie was a wonderful person and she will be deeply missed by her family and friends. Senator Howard has faced a devastating loss and she has handled it with grace. While privately grieving, she has carried on her duties as a state senator and represented her constituents and the people of the state of Nebraska very well this session. And so, Gwen, I want you to know that we hold you in our hearts and you remain in our thoughts and prayers. Thank you. [LR259]

PRESIDENT SHEEHY: Thank you, Senator Fischer. You've heard the opening to LR259. Seeing no requests to speak, Senator Fischer. Senator Fischer waives closing. The question before the body is on the adoption of LR259. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR259]

CLERK: 47 ayes, 0 nays, Mr. President, on the adoption of LR259. [LR259]

PRESIDENT SHEEHY: LR259 is adopted. Mr. Clerk, do you have items for the record? [LR259]

CLERK: I do, Mr. President. (Bills presented to the Governor: LB219, LB219A, LB658, and LB675.) A communication from the Governor. (Read re LB16, LB218, LB241, LB679, LB35, LB35A, LB219, LB219A, LB658, and LB675.) Mr. President, in addition to that communication, I have communications from the Executive Board regarding certain appointments to special committees. And an explanation of vote, Mr. President, to be inserted (re LB675). (Legislative Journal pages 1777-1778.) [LB219 LB219A LB658 LB675 LB16 LB218 LB241 LB679 LB35 LB35A]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We will continue with legislative resolutions. We will be taking up these resolutions and then adopting them as a group. The first legislative resolution is LR260. [LR260]

CLERK: Mr. President, LR260 is a resolution introduced by Senator White congratulating the Omaha Marian High School girls' tennis team. [LR260]

PRESIDENT SHEEHY: Senator White, you're recognized to open on LR260. [LR260]

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SENATOR WHITE: Thank you, Mr. President. Marian girls have had many excellent athletic teams over the decades. They excel in not only sports but also academics. Their most recent achievement and triumph is the state tennis championship and this resolution congratulates them for that. Thank you, Mr. President. [LR260]

PRESIDENT SHEEHY: Thank you, Senator White. You've heard the opening to LR260. We'll now proceed to LR261. [LR260 LR261]

CLERK: LR261, Mr. President, is a resolution introduced by Senator Price. It extends the appreciation to the 101st Airborne Division and those Nebraskans who have served in the 101st Airborne Division. [LR261]

PRESIDENT SHEEHY: Senator Price, you're recognized to open on LR261. [LR261]

SENATOR PRICE: Thank you, Mr. President, members of the body. What an awesome opportunity we have here to recognize our military and our heroes. I thought with the convening of the One Hundred First Legislature, we could take an opportunity to recognize those Nebraskans who have served in the 101st, and I would like to read for you a brief moment. When the 101st Airborne Division, the "Screaming Eagles" division was activated on August 15, 1942, its first commander, Major General William C. Lee, promised his new recruits that the 101st had no history but had a rendezvous with destiny. And in part, General Order Number 5, which gave birth to the division, reads in part: The 101st Airborne Division has no history but it has a rendezvous with destiny. Like the early American pioneers whose invincible courage was the foundation stone of this nation, we have broken with the past and its traditions in order to establish our claim to future. And it ends: It is, therefore, not too much to say that the future itself, in whose molding we expect to have our share, is in the hands of the soldiers of the 101st Airborne Division. In drawing this resolution up, I was contacted by an individual here in Lincoln whose son, Specialist Cody Waite, is in the 101st Airborne. He's a Nebraskan and, like many others from the 101st, embodies what was said in that General Order Number 5 that created that august unit. And this resolution is but a small token of appreciation as the price paid by the 101st and their families can never be fully recognized. Thank you, Mr. President. [LR261]

PRESIDENT SHEEHY: Thank you, Senator Price. You've heard the opening to LR261. We will now proceed to legislative...Senator Pankonin, you're recognized. [LR261]

SENATOR PANKONIN: Thank you, Mr. President. I just want to add a few words today to Senator Price's resolution, a few quick comments about the history of the 101st Airborne. As he mentioned, it was formed in...early in World War II, after the German Army had had success with paratrooper troops, in Holland specifically in the early part of that conflict. There were two famous divisions formed, the 82nd Airborne, the "All American" Division, and the 101st, the "Screaming Eagles" division. And Senator Mike

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Friend behind me often wears, as he has today, a lapel pin that has the American flag and also the other flag has the symbol of the "Screaming Eagles" 101st Airborne, and so every time I see it I think about this famous unit. This division became popularly famous here in the last few years because of a book by the name of Band of Brothers by Stephen Ambrose, and then the HBO television series of the same name. But I think more significantly is that this division was the first unit of its size, a division in World War II would have been between 10,000 to 12,000 troops, was honored by the President in World War II with the Presidential Unit Award for its historic role in World War II's Battle of the Bulge in Bastogne in Belgium. During this battle, the 101st Airborne was surrounded and their deputy commander, when the Germans, under white flag, asked that the town be surrendered, the 101st Airborne surrender gave the famous answer on a written piece of paper of "nuts." And the Germans didn't understand what that meant but in other uncertain...or other certain terms they were explained that that wouldn't happen under any circumstance. So the battle was joined again and the 101st held out until they were relieved. They've been distinguished...they've given distinguished service in every conflict since then. They are elite soldiers who have made history. I'm pleased to honor them today and I want to thank Senator Price for introducing this legislative resolution. Thank you. [LR261]

PRESIDENT SHEEHY: Thank you, Senator Pankonin. Senator Friend, you're recognized. [LR261]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. I wanted to also thank Senator Price and signed on to the resolution because I...some of you have never been involved in any of this, but Senator Pankonin and I used to work our way through filibusters with a former member by talking about World War II, using analogies and the whole bit. What Senator Pankonin didn't bring up, the interesting part of the Nazi push at the Battle of the Bulge, was that the siege of Bastogne was a small...a smaller battle and a smaller part of it. But the interesting part is the 101st didn't even know it was about to hit them. They developed perimeters around, what Senator Pankonin was talking about, in and around Bastogne and the reason, I think, this is my guess, that these guys have gotten the acclaim and they are one of the most decorated divisions in the history of the United States military is because they didn't know what they were about to get hit with. And the Germans made a bunch of tactical errors but what ended up happening was these guys, for a week with no food, no proper clothing, subzero weather, fought in an area of the world that they couldn't care less about and fought divisions of men who were desperate, and it was the last push that the Nazis would...the last real push that the Nazis would eventually make. The final interesting part about that, that Senator Pankonin didn't have time to express, is when they were done with that week, they fought for 17 more days. They helped Patton and they helped these guys push these guys after the encirclement was broken. That's where they get the term "Screaming Eagles." That is an organization of men that, when our new folks carry on, that it's tough to mirror. They have helped reconstruction in Iraq. Petraeus

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helped lead that division in northern Iraq to do some of the...some of the famous things that they have done there now. That's all I had. Mr. President, thank you for the time. [LR261]

PRESIDENT SHEEHY: Thank you, Senator Friend. Seeing no additional requests to speak, we'll now proceed to LR264. [LR261 LR264]

CLERK: LR264, Mr. President, is a resolution by Senator Pahls recognizing efforts of Bill and Evonne Williams in spearheading the Heartland Honor Flights. [LR264]

PRESIDENT SHEEHY: Senator Pahls, you're recognized to open on LR264. [LR264]

SENATOR PAHLS: Thank you, Mr. President, members of the body. This...you all know about the power of one. To me, this is the power of two: Bill and Evonne Williams of Omaha. They did spearhead the Heartland Honor Flights in 2008 and 2009. This allowed 1,500 Midland's veterans and their guardians to visit the war memorial in Washington, D.C. To me, this is an example of just what the previous three senators had talked about, individuals who had...who have and are to this day doing tremendous things for our country. And I think Bill and Evonne Williams are an example of what America is all about. Thank you. [LR264]

PRESIDENT SHEEHY: Thank you, Senator Pahls. You have heard the opening to LR264. Member requesting to speak, Senator Gay, you're recognized. [LR264]

SENATOR GAY: Thank you, Mr. President. These are all very worthy causes and I wanted to commend Senator Pahls for bringing this particular resolution. I know Bill and Evonne, great people. He summed it up very appropriately and I won't go much into it either, but it's amazing. I knew what they were doing and I've watched this whole thing develop as well. And many of you, I'm sure, have seen it on the news and that they would just get this cause and run with it, is amazing that two people can do so much. And I've been watching it and I think it's great that we recognize them today. Thank you, Mr. President. [LR264]

PRESIDENT SHEEHY: Thank you, Senator Gay. Seeing no additional requests to speak, again, members, we will be voting on LR260, LR261, and LR264. So the question before the body is on the adoption. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR260 LR261 LR264]

CLERK: 44 ayes, 0 nays, Mr. President, on the adoptions of LR260, LR261, and LR264. [LR260 LR261 LR264]

PRESIDENT SHEEHY: The legislative resolutions are adopted. Mr. Clerk, do you have other resolutions filed on your desk? [LR260 LR261 LR264]

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CLERK: Mr. President, I do. I have five resolutions and, so the membership is aware of what you will be voting on, I will read the resolutions. The first is by Senator Coash, LR265, Senator Coash: Whereas, Steve O'Brien, a husband, father, friend, officer of the law, rescue squad, and volunteer fireman, died on May 7, 2009, in Omaha at the age of 53; whereas, Steve O'Brien dedicated 37 years of his life to protecting the citizens of Nebraska; whereas Steve O'Brien became a deputy in Saunders County and quickly rose to rank of chief deputy sheriff; whereas, Steve O'Brien also served in the police departments of Valley and Waterloo and served as police chief of Yutan and Ashland; whereas, Steve O'Brien's devotion to the citizens of Nebraska also included his service as a volunteer fireman, rescue squad member, and investigator for the Department of Health and Human Services; whereas, Steve O'Brien is survived by his wife of 30 years, Melanie, and his beloved child Kelly, now, therefore, be it resolved that the Legislature expresses its gratitude to Steve O'Brien for his 37 years of protecting the citizens of Nebraska, that the Legislature expresses and extends its sympathy and condolences to the family of Mr. O'Brien, and that a copy of this resolution be sent to the family of Mr. O'Brien. Mr. President, I might indicate to the membership, in order to consider these, Senator Coash would move to suspend Rule 4, Section 6, to permit consideration of the resolution today. [LR265]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Members, the first vote will be on rules of suspension. Senator Coash, you're recognized to open on LR265. [LR265]

SENATOR COASH: Mr. President, I do move to suspend the rules to permit consideration of LR265. Very quickly, the Clerk read this, I'll just read a little bit for the body. This resolution is to honor Steve O'Brien, who is a former Saunders County chief deputy sheriff, who passed away on May 7 at age 53. Steve dedicated his life to law enforcement and protecting the citizens of Nebraska for 37 years as an officer of the law. In addition to that, Steve volunteered as a firefighter and emergency medical technician. And I urge the adoption of LR265 so that the Legislature can express appropriate gratitude. Thank you, Mr. President. [LR265]

PRESIDENT SHEEHY: Thank you, Senator Coash. You've heard the opening of LR265. Members, the first vote will be on the suspension of rules. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR265]

CLERK: 43 ayes, 0 nays, Mr. President, to suspend the rules. [LR265]

PRESIDENT SHEEHY: Rules are suspended. We will now move forward. The question before the body will be on the adoption of LR265. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR265]

CLERK: 46 ayes, 0 nays, Mr. President, on the adoption of LR265. [LR265]

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PRESIDENT SHEEHY: LR265 is adopted. (Visitors introduced.) We will now proceed to LR266. [LR265 LR266]

CLERK: LR266, Mr. President, is a resolution by Senator Cook. Dr. Jerry Fischer has committed time, energy, and expertise in improving the health of Omaha's most vulnerable citizens, the city's homeless families, by creating a highly effective health clinic for the residents of Open Door Mission; whereas, Dr. Fischer received the honor of the Adult Health Volunteer of the Year Award at the United Way of the Midlands' fifty-fourth annual recognition dinner on April 22, 2009; now, therefore, be it resolved by the members that the Legislature recognizes Dr. Jerry Fischer for distinguished service to the state of Nebraska, its residents, and the United Way of the Midlands, that the Legislature congratulates Dr. Fischer for receiving the 2009 Adult Health Volunteer of the Year Award, and that a copy be presented to Dr. Fischer. [LR266]

PRESIDENT SHEEHY: Senator Cook, you're recognized to open on LR266. [LR266]

SENATOR COOK: Thank you, Mr. President and members of the body. Mr. Clerk already...the Clerk already read the proposal, but I wanted to emphasize that Dr. Fischer created a health clinic at a homeless shelter which is located in Legislative District 13 and serves people from all over the greater metropolitan area and people who are passing through our state. And I think that it's another example of one person giving his time and his talent in support of something we all agree is necessary and important. Thank you. [LR266]

PRESIDENT SHEEHY: Thank you, Senator Cook. You have heard the opening to LR266. Members, the first vote will be for suspension of the rules. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR266]

CLERK: 36 ayes, 0 nays, Mr. President, on the suspension of the rules. [LR266]

PRESIDENT SHEEHY: The rules are suspended. Seeing no requests to speak, the question before the body will be on the adoption of LR266. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR266]

CLERK: 43 ayes, 0 nays, Mr. President, on the adoption of LR266. [LR266]

PRESIDENT SHEEHY: LR266 is adopted. We'll now proceed to LR267. [LR266 LR267]

CLERK: Mr. President, LR267, a resolution by Senator Cook: Whereas, Connie Rose has been a longstanding, selfless servant to the Florence community, including organizing a monthly reception for new American citizens, recruiting people to fund a free medical clinic at the Open Door Mission, and collecting items for American soldiers

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overseas and the residents of a girls' home; whereas, Connie Rose received the top honor at the United Way of the Midlands' fifty-fourth annual volunteer recognition luncheon, Volunteer of the Year, on April 22, 2009, now, therefore, be it resolved by the members that the Legislature recognizes Connie Rose for her distinguished service to the state of Nebraska, its residents, and the United Way of the Midlands, that the Legislature congratulates Connie Rose for her Volunteer of the Year Award, and that a copy be presented to Ms. Rose. [LR267]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Cook, you're recognized to open on LR267. [LR267]

SENATOR COOK: Thank you, Mr. President and colleagues. Again, I wanted to offer this opportunity to recognize a servant to the Florence community and to the state at large. The Clerk has offered you the evidence that she is worthy of this resolution. Thank you very much. [LR267]

PRESIDENT SHEEHY: Thank you, Senator Cook. You've heard the opening to LR267. The first vote will be on rule suspension. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR267]

CLERK: 39 ayes, 0 nays, Mr. President, to suspend the rules. [LR267]

PRESIDENT SHEEHY: The rules are suspended. We will now move to the adoption of LR267. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR267]

CLERK: 43 ayes, 0 nays, Mr. President, on the adoption of LR267. [LR267]

PRESIDENT SHEEHY: LR267 is adopted. We will now proceed to LR268. [LR267
LR268]

CLERK: Mr. President, LR268 is a resolution by Senator Pahls: Whereas, on May 28, 2009, Andy Sajevic of Fremont High School won the 2009 Class A Boys' State Championship, as Andy Sajevic set a state tournament scoring record in the Class A boys' golf, finishing the 36-hole tournament at 8 under par; whereas, Andy Sajevic will continue to advance his education and athletic performance as a recruit to the University of North Carolina-Charlotte; whereas, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state, now, therefore, be it resolved by the members that the Legislature congratulates Andy Sajevic for winning the Class A Boys' State Golf Championship, and that a copy of the resolution be presented to him. [LR268]

PRESIDENT SHEEHY: Senator Pahls, you're recognized to open on LR268. [LR268]

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SENATOR PAHLS: Thank you, Mr. President and members of the body. Mr. President, I would like to yield time to Senator Janssen. [LR268]

PRESIDENT SHEEHY: Senator Janssen, you're yielded 10 minutes. [LR268]

SENATOR JANSSEN: Thank you, Mr. President and members of the body. A special thank-you to Senator Pahls for doing this for me. The Fremont...Andy Sajevic won the state championship yesterday and I'm out of legislative resolutions, so he was nice enough to use one for me. And similarly, Senator Nordquist will be doing that as well, and I'll just speak to both of those right now. Andy shot an 8 under par, score of 132, which was also a state record, and this is his senior year so I wanted to recognize him. He comes from a great family and, as stated in the resolution, will continue his education as a golf recruit at the University of North Carolina-Charlotte, which is a powerhouse program. Additionally, Senator Nordquist will be offering a resolution as well to the Fremont Bergan, Archbishop Bergan high school boys won the Class D State Championship yesterday and we wanted to congratulate them. And actually, Johnny Spellerberg of Archbishop Bergan was the overall state champion. And also proud of Fremont Senior High boys' Class A team for the state runner-up finish yesterday. And with that, I will yield the rest of my time. Thank you. [LR268]

PRESIDENT SHEEHY: Thank you, Senator Pahls. Thank you, Senator Janssen. You've heard the opening to LR268. Members, the first vote will be on the suspension of rules. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR268]

CLERK: 41 ayes, 0 nays, Mr. President, to suspend the rules. [LR268]

PRESIDENT SHEEHY: Rules are suspended. We will now move to the adoption of LR268. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR268]

CLERK: 44 ayes, 0 nays, Mr. President, on the adoption of LR268. [LR268]

PRESIDENT SHEEHY: LR268 is adopted. We will now proceed to LR269. [LR268 LR269]

CLERK: LR269 by Senator Nordquist: Whereas, on May 28 the Fremont Archbishop Bergan Knights boys' golf team won the Class D Boys' Golf Championship, the first state championship for the Bergan boys' golf team; whereas, the Knights have won four district championships in the past five years and have qualified for the state tournament for five consecutive years; whereas, Coach Rainforth has consistently led the Knights boys' team to the state tournament, teaching those under his charge the importance of teamwork, discipline, and sportsmanship; whereas, the Knights have brought pride and honor to District 15, now, therefore, be it resolved that the Legislature congratulates the Fremont Archbishop Bergan Knights boys' golf team in winning the 2009 Class D Boys'

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State Golf Championship, and that a copy be presented to the Knights and their coach, Chris Rainforth. [LR269]

PRESIDENT SHEEHY: Senator Nordquist, you're recognized to open on LR269. [LR269]

SENATOR NORDQUIST: Thank you, Mr. President and members. As the Clerk read, this resolution acknowledges the accomplishments of Archbishop Bergan High School in Fremont for winning the Class D Boys' Golf Tournament yesterday. Thank you. [LR269]

PRESIDENT SHEEHY: Thank you, Senator Nordquist. You've heard the opening to LR269. The first vote will be on the suspension of the rules. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR269]

CLERK: 44 ayes, 0 nays, Mr. President, to suspend the rules. [LR269]

PRESIDENT SHEEHY: Rules are suspended. We will now move to the adoption of LR269. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR269]

CLERK: 47 ayes, 0 nays, Mr. President, on the adoption of LR269. [LR269]

PRESIDENT SHEEHY: LR269 is adopted. Mr. Clerk, do you have items for the record? [LR269]

CLERK: I have one, Mr. President. LR224, previously adopted by the membership, has been correctly enrolled. That's all that I have. (Legislative Journal pages 1783-1784.) [LR224]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR171, LR224, LR259, LR260, LR261, LR264, LR265, LR266, LR267, LR268, and LR269. Senator Pirsch, you're recognized for a motion. [LR171 LR224 LR259 LR260 LR261 LR264 LR265 LR266 LR267 LR268 LR269]

SENATOR PIRSCH: Mr. President, I move that a committee of five be appointed to notify the Governor that the One Hundred First 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: You have heard the motion. All those in favor say aye. Opposed, nay. The motion is adopted. I would appoint the following committee of five members to escort the Governor: Senator Dubas, Senator Cornett, Senator Stuthman,

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Senator Fulton, and Senator Wallman. Would you all retire to the rear of the Chamber to escort the Governor. The Chair recognizes the Sergeant at Arms. (Gavel) []

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

PRESIDENT SHEEHY: (Gavel) Ladies and gentlemen, members of the Legislature, the Governor of the great state of Nebraska, Governor Dave Heineman. (Applause) []

GOVERNOR HEINEMAN: Thank you very much. Thank you. Thank you very much. Mr. President, Mr. Speaker, members of the Legislature, distinguished guests, and fellow Nebraskans: I want to congratulate you on an exceptionally productive session. As I reflect on this session, it is readily apparent that the new ideas and the new enthusiasm of this body contributed to a successful legislative year. Working together, we have made progress on a number of key issues. This was a very important session, due to the economic challenges we face. We enacted a balanced budget that contained no tax increases, prioritized education funding, and maintained a strong cash reserve. Additionally, this budget includes increased funding for the developmentally disabled by allocating approximately \$100 million for the Beatrice State Developmental Center and expanded community-based services. Senator Heidemann, thank you for your leadership of the Appropriations Committee. This budget reflects the fiscal discipline and the fiscal responsibility that Nebraskans expect from us. Two years ago, we restrained spending which put us in the position to weather the upcoming fiscal storm. This budget takes another step forward in preparing our state for the potentially difficult economic challenges that lie ahead. I am very concerned about how the national economic slowdown is beginning to impact on our receipts. If this trend continues, Nebraska state government may have to restrain spending even further. By delaying the passage of several bills with fiscal impact, several senators helped ensure our state budget would remain in check. Thank you, Senators Hadley, Gay, Mello, Sullivan, and Heidemann. Another essential component of our strong budget was the work of Senator Adams. Thank you for your leadership in revising the state aid formula. This was a difficult task and I appreciate the work of you and your fellow committee members. Now we can turn our attention to the critical education issues of academic excellence, closing the academic achievement gap, early childhood, assessments, and teacher quality. Also related to the budget was the work on retirement issues led by Senator Pankonin. Senator, thank you. This helped us to resolve our budget challenges this year. At the beginning of this session, we had another very important issue that needed addressed. It was a topic on the minds of many Nebraskans as I traveled our state. Nebraska had a death penalty, but lacked a legal means of execution. It is clear that there is strong support for the death penalty in our state and you represented your constituents in sending me a lethal injection bill. Lethal injection is now the law of the land. The debate on this difficult issue was serious and thoughtful. Senator Flood, thank you for your leadership. Another issue on the minds of our constituents that was addressed in this

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session was immigration reform that was made possible by the efforts of Senator Karpisek, Senator Friend and Senator Ashford. This is fundamentally a fairness issue. As a state, we focused on the one area where our efforts could make a difference at the state level. The step we took this year will help address one aspect of the much larger and more complex immigration issue. Important progress was accomplished with behavioral health reform. Senator Gay and Senator Howard, thank you for your work to incorporate five bills into a single, comprehensive package to help address children's behavioral health challenges. Your work ensures Nebraska will now have a statewide hot line providing professionals trained in mental health assessment to connect families with the help they need. You have given us the tools to provide the peer support that will help families navigate the range of behavioral health services in our state and you created new family, post-adoption services. I also want to acknowledge the senators who were part of the LB603 compromise. Thank you, Senators Avery, Dubas, McGill, and Nordquist. The passage of LB561, Nebraska continues to move forward in the development of wind energy. This is important legislation and I intend to work very hard to ensure that Nebraska becomes a national leader in the development of wind energy. The potential for wind energy growth in the next few years will be expanded because of your efforts. Thank you, Senators Lathrop, Langemeier, and members of the Natural Resources Committee. In this session you also passed anticrime legislation that will help larger communities and those across our state address gang violence and boost crime prevention efforts. Thank you, Senators Ashford, Friend, and Council. Again, I want to commend you on an exceptionally productive session. Working together, we are making progress on Nebraska's economic future. On a personal note, I know the sacrifice required for public service. As part-time legislators, the time you spend here and traveling between home and office is time away from your family and from your career. You recognize that this is a full-time commitment, and I have great respect for your diligent work in this session and throughout the year. I also want to thank the staff of the Legislature. We enjoy working with you. As I close, I want to emphasize that the work of the Legislature makes a difference. Your continued service to our great state and the people of Nebraska is appreciated. Thank you. (Applause) []

PRESIDENT SHEEHY: Thank you, Governor. Would the committee escort the Governor from the Chamber. Speaker Flood, you are recognized for remarks. []

SPEAKER FLOOD: Thank you, Mr. President. Good afternoon, members. And to my colleagues in the Legislature, thank you for your public service. Thank you for your patience. Thank you for not complaining as we worked into the night and, Senator Hadley, thank you for working with me as we worked through lunch. (Laughter) Most of all this session, thank you for your willingness to find compromise and for your investment in our collective work product. As Speaker, one of my roles is to look at the Legislature as an institution and I, first and foremost, continue to believe today that this is Nebraska's marketplace of ideas. It's a marketplace of ideas because you bring ideas, you challenge other ideas, and we rely on very important people to make our

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work successful. This is more than a Chamber. This is more than a State Capitol. It's more than a building. Our people in the Legislature make the difference. I would ask at this time that as I call out different divisions of the legislative staff that they remain standing, and would ask the members of the Legislature and others to hold their applause until I have an opportunity to introduce you to many of the people that work every day on our behalf. We'll start with the Clerk's Office. Would members of the Clerk's immediate office please stand up. The Bill Room, employees of the Bill Room, would you please stand up. Transcribers, would you please stand up; Unicameral Information Office, Legislative Technology Center, Sergeant at Arms, legislative pages, members of the Nebraska State Patrol and Capitol Security Division, our Fiscal Office, our Revisor's Office, Legislative Accounting and Budgeting Office, Legislative Research Division, Legislative Audit Division, Ombudsman's Office, committee staff, and individual senator staff. On behalf of the entire Legislature, please know how grateful we are for your public service and thank you today for everything that you've done this session. (Applause) Please be seated. I want to talk about our work by the numbers because oftentimes that's how those that don't understand our process judge our work. They ask us how many bills we passed. Well, the number this year is 236. Is it more bills than in the past? Well, 24 fewer from 2003, 19 fewer than 2001, and 95 fewer than 1999. Our work is not about the number of bills that we process and pass. Our work is about priority bills and tackling tough issues. Of the 104 priority bills available for scheduling, 81 have passed, 5 were held on Final Reading, 7 were IPPed, and 8 remain in committee. More importantly, our work is on Nebraska's toughest issues. It does speak for itself. Notable accomplishments this session: A sound budget with a 1.1 percent General Fund increase during tight economic times. Our state's retirement programs will be on solid footing thanks to tough decisions made now instead of kicking the can down the road and waiting for things to get better. We've taken steps to follow through on our promise to address behavioral health services for adolescents following the safe haven special session. We've provided oversight to the state's developmentally disabled system and population, and we have prioritized through our appropriations services for those on the DD waiting list. We've advanced anticrime legislation addressing gang and illegal weapons activity. We've adopted procedures to ensure public benefits are not utilized by illegal immigrants. We've adjusted the state aid K-12 schools formula to fit within our existing financial resources and work for the needs of both urban and rural Nebraska. We've advanced wind power utilization in Nebraska and the creation of wind energy. And we've done it all without any tax increases. I'd like to recognize the work of our committees. People often ask me, how can the Legislature adjourn three days early? I credit our committees, our senators on those committees, and their staff for sending bills to the floor that are in good shape and ready for discussion, for working through difficult issues in committee before consideration by the full Legislature, and on occasion when committees say no so that bills that are not ready for discussion are not presented for consideration. I also want to talk about civility. George Norris worked to establish a Unicameral, in part to distance Nebraska from the frivolous bickering in Washington. We have done our work this year in a civilized environment, one that

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debates issues and the language in the text of the bills, not personalities or personal attacks. Nebraskans expect their leaders to make forward progress on tough issues. We should be proud of what we have accomplished. Today we adjourn sine die on the eighty-seventh day and, completing our work, we have saved the taxpayers \$26,259 and counting. We all know our work is not done. We have interim studies. We reconnect with our districts. We hold meetings. We work nights. We work mornings. We go to breakfasts and lunch and dinners and learn more about what our individual districts need in service to our constituents. So although our days in session are done, our work begins again this interim as we prepare for 2010. I just want to thank you all for your service and, most of all, your passion for our state. Thank you, Mr. President.
(Applause) []

PRESIDENT SHEEHY: Thank you, Speaker Flood. Speaker Flood, you are recognized for a motion. []

SPEAKER FLOOD: Mr. President, I move to suspend Rule 6, Section 3, Rule 7, Sections 3 and 7, and to indefinitely postpone the bills identified on the agenda which provisions of which have been included in other enacted legislation or whose companion bill has been indefinitely postponed (re LB39, LB47, LB64, LB71, LB76, LB103, LB104, LB128, LB132, LB145, LB172, LB172A, LB173, LB199, LB220, LB250, LB221, LB233, LB273, LB287, LB290, LB290A, LB305, LB335, LB338, LB354, LB367, LB371, LB374, LB375, LB390, LB429, LB451, LB462, LB471, LB515, LB530, LB588, LB599, and LB647. [LB39 LB47 LB64 LB71 LB76 LB103 LB104 LB128 LB132 LB145 LB172 LB172A LB173 LB199 LB220 LB250 LB221 LB233 LB273 LB287 LB290 LB290A LB305 LB335 LB338 LB354 LB367 LB371 LB374 LB375 LB390 LB429 LB451 LB462 LB471 LB515 LB530 LB588 LB599 LB647]

PRESIDENT SHEEHY: Thank you, Speaker Flood. You have heard the motion on the suspension of rules to indefinitely postpone bills. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB39 LB47 LB64 LB71 LB76 LB103 LB104 LB128 LB132 LB145 LB172 LB172A LB173 LB199 LB220 LB250 LB221 LB233 LB273 LB287 LB290 LB290A LB305 LB335 LB338 LB354 LB367 LB371 LB374 LB375 LB390 LB429 LB451 LB462 LB471 LB515 LB530 LB588 LB599 LB647]

CLERK: 47 ayes, 0 nay, Mr. President, to suspend the rule and permit the indefinite postponement of bills enumerated on your agenda. [LB39 LB47 LB64 LB71 LB76 LB103 LB104 LB128 LB132 LB145 LB172 LB172A LB173 LB199 LB220 LB250 LB221 LB233 LB273 LB287 LB290 LB290A LB305 LB335 LB338 LB354 LB367 LB371 LB374 LB375 LB390 LB429 LB451 LB462 LB471 LB515 LB530 LB588 LB599 LB647]

PRESIDENT SHEEHY: Rules are suspended and bills are indefinitely postponed. Senator Dierks, you're recognized for a motion. [LB39 LB47 LB64 LB71 LB76 LB103 LB104 LB128 LB132 LB145 LB172 LB172A LB173 LB199 LB220 LB250 LB221 LB233

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LB273 LB287 LB290 LB290A LB305 LB335 LB338 LB354 LB367 LB371 LB374 LB375
LB390 LB429 LB451 LB462 LB471 LB515 LB530 LB588 LB599 LB647]

SENATOR DIERKS: Thank you, 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: You have heard the motion on approve preparation of the Journal, session laws, and indexes. All those in favor say aye. Opposed, nay. The motion is adopted. Senator Stuthman, you're recognized for a motion. []

SENATOR STUTHMAN: Thank you, Mr. President. I move that the Journal for the eighty-seventh day, as prepared by the Clerk of the Legislature, be approved, and that the One Hundred First Legislature, First Session of the Nebraska Legislature, having finished all business before it, now on May 29 at 3:23 p.m. adjourn sine die. []

PRESIDENT SHEEHY: You have heard the motion to adjourn sine die. All those in favor say aye. Opposed, nay. We stand adjourned sine die. []