

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 12, 2007

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SPEAKER FLOOD PRESIDING

SPEAKER FLOOD: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-seventh day of the One Hundredth Legislature, First Session. Our chaplain for today is Senator McDonald. Please rise.

SENATOR McDONALD: (Prayer offered.)

SPEAKER FLOOD: Thank you, Senator McDonald. I call to order the twenty-seventh day of the One Hundredth Legislature, First Session. Senators, please record your presence. Please record, Mr. Clerk.

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

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

CLERK: Mr. President, no corrections this morning.

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

CLERK: Mr. President, your Committee on Health and Human Services reports LB247 to General File, LB463 to General File with committee amendments attached. Those reports signed by Senator Johnson as Chair. The Transportation Committee, chaired by Senator Fischer, reports LB358 to General File with amendments attached. That's signed by Senator Fischer. And Business and Labor, chaired by Senator Cornett, reports LB543 to General File with committee amendments attached. That's signed by Senator Cornett. Senator Burling, an amendment to be printed to LB204. (Legislative Journal pages 515-523.) [LB247 LB463 LB358 LB543 LB204]

Mr. President, a communication from the Governor to the Clerk. (Read re LB11, LB28, LB44, LB94, LB115, and LB167.) And I have an Attorney General's Opinion to be inserted in the Journal, Mr. President. And that's all that I have. (Legislative Journal pages 524-531.) [LB11 LB28 LB44 LB94 LB115 LB167]

SPEAKER FLOOD: Thank you, Mr. Clerk. We will now proceed to Final Reading. Members should return to their seats in preparation for Final Reading. Prior to going to Final Reading, Mr. Clerk, I understand we have some legislative confirmation reports.

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CLERK: Mr. President, we do. The Education Committee, chaired by Senator Raikes, has the appointment of Larry Teahon to the Board of Trustees of the Nebraska State Colleges. (Legislative Journal page 495.)

SPEAKER FLOOD: Senator Raikes, you are recognized to open on the Education Committee appointment.

SENATOR RAIKES: Thank you, Mr. President and members of the Legislature. I was feeling shunned for a moment there, Mr. Speaker, but I feel much better now. Thank you. The Education Committee recommends the confirmation of Mr. Larry Teahon to the Board of Trustees of the Nebraska State Colleges. Mr. Teahon is a reappointment to the board. He was first appointed in 2001. If confirmed, he would continue his service on the board through January 1, 2013. Mr. Teahon has served the board as chair of the fiscal and facilities committee since 2004. In his appearance before the committee he seemed to be well-informed as to the role of the state colleges in higher education in Nebraska. Stan Carpenter, the chancellor of the State College System, supported Mr. Teahon's reappointment and testified to the valuable contribution he has made in his years of service. Mr. Teahon hails from Chadron. He is currently employed as the environmental coordinator for Crow Butte Resources, Inc., in Crawford. He was previously the city manager of Crawford and has also worked for the city as utilities director. Mr. Teahon earned a bachelor of arts degree from Chadron State College in 1982. To remind you, the Nebraska State College System is governed by a seven-member board of trustees, six of whom are appointed by the Governor for terms of six years. The Commissioner of Education accounts for the seventh member of the board, and serves in an ex officio capacity. The board is charged with the general responsibility of governing the three state colleges: Chadron State College, Peru State College, and Wayne State College. With that, I'll close and encourage your support for confirmation of this gubernatorial appointment. Thank you.

SPEAKER FLOOD: Thank you, Senator Raikes. You've heard the opening on the legislative appointment from the Education Committee. The Chair recognizes Senator Dwite Pedersen.

SENATOR PEDERSEN: Thank you, Mr. Speaker and members of the Legislature. Mr. Teahon is a personal friend of mine and has been for many years. We can't go wrong when we have somebody like this with the caliber of running for these kind of offices and willing to give us this kind of time. Please support him. Thank you.

SPEAKER FLOOD: Thank you, Senator Pedersen. The Chair recognizes Senator Louden.

SENATOR LOUDEN: Thank you, Mr. Speaker. I too rise in support of Larry Teahon. He's from Chadron up there, the district I represent. I've known Larry for a long time.

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The only correction I could make to Senator Raikes, is I think Senator Raikes said that he was at one time city manager of Crawford, and he was actually the city manager of Chadron quite awhile and brought them along quite well. So he's a very good man for this position and I would certainly ask for the appointment, the confirmation of the appointment for Larry Teahon.

SPEAKER FLOOD: Thank you, Senator Loudon. There are no other lights on. Senator Raikes waives closing. The question before the body is, should the Legislature confirm Mr. Larry Teahon to serve on the State College Board of Trustees? All those in favor or opposed, record your vote. Mr. Clerk, please record.

CLERK: (Record vote, Legislative Journal page 532.) 39 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SPEAKER FLOOD: Mr. Teahon is confirmed. (Doctor of the Day is announced.) Mr. Clerk, the next item.

CLERK: Mr. President, Senator McDonald, Chair of General Affairs, reports on the appointment of David Gardels to the Nebraska Arts Council. (Legislative Journal page 497.)

SPEAKER FLOOD: The Chair recognizes Senator McDonald to open on Mr. Gardels' confirmation hearing.

SENATOR McDONALD: Mr. President and members of the body, the General Affairs Committee would like to have your confirmation on David E. Gardels. David is a practicing attorney in Nebraska and partner with the Omaha law firm of Blackwell Sanders Peper Martin, where he specializes in corporate and securities law. He received his undergraduate degree from George Washington University in Washington, D.C., and he graduated with high distinction from the University of Nebraska School of Law where he was managing editor of the Nebraska Law Review. He is a member of the Nebraska State Bar Association and the Omaha Bar Association. He has served as chair of the board of directors for Opera Omaha. He and his wife Linda currently serve as co-chairs of the Opera Council. This is a new confirmation for David, and please support this confirmation. Thank you.

SPEAKER FLOOD: There are no other lights on. Senator McDonald, you are recognized to close. Senator McDonald waives closing. The question before the body is, should David Gardels be confirmed as a member of the Nebraska Arts Council? Please record your vote. Please record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 532-533.) 44 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

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SPEAKER FLOOD: Mr. Gardels is confirmed. We will now move to Final Reading. Members should return to their seats in preparation for Final Reading. Mr. Clerk, the first bill is LB35E. [LB35]

CLERK: (Read LB35 on Final Reading.) [LB35]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB35E pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB35]

CLERK: (Record vote read, Legislative Journal page 533.) 48 ayes, 0 nays, and 1 present and not voting, Mr. President. [LB35]

SPEAKER FLOOD: LB35E passes with the emergency clause. We will now proceed to LB43. [LB35 LB43]

CLERK: (Read LB43 on Final Reading.) [LB43]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB43 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB43]

CLERK: (Record vote read, Legislative Journal page 534.) 49 ayes, 0 nays, on the passage of LB43, Mr. President. [LB43]

SPEAKER FLOOD: LB43 passes. We will now proceed to LB63. [LB43 LB63]

CLERK: (Read LB63 on Final Reading.) [LB63]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB63 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB63]

CLERK: (Record vote read, Legislative Journal pages 534-535.) 49 ayes, 0 nays, Mr. President, on the passage of LB63. [LB63]

SPEAKER FLOOD: LB63 passes. We will now proceed to LB64. [LB63 LB64]

CLERK: (Read LB64 on Final Reading.) [LB64]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB64 pass? All those in favor vote aye; all those opposed

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vote nay. Record, Mr. Clerk. [LB64]

CLERK: (Record vote read, Legislative Journal page 535.) 49 ayes, 0 nays, on the final passage of LB64, Mr. President. [LB64]

SPEAKER FLOOD: LB64 passes. We will now proceed to LB74E. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB64 LB74]

CLERK: 44 ayes, 3 nays, to dispense with the at-large reading, Mr. President. [LB74]

SPEAKER FLOOD: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB74]

CLERK: (Read title of LB74.) [LB74]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB74 pass with the emergency clause? All those in favor vote aye; all those opposed vote nay. LB74E passes with the emergency clause. We will now proceed to LB79...and record, Mr. Clerk. [LB74 LB79]

CLERK: (Record vote read, Legislative Journal page 536.) 49 ayes, 0 nays, on the passage of LB74, Mr. President. [LB74]

SPEAKER FLOOD: LB74E passes with the emergency clause. The next bill is LB79. [LB74 LB79]

CLERK: (Read LB79 on Final Reading.) [LB79]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB79 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB79]

CLERK: (Record vote read, Legislative Journal pages 536-537.) 49 ayes, 0 nays, Mr. President, on the passage of LB79. [LB79]

SPEAKER FLOOD: LB79 passes. We will now proceed LB80. [LB79 LB80]

CLERK: (Read LB80 on Final Reading.) [LB80]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB80 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB80]

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CLERK: (Record vote read, Legislative Journal page 537.) 49 ayes, 0 nays, Mr. President, on the passage of LB80. [LB80]

SPEAKER FLOOD: LB80 passes. We will now proceed to LB80A. [LB80 LB80A]

CLERK: (Read LB80A on Final Reading.) [LB80A]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB80A pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB80A]

CLERK: (Record vote read, Legislative Journal page 538.) 49 ayes, 0 nays, Mr. President, on the passage of LB80A. [LB80A]

SPEAKER FLOOD: LB80A passes. We will now proceed to LB110E. [LB80A LB110]

CLERK: (Read LB110 on Final Reading.) [LB110]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB110E pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB110]

CLERK: (Record vote read, Legislative Journal pages 538-539.) 49 ayes, 0 nays, Mr. President, on the passage of LB110. [LB110]

SPEAKER FLOOD: LB110E passes with the emergency clause. Mr. Clerk, we will now move to LB111. The first vote, Mr. Clerk, is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB110 LB111]

CLERK: 41 ayes, 5 nays, Mr. President, to dispense with the at-large reading. [LB111]

SPEAKER FLOOD: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB111]

CLERK: (Read title of LB111.) [LB111]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB111 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB111]

CLERK: (Record vote read, Legislative Journal pages 539-540.) 49 ayes, 0 nays, Mr.

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President, on the passage of LB111. [LB111]

SPEAKER FLOOD: LB111 passes. The next bill, Mr. Clerk, is LB148. [LB111 LB148]

ASSISTANT CLERK: (Read LB148 on Final Reading.) [LB148]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB148 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB148]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 540-541.) The vote is 47 ayes, 1 nay, 1 present and not voting, 0 excused and not voting, Mr. President. [LB148]

SPEAKER FLOOD: LB148 passes. The next bill, Mr. Clerk, is LB150. [LB148 LB150]

ASSISTANT CLERK: (Read LB150 on Final Reading.) [LB150]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB150 pass? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB150]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 541.) The vote is 49 ayes, 0 nays, Mr. President, on the adoption of LB150. [LB150]

SPEAKER FLOOD: LB150 passes. The next bill, Mr. Clerk, is LB161. [LB150 LB161]

ASSISTANT CLERK: (Read LB161 on Final Reading.) [LB161]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB161 pass? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB161]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 541-542.) The vote is 47 ayes, 0 nays, 2 present and not voting, Mr. President. [LB161]

SPEAKER FLOOD: LB161 passes. The next bill is LB186. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB161 LB186]

ASSISTANT CLERK: 41 ayes, 4 nays, to dispense with the at-large reading, Mr. President. [LB186]

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SPEAKER FLOOD: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB186]

ASSISTANT CLERK: (Read title of LB186.) [LB186]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB186 pass? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB186]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 542-543.) The vote is 49 ayes, 0 nays, on the adoption of LB186, Mr. President. [LB186]

SPEAKER FLOOD: LB186 passes. The next bill, Mr. Clerk, is LB206. [LB186 LB206]

ASSISTANT CLERK: (Read LB206 on Final Reading.) [LB206]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB206 pass? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB206]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 543-544.) The vote is 49 ayes, 0 nays, on the adoption of LB206, Mr. President. [LB206]

SPEAKER FLOOD: LB206 passes. Mr. Clerk, the next bill is LB207. [LB206 LB207]

ASSISTANT CLERK: (Read LB207 on Final Reading.) [LB207]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB207 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB207]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 544.) The vote is 49 ayes, 0 nays, on the adoption of the bill, Mr. President. [LB207]

SPEAKER FLOOD: LB207 passes. The next bill, Mr. Clerk, is LB315E. [LB207 LB315]

ASSISTANT CLERK: (Read LB315 on Final Reading.) [LB315]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB315E pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB315]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 544-545.) The vote

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is 47 ayes, 0 nays, 2 present and not voting, Mr. President. [LB315]

SPEAKER FLOOD: LB315E passes with the emergency clause. That ends Final Reading this morning. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR26, LB35E, LB43, LB63, LB64, LB74E, LB79, LB80, LB80A, LB110E, LB111, LB148, LB150, LB161, LB186, LB206, LB207, and LB315E. Mr. Clerk, do you have messages, reports or announcements? [LB315 LR26 LB35 LB43 LB63 LB64 LB74 LB79 LB80 LB80A LB110 LB111 LB148 LB150 LB161 LB186 LB206 LB207]

CLERK: I do, Mr. President. I have a set of hearing notices from the Government Committee, those signed by Senator Aguilar as Chair. I have a confirmation report from the Government, Military and Veterans Affairs Committee; that offered by Senator Aguilar as Chair. And Government Committee reports LB195 to General File; LB199 to General File; LB312, General File; LB289, General File with amendments. LB177 is a bill by the Revenue Committee. That's reported to General File with amendments. That's all that I have at this time, Mr. President. (Legislative Journal pages 545-548.) [LB195 LB199 LB312 LB289 LB177]

SPEAKER FLOOD: Thank you, Mr. Clerk. We will now at this time proceed to General File debate. LB231, Mr. Clerk. [LB231]

CLERK: Mr. President, LB231 is a bill by Senator Raikes. (Read title.) The bill was introduced on January 9 of this year, referred to the Education Committee. The bill was advanced to General File. I have no amendments at this time to the bill, Mr. President. [LB231]

SPEAKER FLOOD: Thank you, Mr. President. The Chair recognizes Senator Raikes to open on LB231. [LB231]

SENATOR RAIKES: Thank you, Mr. President and members of the Legislature. I hope each of you has received a single page handout with LB231 at the top of it, which gives you a synopsis of what's happening here. And I would ask you to look in the middle. There's a paragraph in bold that says, "What does NDE plan to change?" And look at the last sentence in that paragraph which says, "The purpose of LB231 is to allow the transfer to NDE," that being the Nebraska Department of Education, "all accrued sick leave and a maximum of 280 hours of accrued vacation leave for each transferred employee." Some background on that: There is an Early Childhood Training Center that was authorized by statute beginning back in 1990. It is funded over 90 percent, more than 90 percent with federal funds. There's a little bit of state funding. The center has been an operation that has been contracted through the department to ESU 3 located in Omaha, or in the Omaha area. The department has long had the authority, should they choose, to transfer that program from ESU 3 to the department. They have chosen to

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do that now, shortly. They don't need a statute change in order for that to happen but they do need a statute change in order that the employees who would continue working in the Early Childhood Training Center could transfer sick leave and vacation leave. So really the only purpose of this bill is to accommodate the transfer of the Early Childhood Training Center from ESU 3 to the Department of Education by providing that the employees' vacation and transfer leave can be transferred to the department. There's some other explanation on there which you may or may not want to look at. But why now would they make this change because it's been, gosh, almost close to 20 years in ESU 3? And the reasons are, for increased coordination, administrative feasibility, and so on. And as you recall, we have emphasized, as a Legislature, early childhood training and programming, and funding, for that matter, over the last two or three sessions, such that there are now more programs and more involvement in the early childhood area such that the department feels this change is appropriate. So, again, the purpose here is the transfer of vacation and sick leave for the employees. I would urge your support and would be happy to try to address questions. Thank you. [LB231]

SENATOR LANGEMEIER PRESIDING

SENATOR LANGEMEIER: Thank you, Senator Raikes. You have heard the opening on LB231. The floor is now open for discussion. Senator Chambers, you are recognized. [LB231]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I support what Senator Raikes is doing. I noticed that he points out that these Early Childhood Training Center employees currently not only are housed in ESU 3, but are employees of ESU 3. When they become employees of the Nebraska Department of Education, we are assured that their work will continue uninterrupted. That is a perfect paradigm of and for LB1024 and the division of OPS. OPS, their stooges, whether teachers or misinformed people, have said that that division of OPS into three smaller districts will create segregation. The segregation is already existing in OPS. It is worse now than it has ever been before. No part of LB1024 has taken effect. What this division is designed to do is to place the administration and control of education in the hands of the communities where the schools are located. In the same way that under Senator Raikes' proposal this morning, the work of these employees will continue uninterrupted when they move from being employed by ESU 3 to employees of the Nebraska Department of Education, students will continue to attend the schools where they currently attend. No child is required to go to a different school. This talk of LB1024 and the reorganization of OPS requiring a change in the attendance of children is false. The law specifically mandates that children must be allowed to continue in the schools where they attend now. But there are more transfer operations...I meant opportunities, because there will be 11 public school districts in Douglas and Sarpy County available. This is going to be the education session. And if there is to be a theme song, it would go like this, Senator Carlson. You got cotton to put in your ears? I usually give people

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warning when they might be harmed. It would go (to the tune of Handel's Messiah, Hallelujah Chorus), "education, education, education, education, education"...you can join in if you want to..."education, education"...and so on and on and on. I sat in a courtroom, Friday, and observed a travesty. I watched a court manipulated and maneuvered into becoming a participant in a political wrangle, trying to use the power of the court to coerce the Legislature to act in a certain way on an issue pending before the Legislature. That is a violation or a crossing of the line that marks the separation between branches of government in this state. It is not within the purview of the courts to try to coerce the Legislature. That judge knows that I am opposed to the way he has foot-dragged. He has stalled on giving a decision on LB1024 that can be appealed to the Nebraska Supreme Court. I want that appeal. I want the Supreme Court to rule. If these people who are attacking LB1024 and persuaded that judge to enter a temporary injunction, if they believe that the law is unconstitutional, shouldn't they be the ones pushing to have an expeditious decision... [LB231]

SENATOR LANGEMEIER: One minute. [LB231]

SENATOR CHAMBERS: ...by the Nebraska Supreme Court? If they are right, LB1024 will be struck down, but instead I, who am being attacked and the one trying to push this judge into acting like a judge and not a political hack. I think these comments are appropriate on this bill because Senator Raikes is talking about an area of education that can impact children from birth to three years old; from three years old to five years old; prekindergarten; kindergarten. But what difference does it make what kind of educational program you have in place if those administering it have no respect for the children or their parents or even an understanding of what education should be about. Thank you, Mr. President. [LB231]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Carlson, you are recognized. [LB231]

SENATOR CARLSON: Mr. President, members of the body, I would like to direct a question to Senator Raikes. [LB231]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? [LB231]

SENATOR RAIKES: Yes. [LB231]

SENATOR CARLSON: In your introduction and the sheet that you handed out, right in the middle of the page there, it says that why the Department of Education is making that change: to reduce administrative costs. And I appreciate the idea of no interruption in service as Senator Chambers has alluded to. But the fiscal note says no material fiscal impact. So would you explain that a little bit? [LB231]

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SENATOR RAIKES: Senator, I'll try. The program is, as I mentioned, funded primarily more than 90 percent by federal funds. There is some state money which is categorized as technical assistance funds. And also I believe it says in here, and it's my understanding, that even though this change in administration would occur, the employees will actually remain and be housed in the same building that they're now being housed in ESU 3. So really it's strictly a matter of changing the administrative structure; not moving people around or materially altering either the programs or the way those programs are conducted. So I think that's the reason for the statement in the fiscal note of no material change. [LB231]

SENATOR CARLSON: Well, but I appreciate the idea there may be reduction in administrative costs, but how could there be? [LB231]

SENATOR RAIKES: Oh, I see. What you are saying, if we're going to reduce administrative costs, why doesn't a negative number show up on the fiscal note? Is that what you are question is? [LB231]

SENATOR CARLSON: Yes, it is. [LB231]

SENATOR RAIKES: Well, and I guess all I could tell you is that the Fiscal Office folks who looked at this proposal were not convinced, given the information they had, that there was going to be a dollar reduction in administrative costs. [LB231]

SENATOR CARLSON: Okay. And you are comfortable that there well could be. [LB231]

SENATOR RAIKES: I will accept their...or I am accepting their statement to that effect. Yes. [LB231]

SENATOR CARLSON: Okay. Thank you. [LB231]

SENATOR LANGEMEIER: Thank you, Mr. Carlson. Senator Chambers, you are recognized. [LB231]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, although I was parroting the "Hallelujah Chorus" which has been made famous by the Mormon Tabernacle Choir, I have to tell you that I am not coming to bring tidings of great joy to all people, but am attempting to bring a better opportunity to those whose children have been cheated educationally. Senator Raikes points out that these people will continue to be housed on the premises of ESU 3. That leads me to bring up another issue. With all of this talk by these superintendents of a downtown campus in Omaha that is supposed to be a magnet school or a speciality school, why do you all think that the publisher of the World-Herald, John Gottschalk, has suddenly taken an interest in education, when he has never shown it before? He even convened a meeting and

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commanded senators to come there and gave them their instructions; commanded superintendents and gave them their instructions. What is Gottschalk's interest? The World-Herald's old building is just about empty. It is not suitable for office space. So what is Gottschalk interested in doing? Dumping that pink elephant on OPS, the taxpayers of Omaha. They are all maneuvering. Why do you think these rich white men have suddenly shown an interest in education when they never have before? If they wanted an improvement in OPS, you know what they could do? They could drag Mackiel in by the scruff of his neck and the seat of his pants, and slam him down and say, you achieve in these schools or you are fired, buddy. But they're not doing that because education is not what they're concerned about. They're interested in that which benefits business people. When they attacked, Senator Carlson, LB1024 last year, they called a dozen rich white men...some of them were out of the country...and they brought them all together to Omaha. You heard of Warren Buffett? "Sir Walter Scott?" David Sokol? You know what they said they were concerned about? LB1024 was not good for business. They were interested in business, not education. And they do wield considerable power. Attorney General Jon Bruning made certain representations to me less than two weeks ago about trying to force the hand of the judge to make a decision. One of these people called Jon Bruning and...I'm speculating, but let him deny that what I say is substantially true...and told him, Bruning, you want to be U.S. Senator? Well, your political future...I'm going to be the political meteorologist...is cloudy and overcast if you don't come to heel on this bill, and you get out of the way, let there be a stay so that there can be foot-dragging and stalling until Chambers is gotten out of the Legislature by way of term limits. Then we can go to those chuckleheads remaining and have our way with them and do what we want to do, which is to maintain status quo. And even if we maintain status quo, they would tell him, we need to dump the World-Herald building, and we want to dump it on the taxpayers of Omaha, and that's what we're going to do. So like a chastened little puppy dog, Attorney General Jon Bruning, the top lawyer of this state whose job it is to see that laws are enforced, let his little ears droop, tucked his little tail, bowed his head. He had heard his master's voice and he whimpered, yes, master. [LB231]

SENATOR LANGEMEIER: One minute. [LB231]

SENATOR CHAMBERS: And he rolled over and said, the state of Nebraska will agree to abdicate its duty to see that legally passed laws will not be enforced. Jon Bruning is wrong. Why did the Governor knuckle under? Because those white suburbs delivered the vote to him in the Republican Party primary for the gubernatorial slot. And now it's payback time for the Governor. He told me a different kind of story. I don't trust any of them, but I let them condemn themselves by their own words. These are serious matters, and it won't matter whether we talk about preschool education, prekindergarten, or however we label it. If the structure and those who are operating the public school system... [LB231]

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SENATOR LANGEMEIER: Time. [LB231]

SENATOR CHAMBERS: Thank you, Mr. President. [LB231]

SENATOR LANGEMEIER: Senator Gay, you are recognized. [LB231]

SENATOR GAY: Thank you, Mr. President. Would Senator Raikes yield to a question? [LB231]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? [LB231]

SENATOR RAIKES: Yes, I would. [LB231]

SENATOR GAY: Senator Raikes, on the accrued sick leave and vacation time that was in...if there was any in excess that the ESU employees had, will that be bought back from those employees? Or were they on the same contract? [LB231]

SENATOR RAIKES: It's a good question, Senator. I think the plan is that there would be accommodation made for up to 280, so anything more than that would not be compensated. [LB231]

SENATOR GAY: So we don't know if they would just lose that accrued time then? [LB231]

SENATOR RAIKES: They would lose it. [LB231]

SENATOR GAY: Okay. Okay, thank you. I yield my time. [LB231]

SENATOR LANGEMEIER: Thank you, Senator Gay. Senator Dierks, then Chambers. Senator Dierks, you are recognized. [LB231]

SENATOR DIERKS: Mr. President, I think I'll pass. Thank you. [LB231]

SENATOR LANGEMEIER: Thank you, Senator Dierks. Senator Chambers, you are recognized. [LB231]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, the things that I do are, from my perspective, intended to protect and shield the Legislature as an institution and to defend its prerogatives. The agenda of the Legislature is not set by Governor Heineman who promised these superintendents and the judge what he cannot deliver. He promised these people that he will sign the superintendents' proposal into law, meaning he can dictate the agenda. The Governor doesn't dictate the agenda; Attorney General Jon Bruning does not dictate the Legislature's agenda; Judge Coffey

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does not dictate it; nor do those suburban superintendents who drag John Mackiel, OPS superintendent, along, I guess assuring him that they would help him keep his job. And that's about all he's looking for now; he has given up on everything else he said OPS needed. Why would he want to keep that job? Because it is a plum job. He has a rubber-stamp school board and nobody calls him to account. The agenda of the Legislature is set by the senators, and I am not going to roll over and let the Governor or anybody else treat this body with disrespect. So here's what the judge said. This stay is going to be in effect...first, it was supposed to be for the duration of the session. I made it clear to the lawyers who represent the state that that is totally unacceptable. So they agreed and got the court and the others who are attacking LB1024 to agree that that stay will remain in place only so long as the Legislature seems to be making progress. But if there appears to be an impasse, the stay will be lifted and they will proceed straightaway with the litigation. And that's what I think should happen. We should do all we can as a Legislature to ensure that the laws we put in place are enforced. LB1024 is the law. It is not a proposal. It's not a suggestion or a recommendation. It is the law. And all these senators the other day, talking about the constitution and protecting it and making it possible for people to more easily amend the constitution, why won't you look at the fact that the work of the Legislature is being disregarded, disrespected? Some of you all may have been tricked into thinking that LB1024 is not the law, but it is. So when the judge put that stay in place and said the only way to get it raised is for there to be an impasse in the Legislature, he guaranteed a legislative impasse. And I'm going to do everything I can under the rules to ensure that there is an impasse for however long is necessary, if it takes the rest of this session. The most important thing from where I stand right now is to see that the laws are enforced. That is the Attorney General's primary responsibility in this issue, but he's not assuming it. Impasse is the same as stalemate in chess. There is no movement. It's like when the molecules of water slow down and begin to vibrate rather than move fluidly and you have ice. That freezing is the impasse. If the Governor, and the Governor will,... [LB231]

SENATOR LANGEMEIER: One minute. [LB231]

SENATOR CHAMBERS: ...can try to influence legislation over here by threatening vetoes, you think I'm not going to use every means I can to create impasse over here? The judge should have stayed out of it. He should have behaved like a judge. Once that matter was in his court, he should have proceeded in accord with judicial principles, not political expediency. And if everybody else is afraid to deal with these issues, I'm not. But I'm going to make this Legislature suffer through this. I don't believe you can stop me from creating impasse. But it won't just be me. What has been presented by the superintendents is so worthless that there's no way this Legislature would enact it. But I don't leave things to chance. I must act. Thank you, Mr. President. [LB231]

SENATOR LANGEMEIER: Thank you, Senator Chambers, and that was your third time. Senator Ashford is recognized, then Senator Wallman. [LB231]

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SENATOR ASHFORD: Yes, Senator Raikes, may I ask you a question? [LB231]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? [LB231]

SENATOR RAIKES: Yes. [LB231]

SENATOR ASHFORD: Since we last met, there have been a number of articles about this decision in the District Court of Douglas County. And one of the questions I would ask you is, what would...having been here last year, and I wasn't here and a number of us weren't here, in your view, if we were to move a bill out of committee dealing with this issue of achievement gap, would that be an impasse, in your view, or is it the bill number itself? If we move forward with something in the Education Committee, do you feel comfortable that we're moving the issue forward and that there is not an impasse, so to say? [LB231]

SENATOR RAIKES: I do. I think the committee is very interested in working through the issue, taking into account all of the bills that have been introduced, but also on their own terms. I think the committee is interested in approaching it in the way they believe best. [LB231]

SENATOR ASHFORD: Thank you, Senator Raikes. I would just like to reinforce that view, and that is that the Education Committee, as I mentioned last week, continues to work through these bills. In fact, I think our hearings on the bills occurred last Monday or Tuesday, so there's been about a week that has elapsed since those committee hearings. And I know that the committee will be working diligently in the next couple of weeks to come up with a bill that deals with the achievement gap. And whatever that bill is, it would seem to me, is going to advance the notion of curing that achievement gap. So I would agree with Senator Raikes that we are, in fact, moving forward in an expeditious manner. And I'd give the rest of my time to Senator Chambers. [LB231]

SENATOR LANGEMEIER: Senator Chambers, three minutes. [LB231]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Ashford. People have not been paying attention. What the Governor wants is an undermining of LB1024. I'd like to ask Senator Raikes a question. [LB231]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question? [LB231]

SENATOR RAIKES: Yes. [LB231]

SENATOR CHAMBERS: Senator Raikes, am I to understand that you are prepared to scrap the learning community, the common levy, and in effect submit to the abolition of

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LB1024? Is that what you are prepared to do? [LB231]

SENATOR RAIKES: No, I am not prepared for that. [LB231]

SENATOR CHAMBERS: Well, that's what the judge wants and that's what the Governor said and that's what the Attorney General--thank you, that's all I will ask you--that's what the Attorney General is after. They call it an alternative. Do away with LB1024. Maintain status quo. No learning community. No learning community coordinating council. No common levy. What does a bill to do something about the achievement gap have to do with the structure established by LB1024 and the funding mechanism? Do you think a law is needed for these superintendents to do their job, for teachers to teach, for principals to administer? There are untold layers of expensive worthless bureaucracy in that bloated central administration of OPS. I don't even know how many people are carrying the title "assistant superintendent," but it's assistant superintendent of this, assistant superintendent of that, assistant superintendent of the other, assistant superintendent of all three,... [LB231]

SENATOR LANGEMEIER: One minute. [LB231]

SENATOR CHAMBERS: ...assistant superintendent of two-thirds of those three, and on and on. And all that money is wasted, and I don't hear that discussed on this floor. But it's not going to be easy. What bill is going to get 33 votes? And brothers and sisters, remember, there are tax bills that are waiting in the wings. And you think I will not use them for my purposes? You think your tax bill is more important to me than the welfare of these children I care about? Absolutely not. Then there's the budget bill. There's the Governor's desire to cut the university off at the knees. Some senators don't want that to happen. Which side will I be on? I will be watching to see how I can play what happens this session to bring me to the point of achieving what I think is necessary. And just as you think some things are very important and you do all you can to bring those to fruition, I think what I believe in is very important. [LB231]

SENATOR LANGEMEIER: Time. [LB231]

SENATOR CHAMBERS: And I'm going to fight tooth and nail. Thank you, Mr. President. [LB231]

SENATOR LANGEMEIER: Thank you, Senator Chambers and Senator Ashford. Those in line to speak: Wallman, McDonald, Harms, Howard. Senator Wallman, you are recognized. [LB231]

SENATOR WALLMAN: Thank you, Mr. President. Senator Chambers has delt also on an issue near and dear to my heart: administrative cost. You know, ask any good teacher in the trenches. They'll tell you what they get paid, they know what the

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administrators and the principals get paid. Tremendous difference. And how many do we have, how many administrators do we have in most schools? Probably too many. But a lot of them are doing their job. Some of them aren't, but they keep their job because school boards don't have the guts to get rid of an administrator. And that's the school board's fault. I used to be on there. And salaries, administrative costs, it erodes our teachers' well-being and what they think of administrations and the court systems. I will have to agree. The court systems should not let something as important as education just lay there. If a bill is passed, to try to make it better or to make it worse, they ought to hear it and see what they got to say. And Mr. President, I yield the rest of my time to Senator Chambers. [LB231]

SENATOR LANGEMEIER: Senator Chambers, 3 minutes, 50 seconds. [LB231]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Wallman. Members of the Legislature, get ready to hear me talk on this issue anytime something comes up that makes it possible. Some of you are concerned about the water issues, so you'll sit back and wait until that discrete identifiable issue comes before us and you think you are going to be able to make a splash in the Legislature. Try it; I'm going to watch you. But I have to begin early on to make it clear where I stand and what I'm prepared to do. We're going to be here until sometime in May and I plan to do battle all of that time. I will not get tired. My will, will never be broken. I don't care what the odds are against me. I am going to show those people outside of this body that they don't run this place as they think they do. Some of the superintendents said they know things are going to move through the Legislature because the Governor has taken a position favoring them, which means in their naivete they think and believe that the Governor does run this Legislature. If I were not here, perhaps he would. But I am here and he does not and he shall not. He should be tending to his own onions, namely his proposal to cut income taxes and to try to ram through this Legislature the budget that he wants. I will be dealing with those issues and others that come before us. I could have brought this Legislature to a halt from the first day of this session. I could have started with what are called revisor bills and required that questions be answered regarding what we're doing when we adopt those bills. But I've let things move forward, haven't done nearly the delaying that I could do, as you all seem to approve of the court doing. Well, if it's all right for the court and those who attack LB1024 and the Governor and the Attorney General to delay and frustrate the operation of a law, then don't look at me with anger because I'm going to delay what we're doing. I'm going to try to stir my brothers on this floor into stars of manhood. [LB231]

SENATOR LANGEMEIER: One minute. [LB231]

SENATOR CHAMBERS: Manhood. I want you to have some hood other than "ranhood." That's what some of you are going to be doing. You are going to be running and scurrying and the Governor will call you and say, get off that bill, and you'll fall off

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immediately because the Governor owns you. But he's not going to reciprocate. He would like this to be a Pinnocchio legislature. That means a puppet legislature. But I will not be that. And before I conclude, I want to say again, I support Senator Raikes' bill. Thank you, Mr. President. [LB231]

SENATOR LANGEMEIER: Thank you, Senator Chambers and Senator Wallman. Senator McDonald, you are recognized. [LB231]

SENATOR McDONALD: Mr. President and members of the body, I'd like to ask Senator Raikes a couple of questions. [LB231]

SENATOR LANGEMEIER: Senator Raikes, would you yield to a question from Senator McDonald? [LB231]

SENATOR RAIKES: I would. [LB231]

SENATOR McDONALD: Good to see you are attentive. I see you were at the microphone before I even asked you to come. [LB231]

SENATOR RAIKES: I'm ready. [LB231]

SENATOR McDONALD: Good. Can you explain to me the difference between the kindergarten attendance age and the mandatory child attendance age? That's a little confusing for the people in my district and I would like to have clarification on the record for that, the kindergarten attendance age and the mandatory school attendance age. [LB231]

SENATOR RAIKES: Okay, you will remember, Senator, and I probably will need to do a little more work to get this exactly right for you, but we addressed this issue a couple of years ago, it seems to me. And the issue was brought, should we try to narrow the age range of kids in kindergarten? And the proposal that came to the Legislature was let's raise the minimum age so that we don't have, say, a four-year-old or a four-and-a-half-year-old child in the same kindergarten class with a child that's six and a half or seven. The way the Legislature ended up resolving the issue was not to raise the bottom age, so to speak, or the age at which you could go to kindergarten, but rather to limit the top of that range so that it placed a firmer restriction on when a student needed to be enrolled in kindergarten. You know, colloquially the term is "redshirting." You couldn't redshirt a student for more than so long. There's basically a two-year period that...each child would have a choice of two one-year periods in which they could be enrolled in kindergarten. [LB231]

SENATOR McDONALD: So basically that's a parent's choice? [LB231]

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SENATOR RAIKES: It's a choice except that the statute limits that choice. The statute says it can't be one of three years; it can be only one of two years. And that first year begins, seems to me that if the child is five by October 15, then they are eligible for becoming enrolled that first year. Then their last, if they don't do it that year, then they have to do it the next year. [LB231]

SENATOR McDONALD: Okay. So what ages are eligible to attend the early childhood education preschools, the ones that are established under the Department of Education's grant program? [LB231]

SENATOR RAIKES: That would be up to that age at which they become eligible for kindergarten. So, and this is a little bit my interpretation, but I hopefully can correct if I'm wrong. So the child is five on September 1. Okay, if that's the case, then that child is then eligible to attend kindergarten. So that child would no longer be eligible to be in the early childhood program. The intent there... [LB231]

SENATOR McDONALD: Even if they chose not to send them to school? [LB231]

SENATOR RAIKES: Pardon? [LB231]

SENATOR McDONALD: If the parent chose not to send that child to school? [LB231]

SENATOR RAIKES: That's right, that's right. My understanding of the statute is that if you choose not to send the child to school, to kindergarten that first year when they're eligible, they are not eligible in that year for the early childhood program. [LB231]

SENATOR McDONALD: Okay. And then my last question is... [LB231]

SENATOR LANGEMEIER: One minute. [LB231]

SENATOR McDONALD: ...can you tell me if there's a difference between the Head Start program and Nebraska's early childhood education program? [LB231]

SENATOR RAIKES: The Head Start is a federal program. Our early childhood program is a state program that's been in place since about 1990. Up until...well, even now the main portion of that program are the various grant programs for early childhood. And in fact, as you will remember, our grant programs require 50 percent contribution by the community; and Head Start, the federal program, can be part of that 50 percent match that goes with the state's contribution in those programs. But it's federal versus state. [LB231]

SENATOR McDONALD: Okay, and so we're looking at different levels of government with different with different requirements. [LB231]

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SENATOR RAIKES: Yes. [LB231]

SENATOR McDONALD: Am I correct? [LB231]

SENATOR RAIKES: Yes. [LB231]

SENATOR McDONALD: Thank you, that answers my questions. [LB231]

SENATOR LANGEMEIER: Thank you, Senator McDonald. Senator Harms, you are recognized. [LB231]

SENATOR HARMS: Thank you, Mr. President and colleagues. Senator Chambers, would you yield, please? [LB231]

SENATOR LANGEMEIER: Senator Chambers, would you yield to a question from Senator Harms? [LB231]

SENATOR CHAMBERS: Yes, I will. [LB231]

SENATOR HARMS: Thank you very much. First of all, I want to say I appreciate your battle. I understand where you are coming from, what you are doing, and what you want to accomplish, okay? First, I want you to understand is that the Governor does not own me. There's not a lobbyist that owns me. I'm held responsible by the constituents that elected me, okay? Secondly, what I'm really interested in having this discussion is not about boundaries, not about superintendents, not about lawsuits. What is really important, what is really critical here is the education of our children and how we're going to stop that gap and how we can start to turn this system around. Every day that we wait, every day that goes by that we don't address the issue in regard to the quality of our children, we lose in this country, we lose in the state of Nebraska. And I guess where I want to get to here is I want to start having the discussion about children. I want to know how we can resolve the issues for you and for the people that are Afro-American who are set in a system that they're not comfortable with. But what we have to understand is the same thing I said a week or so ago, we have issues all the way across the state of Nebraska. I have children in my own school district who come to school who cannot read, who cannot write, who come from the same type of families that are poor. And I think when we deal with this issue, we need to deal with it across the state of Nebraska. Omaha is not the only place where there's an issue. And so as we start to address the issue, Senator Chambers, I would like for us to start to get after the issue of our children, get after the issue of giving them the best education we can, giving them a quality education, helping our teachers understand the culture that these children are coming from so they have a better appreciation for it. And so what I say to you as a colleague, thank you for what you are doing. But the sooner we can get to the

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issue of really changing it, the better off it will be for our own children. And that's what I'm after. That's what I want to do. And every time this discussion comes up, I get excited about the issue because we have to address it. And I know what you are trying to do and I just hope we can get to what's right for the kids. And thank you very much for what you are doing. [LB231]

SENATOR CHAMBERS: Are you satisfied with my answer or can I give it now? (Laughter) Okay, Senator Harms is on the same page I'm on, but I am in a unique situation. The children and their welfare are my primary concern. But before I can even get to that, there are other impediments that have to be removed. Under the current system, there is no local control for nonwhite or poor children and their parents. Until they are given a stake in the education of their children, meaningful input in the curriculum, the hiring of personnel, there is not going to be an improvement in education because the ones doing the education are not accountable to the community. They are the flunkies of the central administration and are supposed to carry out those wishes and not see to the education of their children. If OPS is divided into three districts, there will not be this multiplicity of assistant superintendents making over \$100,000. There would be a savings there immediately. Money could go into instruction and the classroom. I'm not even convinced that you have to have... [LB231]

SENATOR LANGEMEIER: One minute. [LB231]

SENATOR CHAMBERS: ...little tiny classrooms as far as the number of children. You first have to make sure that the ones who are teaching are capable of doing so. There is no way in Nebraska to hold teachers accountable. There is no way that a principal can say, you are dropping all of these incompetent teachers in my building and I can't do anything with them, I want something to say about the people who teach here. And the administration will say, no, you don't, because this old mossback has been here a long time and doesn't want to be in your school, that one wants to be there, and what you say means nothing. So until we can get through some of these impediments, we will never reach the point where the children are going to get quality education. Local control, parental involvement and input, respect for the parents, respect for the community, respect for the children. Expectations... [LB231]

SENATOR LANGEMEIER: Time. [LB231]

SENATOR CHAMBERS: Thank you, Mr. President. [LB231]

SENATOR LANGEMEIER: Thank you, Senator Chambers and Senator Harms. Senator Howard, you are recognized. [LB231]

SENATOR HOWARD: Thank you, Mr. President. Those of you who were here last session would remember that LB1024 was a very painful bill on the floor. The issues in

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the bill caused division. We were here late into the night. People chose up sides, sometimes based on history of a previous bill, sometimes based on convictions. I'd like to second what Senator Ashford has said in that we have an excellent Education Committee. I think we're in the process of looking at all the bills that have been presented to us. And I would hazard to say that we won't come up with a single bill, we won't pass out a single bill, but we will look at bills that really address the issues, many of which Senator Chambers has brought up, but the core issue being the concern for the education and the opportunities for each and every child. Having said that, I will offer the remainder of my time to Senator Chambers. [LB231]

SENATOR LANGEMEIER: Senator Chambers, Senator Howard has yielded her time to you: 3, 50. [LB231]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Howard. Let me elaborate briefly on what I had said as my time ran out that Senator Harms had given me. I think the Legislature has a responsibility to build accountability into the system. But I don't want us to get caught in what I would call a trap of making a laundry list of specific things that teachers are going to do. We can set out subject matters that have to be taught. We can talk about the qualifications that teachers must have. But in the classroom, I wouldn't want us to dictate specifically what a teacher must do. I want teachers, first of all, to be qualified in their subject. So presume that to be the circumstances and judge everything I say in light of that. The teacher must develop an understanding of the students in his or her classroom and tailor what is being presented to those children so that they can learn what they need to know, what they ought to master at that grade level. But until we can create that accountability where teachers are concerned and principals are concerned, we as a Legislature could make a laundry list of 100 items and not one of them would be implemented; all of them could be thwarted; and as long as there is no accountability, the children continue to be lost. There have been too many generations of poor white children, nonwhite children, lost. White educators know how to educate because they're educating white children in the favored areas. However, testing in the 70-some odd percentile is not good results as far as I'm concerned. Even the white children are being cheated. But I have to be concerned first about those where there is the greatest need, where the sick are found. That's where the physician should go. And the priority ought to be those who are most ill, who are in the greatest need of ministrations of a physician. So I constantly talk about those children who are placed at the bottom of the barrel, because when we raise the bottom of the barrel, we raise everything else that's in it. I know this is a complex matter. But as long as the Governor, the Attorney General, and the courts can... [LB231]

SENATOR LANGEMEIER: One minute. [LB231]

SENATOR CHAMBERS: ...keep in abeyance a law which has provisions that will help address these issues, namely local control, what we do is going nowhere. Bills pending

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in the Education Committee are drafted with LB1024 in contemplation, since that is the law. If there are to be tweakings of that law, amendments have to be made to those statutory provisions. That's why I say we need judicial guidance. Let the Nebraska Supreme Court tell us, is LB1024 constitutional, is it not. If it's unconstitutional, I want to know. Then I know from where to go from here. But if it is constitutional, then we can do some tweaking because we do have the framework, we do have the structure, and we know that we're on firm footing. But the way things are now, nothing of consequence can be achieved. Thank you, Mr. President. [LB231]

SENATOR LANGEMEIER: Thank you, Senator Chambers. Seeing no other lights on, Senator Raikes, you are recognized to close on LB231. [LB231]

SENATOR RAIKES: Thank you, Mr. President and members. Again, this bill would provide that sick leave and vacation could be transferred as the department takes over the Early Childhood Training Center administratively. I urge your support. Thank you. [LB231]

SENATOR LANGEMEIER: Thank you, Senator Raikes. You have heard the closing on the advancement of LB231 to E&R Initial. All those in favor vote yea; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB231]

CLERK: 38 ayes, 0 nays, Mr. President, on the advancement of LB231. [LB231]

SENATOR LANGEMEIER: The bill does advance. Mr. Clerk, any items for the record? [LB231]

CLERK: I do, Mr. President, thank you. Mr. President, your Committee on Natural Resources, chaired by Senator Loudon, reports LB314 to General File. General Affairs, chaired by Senator McDonald, reports LB637 to General File, LB638 to General File, and LB301 to General File with amendments. I have a new A bill, Senator Cornett, LB211A. (Read LB211A by title for the first time.) New resolution, LR28 offered by Senator Fischer. Mr. President, pursuant to...that's introduction, Speaker Flood would ask that LR28 be referred to Reference for referral to standing committee for purposes of conducting a public hearing. Amendments to be printed: Senator Harms to LB192; Senator Flood to LB476; and Senator Johnson to LB395. Mr. President, Senator Nelson would like to add his name to LB235 as a cointroducer. (Legislative Journal pages 548-561.) [LB314 LB637 LB638 LB301 LB211A LR28 LB192 LB476 LB395 LB235]

And I have a priority motion. Senator Raikes would move to adjourn until Tuesday morning, February 13, at 9:00 a.m.

SENATOR LANGEMEIER: Thank you, Mr. Clerk. You have heard the motion by Senator Raikes to adjourn until Tuesday morning at 9:00 a.m. All those in favor say aye.

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All those opposed, same sign. We stand adjourned. Thank you.