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Floor Debate
April 26, 2007

[LB73 LB73A LB88 LB144 LB188 LB208 LB219 LB289 LB339 LB367 LB368 LB415A
LB415 LB471 LB516 LB588A LB629 LB658 LB672 LB674 LB701 LB701A LR89 LR90
LR91 LR92 LR93 LR94]

SENATOR FISCHER PRESIDING

SENATOR FISCHER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the seventy-first day of the One Hundredth Legislature, First Session. Our chaplain for today is Senator Carlson. Please rise.

SENATOR CARLSON: (Prayer offered.)

SENATOR FISCHER: Thank you, Senator Carlson. I call to order the seventy-first day of the One Hundredth Legislature, First Session. Senators, please record your presence. Senators, would you please record your presence. Mr. Clerk, will you please record.

CLERK: I have a quorum present, Madam President.

SENATOR FISCHER: Thank you. (Visitors and doctor of the day introduced.) Mr. Clerk.

CLERK: Madam President, I have no corrections this morning. I have three study resolutions. Senator Pahls offers LR89, LR90, and LR91. Those will be referred to the Executive Board. I have a report of registered lobbyists for this week, to be inserted in the Legislative Journal. And two reports received, on file in the Clerk's Office. That's all that I had, Madam President. (Legislative Journal pages 1301-1303.) [LR89 LR90 LR91]

SENATOR FISCHER: Thank you, Mr. Clerk. The first item today is the confirmation report from the Education Committee. The Chair recognizes Senator Raikes, as Chairman of the committee.

SENATOR RAIKES: Thank you, Madam President, members of the Legislature. The Education Committee recommends the confirmation of five appointments to the Nebraska Educational Telecommunications Commission. The appointments include four new appointments and one reappointment to the commission. Being reappointed is Mr. Dennis Miller, Jr., of Lewellen. If confirmed, his term would extend through January 12, 2011. Mr. Miller and his wife, Cynthia, currently farm corn and alfalfa in Garden County. Prior to that, he was a commander in the United States Navy, where he served for more than 25 years. While in the Navy, he served both as a surface war officer and nuclear propulsion engineer. With regard to the new appointments to the commission, I'll begin with Dr. Kenneth Bird, from Omaha. Many of you know Dr. Bird from his role as Superintendent of Westside Community School District. Prior to becoming superintendent, he held a number of other positions within the district, including

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associate superintendent, director of governmental relations, as well as director of special services. If confirmed, Dr. Bird's term on the commission would extend through January 12, 2010. The second new appointment heard was...by the committee, was Ms. Mandy Johnson, who is also from Omaha. Ms. Johnson is the principal at Hitchcock Elementary School, which is in the Millard public school district. She's held a number of positions in the education field, both in public education at the elementary level, as well as in postsecondary education at the graduate level. If confirmed, Ms. Johnson would serve on the commission through January 12, 2011. The committee also considered the appointment of Mr. Robert Moline, of Denton. Mr. Moline is a CEO of HomeServices of Nebraska, which is the holding company for HOME Real Estate and Woods Bros Realty. He's an active member of many community and professional organizations. If confirmed, he'd serve on the commission through January 12, 2011. Finally, the committee considered the appointment of Mr. Clay Smith to the commission. Mr. Smith resides in Lincoln, is the owner of Speedway Motors, a business he founded that restores vintage automobiles. Mr. Smith is also an active member of the community. He serves as director of a number of organizations, including BryanLGH Medical Centers, the Lincoln Chamber of Commerce, and Cedars Home for Children, to name just a few. If confirmed, Mr. Smith would serve on the commission through January 12, 2009. In the way of a reminder, the Nebraska Educational Telecommunications Commission serves three statutory purposes, which are outlined in Section 79-1313. They are, one, to promote and establish noncommercial educational telecommunications facilities within the state of Nebraska; two, to provide noncommercial educational telecommunications programs throughout the state of Nebraska by standard broadcast, by closed-circuit transmission, or by other telecommunications technology distribution systems; and three, to operate statewide educational and public radio and television networks and services. The commission consists of 11 members, including the Commissioner of Education, the president of the University of Nebraska, a representative each for the community colleges, state colleges, and private colleges, and six members of the public at large, two from each congressional district. With that, I close and encourage your support for these confirmations. Thank you.

SENATOR FISCHER: Thank you, Senator Raikes. You've heard the confirmation reports. Senator Chambers, you are recognized.

SENATOR CHAMBERS: Thank you, Madam President, members of the Legislature. I'd like to ask Senator Raikes a question or two, and maybe engage him in a bit of discourse.

SENATOR FISCHER: Senator Raikes, would you yield to Senator Chambers?

SENATOR RAIKES: Yes.

SENATOR CHAMBERS: Senator Raikes, what was the name of the avian member who

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is going to be confirmed if we give that vote?

SENATOR RAIKES: Say that again? Which member, Senator?

SENATOR CHAMBERS: An avian.

SENATOR RAIKES: Oh, I think you're referring to Dennis Miller?

SENATOR CHAMBERS: No.

SENATOR RAIKES: Oh. Oh, I understand. Kenneth Bird.

SENATOR CHAMBERS: Who? Who? I'm not being an owl, but I didn't hear what you said. (Laughter)

SENATOR RAIKES: Dr. Kenneth Bird.

SENATOR CHAMBERS: Would you call him a rara avis, a rare bird?

SENATOR RAIKES: I would.

SENATOR CHAMBERS: Or is he just an ordinary, run-of-the-mill bird?

SENATOR RAIKES: No, no, I think this would be other than ordinary.

SENATOR CHAMBERS: Is he the superintendent of District 66, otherwise known as Westside?

SENATOR RAIKES: He is, Senator.

SENATOR CHAMBERS: Is that district virtually surrounded by the territory of the Omaha Public School System?

SENATOR RAIKES: That's correct, Senator. I think it's...Omaha Public Schools is on...

SENATOR CHAMBERS: Three sides, we'll say.

SENATOR RAIKES: ...three sides, three sides.

SENATOR CHAMBERS: And then there's a county line on the other side.

SENATOR RAIKES: Millard Public Schools borders Westside, I believe, and I think Ralston also borders Westside.

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SENATOR CHAMBERS: So OPS virtually surrounds District 66, is that correct?

SENATOR RAIKES: Yes, that would be correct.

SENATOR CHAMBERS: Okay, with the proviso or the caveat that you gave about it having these other districts on the one side that might be open, could District 66, in the parlance of the day, be described as a white school district?

SENATOR RAIKES: It...I would believe that to be correct, Senator, in that I think there are...there would certainly be more than 50 percent of the students in the district that would classify themselves as Caucasian.

SENATOR CHAMBERS: All right. Is Dr. Bird opposed to merging this area with OPS, which currently surrounds it on three sides?

SENATOR RAIKES: I haven't asked him that directly, but I think he would be.

SENATOR CHAMBERS: Did he oppose a bill whose purpose was to accomplish that goal, if you recall, when it was heard by the Education Committee?

SENATOR RAIKES: I think he did, Senator.

SENATOR CHAMBERS: That district could easily be identified by its racial composition, couldn't it? It could be identified as a white school district, based on the racial composition of the vast majority of students who attend the schools there, isn't that true?

SENATOR RAIKES: I think that is true, Senator, except that it could be distinguished maybe in that regard from Omaha Public Schools, but not from, I think, other school districts in the metro area.

SENATOR CHAMBERS: But there is no other school district in the metro area virtually surrounded by the territory of OPS, is there?

SENATOR RAIKES: I think that's probably a fair statement. Ralston may come close, but not as much.

SENATOR CHAMBERS: So we do have currently a white racially identifiable school district within the territorial boundaries of OPS. Is that true or false?

SENATOR FISCHER: One minute.

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SENATOR RAIKES: Well, it's not within the territorial boundaries, as they're currently drawn, of OPS.

SENATOR CHAMBERS: Within the geographic boundaries.

SENATOR RAIKES: Yes, within the vicinity, or congruent to, or whatever the proper word would be.

SENATOR CHAMBERS: We could say within the geographic area comprising OPS, couldn't we?

SENATOR RAIKES: Well, it's not an island within OPS, but certainly the three-side argument is one that you could make.

SENATOR CHAMBERS: If we were talking about Westside as a body of water, it would be like a bay, is that true, which extends into OPS's geographic area? Is that true?

SENATOR RAIKES: Yes, I think that would be a fair description.

SENATOR CHAMBERS: Because for people who don't know, I want them to be aware of what I'm talking about. But since my time is virtually up, I will close that particular appearance. Thank you, Madam President.

SENATOR FISCHER: Thank you, Senator Chambers. Thank you, Senator Raikes. Senator Chambers, your light is on. You are recognized to speak.

SENATOR CHAMBERS: Thank you. Madam President, members of the Legislature, I was reminded that when I appeared before the Education Committee, I described OPS as...I meant, Westside, as a white fetus within a minority womb. That's what it is. That's all I'll ask you, Senator Raikes. People are uncomfortable when it comes to telling things like they are when it comes to race. My proposal that appears as a part of LB1024, which is now the law of this state, was mischaracterized as dividing OPS along racial lines. That is not true. That was never advocated on the floor. It is stated because that's the spin OPS put on it. OPS is a highly segregated school district, segregated by race and pursuant to policies established by OPS. And that is a fact. It has been confirmed by the Omaha World-Herald in a number of extensive articles. OPS is more segregated today than it ever has been, and LB1024 has not taken effect. And it continues to increase its segregation based on race. And with these white superintendents running around here talking about, they're interested in integration, is so much piffle, as I say, or poppycock. If they were interested in integration, especially in OPS, they've had everything their way and under their total control for generations. This talk of integration is a sideshow and a distraction. OPS would be saying, incorporate District 66 into OPS. There are white people living in OPS, in the geographic area, but they send their

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children to white schools. That's why OPS is a majority minority student district. It's not that the majority of the people who live within the geographic boundaries of OPS are minority. The children who attend OPS schools predominate by race, and they're minorities, because the white parents have been sending their children to white schools outside of OPS. They go into Westside, and money follows them when they go into Westside, so Westside is in a position where the segregation that goes on in OPS is facilitated by state dollars subsidizing the white flight of these students out of OPS into Westside and other schools. That's what we're talking about when we discuss what I'm going to talk about. And these are things we're going to discuss if and when that bill comes out on this floor, and I don't give a hang what the Governor says, what John Gottschalk says, who is the publisher of the Omaha World-Herald, what Michael Yanney may say, or any of these other white people who are going to determine the destiny of our children. You know what disturbed me this morning? I scanned the World-Herald, and on the op ed page, as it's called, there's a debate about whether the n-word should have been the subject of a very lengthy presentation in the Benson High School newspaper. But you know between whom the debate is? Two white people. Two white people debating about whether or not it's appropriate...

SENATOR FISCHER: One minute.

SENATOR CHAMBERS: ...to use, in a school paper, the most demeaning, insulting term that can be applied to white...black people. We're not in the debate. They don't consult black parents, black students about what a damaging thing this is to us and our children going to these schools, then listening to white people debate. That's like Hermann Goering and Dr. Goebbels discussing anti-Semitism during the Nazi regime, and not a Jew is consulted, but the Jews are the victims, and these Nazis are going to determine what is the appropriate way to deal with Jews; or having some of these racists who are opposed to Native Americans even living, discussing how Native Americans ought to be dealt with, and not a Native American anywhere.

SENATOR FISCHER: Time. Thank you, Senator Chambers. You are recognized to speak again.

SENATOR CHAMBERS: Thank you, Madam President. Dr. Bird's name being presented gave me my opportunity, and every time I get it, I'm going to take it. You all will not hear this if I don't say it, and if I don't say it, I'm not doing my job--not my job as a state senator, but my job as a black man, with black children, black grandchildren, black forebears, who never have been treated as full-fledged human beings, even to this day. And that's why we are discounted and not even part of the discussion that is demeaning to us. Why don't they put an article in that paper using the f-word or the b-word? White people use the b-word, white women call each other the b-word. It's on television, it's in the movies, it's in the magazines, it's on the streets. It's at home, at school, at play, and at work. And you know the f-word is ubiquitous, it is everywhere.

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But do you think one of these white schools would let these children, exercising their right under the First Amendment to free speech, discuss this current issue of the day, and have as a big headline: The F-Word, and then have it spelled out in the body of the articles and the little editorials? The one who is the editor of the Benson paper is white. The principal, who says it's great, is white. The spin put on the n-word story is white. And I, as a black man who deals with black children and black parents, am to sit down in silence and let these white people discuss our fate, dismiss, insult, and dispose of our children, without me saying a word? I would be worse than these white people. You all might be able to understand an analogy. Nations, gangs, churches are more bitter and hostile toward their traitors than they are the enemy, because you expect it from the enemy, but you don't expect it from your own. And were I to betray my people, I would be worthy of greater condemnation and contempt than is appropriately attached to the white people who continue to degrade and demean us. So when these opportunities come, get ready to hear from me. And as a symbolic vote, I'm going to vote against Dr. Bird's confirmation. So what I'm going to do...I'm going to wait until the President is able to hear. Madam President, I want to ask a question of Senator Raikes. Then I may have a request. Senator Raikes, are all of these appointees who are presented to us for confirmation currently being presented as a package?

SENATOR RAIKES: They are, Senator.

SENATOR FISCHER: Senator Raikes.

SENATOR RAIKES: Yes, Senator, they are.

SENATOR CHAMBERS: Madam President, I would like to divide this question so that we debate and vote on each of these appointees individually. And I'm willing to come up there and discuss it with you, the Clerk, and Senator Raikes, if that is necessary.

SENATOR FISCHER: Thank you, Senator. The Chair rules that we do have a divisible question. The first part we will take up will deal with Dr. Kenneth Bird and his appointment to the Nebraska Educational Telecommunications Commission. Senator Raikes, you are recognized.

SENATOR RAIKES: Thank you, Madam President. Again, Dr. Kenneth Bird is superintendent of Westside Community School. His term...he's a new appointment, he would be a new appointment. His term would last until January 12, 2010. Thank you.

SENATOR FISCHER: Thank you, Senator Raikes. Senator Ashford, your light is on. You're recognized.

SENATOR ASHFORD: Thank you, Madam President. And just for the record, District 66 has 28 percent of its students are poverty students. But I'm very interested in what

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Senator Chambers is talking about when he talks about poverty and integration. And would Senator Chambers answer a question for me?

SENATOR FISCHER: Senator Chambers, would you yield?

SENATOR CHAMBERS: Yes, I will.

SENATOR ASHFORD: I think, Senator Chambers, you have raised a very interesting point on the issue of integration. And I would ask you if you would talk a bit about what you think is necessary to promote integration within the school systems in Omaha and around Omaha Public Schools.

SENATOR CHAMBERS: Yes, I will respond to that question. First of all, there is no definition of what constitutes integration. When this subject is discussed, the term "integration" is used, the term "desegregation" is used. Desegregation occurs when you bring as few as two or three or perhaps even one person of a different race into a setting where everybody is of a different race. Integration connotes the notion of a greater degree of intermingling, and the subject is always based on race. When you have a city such as Omaha, which is tightly segregated along residential lines based on race, there is going to be no effective way to integrate the schools. White people in Omaha fled the OPS school system when a federal court said there must be busing, two-way busing, between white schools and black schools to achieve racial balance or racial integration. Not desirous of their children attending school with black children, white people move their children to other schools. And as they continue to do this, the percentage of minority students, primarily Latino and black, continue to rise, the percentage of white students continue to lower. But the population of the city of Omaha at large did not modify, and the residential patterns did not. So what has happened is that a school system has been superimposed on a racially segregated residential system, and the schools can say, we're not responsible, we're just going along with the demographics as we find them. But if the role, or part of the role of the school system is to have children of differing backgrounds attend school together so you have what they now call diversity, you cannot hide behind the racial segregation maintained by the real estate industry as a basis for continuing the segregation of the schools. Now the position of this country is that white parents are not going to tolerate busing to achieve racial balance, and the federal government and the courts are adopting that point of view also. If you have, therefore, a tightly segregated city where the white people, by and large, live in one part and the nonwhite people, by and large, live in another part, if you cannot have busing and you have residential segregation, the only practical way, which is not feasible, that you will achieve integration is to transplant homes of black people from the black community into the white people, transplant homes of white people from their community into the black community. But since that is not going to happen, integration in the schools...

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SENATOR FISCHER: One minute.

SENATOR CHAMBERS: ...is a chimera, and will never, in fact, occur. Since that is the case, we should stop talking about integration, which won't happen, and serves as a distraction, and focus on quality education in every building, regardless of where children go to school. So my view is that there will never, practically speaking, be integration based on race, in the elementary schools especially, in Omaha.

SENATOR ASHFORD: Thank you, Senator Chambers. Very briefly, I agree with Senator Chambers that the issue should be educational opportunity that we need to strive for. I do support Dr. Bird's nomination. In District 66, with 28 percent poverty children, I think that district is making a significant effort to make change. But the change is slow in coming, Senator Chambers, and I agree that we have a long debate ahead of us. The segregation in Omaha is deplorable, and we need to address it. Thank you, Madam President.

SENATOR FISCHER: Thank you, Senator Ashford. Thank you, Senator Chambers. Senator Chambers, your light is on and you are recognized.

SENATOR CHAMBERS: Thank you. Madam President, I would like to reciprocate and ask Senator Ashford a question or two, if he will respond.

SENATOR FISCHER: Senator Ashford, will you yield?

SENATOR ASHFORD: Yes, thank you.

SENATOR CHAMBERS: Senator Ashford, I continue to discuss race, and when you talked about a percentage of students and the percentage was 28, you didn't mention race; you mentioned impoverished students.

SENATOR ASHFORD: Correct.

SENATOR CHAMBERS: What is the racial ratio in District 66 between white and nonwhite children, if you know?

SENATOR ASHFORD: I believe, Senator Chambers, it's between 7 and 9 percent minority.

SENATOR CHAMBERS: Seven and 9 percent, or 79 percent?

SENATOR ASHFORD: Seven and 9 percent.

SENATOR CHAMBERS: So it would be 91 to 93 percent white?

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SENATOR ASHFORD: Well, it's probably 90/10, somewhere in there. I'd have to get the exact figure. But it...obviously, there needs to be more integration, Senator Chambers.

SENATOR CHAMBERS: And do you see any practical way to integrate District 66, from the standpoint of race?

SENATOR ASHFORD: I believe that if we provide free transportation and we do an excellent job...do a better job at encouraging racial minorities to attend District 66 and other suburban districts, that we can achieve more integration, Senator Chambers.

SENATOR CHAMBERS: Where will the room be which will accommodate large numbers of nonwhite children coming into these white suburban districts, including District 66, if their parents want to send them that far away from home for that purpose?

SENATOR ASHFORD: Senator Chambers, we need to encourage racial minorities to attend District 66. We need to make those spaces available for children of color to come into District 66 and Millard and Elkhorn and all the other districts that are west of OPS.

SENATOR CHAMBERS: We know what needs to be done. But my question specifically is, how is the room going to be made available?

SENATOR ASHFORD: We can do that by opening spaces within District 66. There are buildings that can be reconfigured. And there is an opportunity to attract and bring to District 66 additional numbers of minority students, and I think it's the appropriate thing to do.

SENATOR CHAMBERS: And do you think District 66 is going to do this voluntarily?

SENATOR ASHFORD: I think they're trying to do it voluntarily, Senator Chambers.

SENATOR CHAMBERS: Not trying,...

SENATOR ASHFORD: I think they're trying. And I think they could do better, as could all the suburban districts. And the free transportation and encouraging minority and poverty students to move into these districts is imperative, in my opinion.

SENATOR CHAMBERS: Are you aware, Senator Ashford, that when they were having busing in Omaha to achieve racial balance, one grade level of white students was bused, but three grade levels of black students were bused? You're aware of that?

SENATOR ASHFORD: Yes.

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SENATOR CHAMBERS: Why would there be a greater burden placed on black children to carry out this integration, rather than white people, who make up a majority of the population?

SENATOR ASHFORD: Well, I support, Senator...that's a good question, Senator Chambers, and I support encouraging white students to attend OPS from other districts. Maybe that's not your question.

SENATOR CHAMBERS: But you're missing...I'm asking you, why should that burden be placed primarily on the black children? Why, if they're talking about integration, should it not be equally shared, and they have three grade levels of white students bused, and three grade levels of black children bused? Why should...why do you think they didn't do that? White people wouldn't have liked that, would they?

SENATOR ASHFORD: No, Senator Chambers,...

SENATOR CHAMBERS: And one grade...

SENATOR ASHFORD: ...but white people didn't like busing, Senator Chambers.

SENATOR CHAMBERS: And one grade level was the minimum that they could do to comply with that federal consent decree, isn't that true?

SENATOR ASHFORD: The one grade level was the minimum standard, that's correct, Senator Chambers.

SENATOR CHAMBERS: And when John Mackiel terminated busing for the purpose of achieving racial balance, you're aware...

SENATOR FISCHER: One minute.

SENATOR CHAMBERS: ...that the black children were then returned to the black neighborhood schools. Are you aware of that?

SENATOR ASHFORD: That's correct.

SENATOR CHAMBERS: And are you aware that when they returned to these schools, there were teachers who had never taught children in those three grades, but nevertheless, they were assigned to teach these children?

SENATOR ASHFORD: Correct.

SENATOR CHAMBERS: And are you aware that these children were not learning what

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they needed to learn, and the teachers acknowledged that they not only didn't have the expertise, but they didn't even have the textbooks and equipment needed to teach them?

SENATOR ASHFORD: There's a huge gap in educational opportunity in north Omaha and south Omaha, Senator Chambers.

SENATOR CHAMBERS: And are you aware that the damage done to those children in those years is still being felt by them to this day, because what they did not learn in those years, they have not learned subsequently?

SENATOR ASHFORD: It is a deplorable situation, Senator Chambers, and I agree that the gap in education in Omaha is deplorable, and I can't agree with you (inaudible)...

SENATOR CHAMBERS: And Senator Ashford, might that inability to obtain a decent, meaningful education in grade school contributed to the high dropout rate that is experienced in the black community?

SENATOR ASHFORD: Yes.

SENATOR FISCHER: Time.

SENATOR ASHFORD: The dropout...yes, that's absolutely correct, Senator Chambers.

SENATOR FISCHER: Thank you, Senator Chambers and Senator Ashford. Senator Chambers, you may continue.

SENATOR CHAMBERS: Thank you. And having reciprocated with my esteemed colleague, Senator Ashford, I'll now solo fly on my own. If a child does not get what he or she needs by the third grade when it comes to reading, language, and almost any subject, it's over for that child. It's over. And that has been happening to our children. There are grown men and women, black, who did not learn to read in OPS, but they were passed through these grades. They had a lot of young white teachers, primarily female, because the vast majority of teachers in OPS are female; 93 percent of the teachers in OPS are white, although 56 percent of the students are minority. Many of them come, the teachers, from rural areas and small towns. They cannot relate to the students. They don't attempt to. They express fear and trepidation. They do not bind...bond with the community. They make no effort to come among us. They won't visit churches. They will not find out what the social organizations are with whom they could make contact. Parents go to these schools in our neighborhood--virtually all black, as far as the student body--and are treated with rudeness and dismissiveness by these white teachers. When my children were in school, nobody treated me dismissively--nobody. And the teachers would shake like leaves on trees when I would

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just enter the building to see how my children are doing. They wouldn't have dared try to do to me what they do to black parents now who show too much concern about their children. They are banned and barred from the school grounds. And if the parent comes on the school grounds, the police can be called to take these parents from the school grounds where their children attend. But have you seen an instance where a black parent went to a school and committed mass mayhem? And if there's a justification, we have it. But instead, they swallow that being banned and barred. Our children are being thrown to the white wolves. Every proposal and proposition is put together by the white people who created the problem, who maintain the problem, who benefit and profit from the problem. When Lyndon B. Johnson put together what was known as the Kerner Commission, or, popularly, as the riot commission, their conclusion was that America consists of two societies, one black, the other white. That remains the case today. In OPS, there are two education systems, one white, one nonwhite. And LB1024 had nothing to do with it. And the children in the nonwhite portion of that system are being cheated. The tests...

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SENATOR LANGEMEIER: One minute.

SENATOR CHAMBERS: ...demonstrate it. But the same administration is presiding over both of those two sectors. So why is it they can provide teachers with experience, adequate textbooks, supplies, and support where the white children go to school, but not where the nonwhite children go to school? We don't have two separate administrations. There is one. But it turns its attention toward the children who are of the same complexion as they themselves. And I'm saying that we have as much right to control and govern the education in the schools where our children attend that white people always have had, always have insisted on, always have been granted. Local control is as American as apple pie, when it's in the hands of white people. When black people aspire to that, it's sinister, it's un-American, and it must be withheld at all costs.

SENATOR LANGEMEIER: Time.

SENATOR CHAMBERS: Thank you, Mr. President.

SENATOR LANGEMEIER: Thank you, Senator Chambers. (Visitors introduced.) Continuing discussion on the first component of the Education Committee's confirmation report, Senator Ashford, you're recognized.

SENATOR ASHFORD: Thank you, Mr. President, members. And Senator Chambers, for the record, I don't know how many black students there are in District 66. I believe the total number of minority students is around 17 percent, not 7, so I apologize. But those are not all black students, obviously; they're from other ethnic minorities. And so I

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don't have that number. I do rise again in support of Dr. Bird. I think that the efforts are being made. But I am absolutely in agreement with Senator Chambers--we are a segregated city. The segregation has resulted in results in education that cannot be supportable. There must be change. District 66, Millard, all the other districts in this metropolitan area must be a part of the solution, Senator Chambers. And I don't know what that solution is. All I know is, as I've said before on this floor, that I, for three years, went to murder scenes where young children were killed. They should have been in school, not killed, not murdered on 28th Street and on 34th Street and Burdette Street and the streets that are in your district, Senator Chambers. It is a deplorable result of segregation. And this is...we are a northern city, we are a progressive state, I believe, and a progressive city, and we are one of the most segregated cities in the United States, the highest urban black poverty of any country in the...of children, in any...of any city in the United States. What you say is correct. I believe that Dr. Bird, in this case, and others, are attempting to find a solution. I don't have the solution. I think it's important that we continue to listen to you, Senator Chambers, as you tell us about what is going on in north Omaha, and to some degree in south Omaha. And with that, I would give the rest of my time to Senator Chambers.

SENATOR LANGEMEIER: Senator Chambers, you're recognized. Three minutes.

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Ashford. Members of the Legislature, anything white people want to do, they do. If they're going to build a new school, they build it. It's almost like dandelions popping up. One day you see green grass; the next day you see a sea of gold where the dandelions are. That's the way these white schools are when they want to build them. There are schools teaching Chinese. When I recommended that when we get some influence over the schools where our children go, since China is becoming a world player economically and otherwise speaking, we would want Chinese taught in the schools where our children attend, and I was mocked, I was ridiculed, I was derided. A couple of weeks after I had made that proposal on a cable television program I do, it was announced that Central High School, the premier school in Omaha, is going to teach Chinese, and the school system was going to pay to send a teacher...a person to China to learn how to teach it. But it's ridiculed when I say we ought to do it for our children, because our children are not human beings and they don't know it. NU entered an agreement not long ago with the country of China, and they're going to get a \$100,000, at least, grant from China so that there can be an exchange of students and Chinese can be taught at NU. But I mention it for our children, and it's laughed at. There are schools at the elementary level in Lincoln, Nebraska, where Chinese is being taught. You know what they want our children to learn? How to ridicule and degrade their most powerful and effective leader. At North High School, in a black neighborhood, predominantly black, which is praised and lionized as a magnet school, teachers got to gether and ran what they called skits, on school property during school time, ridiculing me, mocking Martin Luther King, saying that I--and this is the terms they used--I...Senator Chambers wants

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to screw your children. Now, white people...

SENATOR LANGEMEIER: One minute.

SENATOR CHAMBERS: ...might be the ones who screw children, but I assure you Senator Chambers screws nobody's child, in whatever sense that word is used. The teachers did it, and they mocked Martin Luther King, Jr.'s "I have a dream" speech. Do you see why I say I'm not interested in white people talking about, they honor Martin Luther King? The teachers did it, and nothing was done by the Omaha Public School administration. So then you have Benson High. If North got away with ridiculing black people, then Benson High can use the n-word. Suppose your children were confronted with this? What would you do? But regardless of what you will do, I know what my obligation is. You all are lucky that I'm trying to persuade black children to follow the law, to develop their minds, not their throwing arm and accuracy so you can hurl a Molotov cocktail into some teacher's car or into a school building.

SENATOR LANGEMEIER: Time.

SENATOR CHAMBERS: That's not what I tell them. Thank you, Mr. President.

SENATOR LANGEMEIER: Thank you, Senator Chambers and Senator Ashford. Senator Chambers, you're recognized.

SENATOR CHAMBERS: And I believe this is my third time, Mr. President.

SENATOR LANGEMEIER: You are correct.

SENATOR CHAMBERS: These teachers, in their skit, pointed out that Senator Chambers does not want black children to have education. Do you think they would...I'd like to ask Senator Ashford a question.

SENATOR LANGEMEIER: Senator Ashford, would you yield to a question?

SENATOR ASHFORD: Yes.

SENATOR CHAMBERS: Senator Ashford, suppose, at Westside--and it's entirely different, because they're all white people; you don't have white people...black people running your school. But if a skit of the kind that I'm talking about ridiculed a white politician, made fun of Martin Luther King, do you think there would have been anything in the way of a sanction imposed on the teachers who were responsible for doing it on school grounds, during school time?

SENATOR ASHFORD: Sure.

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SENATOR CHAMBERS: Why do you think nothing was done when it happened at North High?

SENATOR ASHFORD: Senator Chambers, I have no idea.

SENATOR CHAMBERS: Do you think the fact that white teachers did it, and they were ridiculing black people, might have had something to do with it?

SENATOR ASHFORD: I hope not, Senator Chambers.

SENATOR CHAMBERS: What do you think, though, having been in this...?

SENATOR ASHFORD: I don't know. I can't imagine anybody would ridicule anyone in that way.

SENATOR CHAMBERS: Okay, then thank you, Senator Ashford. What I'm going to do is get copies of this skit. And they thought it was funny--I'm going to screw somebody's children. They used the word "crap" also. I don't use that kind of language. And when the World-Herald did an article about it, they didn't put the word "screw" and the word "crap," because they're a family newspaper. So when they described what was done, they didn't even use the kind of language that these teachers used. And those are the kind of people sent to educate our children? My child goes to school, and "crap" is not a word used in my home, and my child comes home, because he or she read about what these teachers do at the school, and "crap" is a word used, so it must be all right--screw you. And I say, what? What is that word doing coming out of your mouth? Well, the teachers at North used it, and they put it in writing, and they made fun of Martin Luther King and made fun of Senator Chambers. And if the teachers do it and nothing is done, it must be all right. We need to teach our children, and we might need to do something else to these white people who are destroying our children. What does it take to get your attention? I went to your schools. I graduated from all of them on time. I had far more hours at Creighton than I needed to graduate. I graduated from Creighton Law School, knowing that it was pointless. It is futile. But I'm trying to be an example to the children that I'm trying to persuade ought to go to school. Then these white racists can say, Senator Chambers doesn't want you to have an education. And I'm a better example of education than any white thing in any school in Omaha. And they can do that to our children, and inflict violence on our children. And I'm going to start handing you all some of this information, so you know what I'm talking about. Then you're going to wonder why I don't go up there and strangle somebody. These are our children. They are our future. They are our only hope. You, running off into Afghanistan, Iraq, threatening North Korea, and talking about America as the free world, and I'm looking at what's happening in these schools where our children attend. Then white people are going to sit around here saying, well, a common levy, that's too much. And Bird hooking

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up with John Mackiel in an unholy alliance, to try to make sure they maintain the status quo. Then John Gottschalk put together a jerry-built committee that does nothing, so that he can get his feet into this issue. He said they're going to deal with education issues. And it put him in a position to hire my good friend, whom I respect,...

SENATOR LANGEMEIER: One minute.

SENATOR CHAMBERS: ...Kermit Brashear, as a lobbyist. That's the way white people do things. We all see the sham of it. But now he has as much status, and is trying to exercise clout and strong-arming against the Education Committee. But they still have me to contend with. My time is up on this particular item before us, but I may have to find opportunities later on in the day. And my vote against Dr. Bird is symbolic, to underscore everything that I've said. Thank you, Mr. President.

SENATOR LANGEMEIER: Thank you, Senator Chambers. Senator Pahls, you're recognized.

SENATOR PAHLS: Mr. President, members of the body, I've been listening this morning, and we do know there have been very, very many truthful remarks made. This is what I thought we should have been doing about education. This was the prime opportunity to start discussing the needs of the Omaha area. Personally, I am trying to find as many solutions as possible. I'm not talking about boundaries, I'm not talking about busing children. I'm looking at solutions that we can find for the child at the individual building. Some of the things that we've heard that have happened recently in some of the high schools...I just called up the high schools who are in my particular district, and I did ask, for the last 10 or 12 years, did we have any articles published with the b- or the f-word? We did not. So I can understand the need to bring that issue up, because if it happens in one area of town, it should happen in all the areas of town, of the city of Omaha. But I don't see where that's going to be the solution. One of the things I hear about the teachers doing things to children, there are ways of finding out. We need to look in our bill that's coming up, how can we prevent those things from happening? And some of the solutions that I personally have looked at is, that's why you take a look at the individual buildings. You make sure parents are involved at those buildings. We know that busing large groups of children probably will not happen, so we need to take a look at that individual building. And that, again, is auditing that building, seeing the good things that happen, and the things that need to be improved, and involving the parent. Make sure that mom or that dad feels that they can come to that school and listen and be heard, to listen themselves and also to be...to have their thoughts appreciated. The thing that I'm trying to do, I imagine, because most of the people who instruct the children in the Omaha area are...they look like me, they're white. We only have, it is my understanding, like, in the Omaha school system, 10 to 15 percent of the staff or administrators who are African-American, Hispanic, or Latino. So some of the options are not available that we may like to see somebody actually be in

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control of a school. So we need to find a way to involve that mom and dad, guardian, in that school. I'm willing to listen. And I...but right now, I need to vote yes for Ken Bird, because I do think that he is trying to make things happen in the city of Omaha, not just in Westside. And if the issue is that students are leaving the Omaha school system and the money is flowing, we know that can be stopped. We can take a look at that and say, if the child goes, the money doesn't follow. I mean, there are things that we can do to make that issue not attractive for another school district. We know that's possible. I know we will be talking about this. This is significant. We'll be talking about this issue probably for another number of sessions, or days, I should say. Thank you.

SENATOR LANGEMEIER: Thank you, Senator Pahls. Senator Ashford, you're recognized, followed by Senator Nelson.

SENATOR ASHFORD: Thank you, Mr. President, and I'll be very brief, and I'm going to relinquish the remainder of my time to Senator Chambers. Senator Pahls said something incredibly important, and I want to just underline it, because what Senator Pahls said...Senator Pahls is a senator from the Millard area, from a suburban district, and what he is saying to us is that we are all responsible for this problem, every one of us. I live in the Westside district. Senator Pahls lives in the Millard district. We live...those of us from Omaha live in the suburban areas. We are responsible for what is going on in north Omaha, we are absolutely responsible, and for what is going on in south Omaha. And any solution, any solution will have to include all of us. We all live in the same city. We all live in the same metropolitan area. These are our problems. These are our children. Certainly, they're Senator Chambers' children, but they are our children, as well. And I feel very, very strongly about that. So with that, Senator Chambers, I would relinquish the remainder of my time.

SENATOR LANGEMEIER: Senator Chambers, four minutes.

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Ashford. Members of the Legislature, I care about all children. But let me summarize what I said last year when we were debating LB1024. I'm not interested in separation, I'm not interested in integration. I'm interested in quality education. I had stated that if we have influence, even control of the schools in the areas where we live and where our children attend, if in the pool of teachers available the most qualified teachers are white, every classroom would have a white teacher. Does that sound like somebody who's saying, no white people connected with the school? I said we would make sure that anybody's child from anywhere in the city who wanted to attend school in our area, a way would be found. And if we move education to the level of quality that I have in mind, we would have white parents wanting their children to go there, because white people know the value of education, and they'll send them wherever they have to go to get it, and if we provide it, those children will come there. I pointed out how the community would embrace these white teachers, would support them, would make them a member of our

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family if they chose to have it that way. I know there are not enough black teachers in the Omaha Public Schools to staff every school with all black teachers. And that's not even what I ever said I was interested in, anyway. White people don't listen to me. They listen to others misrepresent what I say. That's why I say it's such a waste. Why should I spend time even talking to white people? But I have to do it here, because I'm in the Legislature. I have to do it here, knowing that I'm not being heeded. I got a call...and I'm going to check to see if this is confirmed. I had just told you all about these vicious parodies written at North High. The call gave me a basis to do some investigating, that the one who approved of what happened at Benson was the one who did the work at North High, and had been transferred to Benson. So the pathogen is moved from one infected body to another, and spreads the same disease. And I'm going to track that down and see if it's true. But the schools will not tell us anything they do with these teachers, or what they do with them, or where they send them, in the same way the Catholic Church would not warn other dioceses that you're being sent a predatory priest, and they don't know it until the priest assaults some child again. So where our children are concerned, these misbehaving teachers are held in secret...

SENATOR LANGEMEIER: One minute.

SENATOR CHAMBERS: ...and protected, and then sent to other schools to do their harm. I want education. I want it for everybody's child. What I have said is along the lines of Senator Pahls. If we put quality education in every building, wherever located, it won't matter whether the child goes to school across the street or across town. And quality education, in a nutshell, would be having a child learn what he or she should learn in a specific grade. It's as simple as that, nothing mystical, nothing mysterious. Thank you, Mr. President. Thank you, Senator Ashford.

SENATOR LANGEMEIER: Thank you, Senator Chambers and Senator Ashford. Senator Nelson, you're recognized.

SENATOR NELSON: Mr. President, members of the body, we've had a highly informative discussion thus far on many of the issues that we're going to have to confront as we deal with the Education bill and the resolution of that. I simply rise to speak on behalf of Dr. Kenneth Bird and support him for this nomination. This is our main question at the present time, whether he should be appointed to the Nebraska Educational Telecommunications Commission. My district comprises part of OPS. That's district...Legislative District 6, also part of Westside. So I've certainly become aware of the many problems that we have there, and we're going to have to address those. During the course of the last campaign, I became acquainted with Dr. Bird. I think he is a highly professional, dedicated educator and administrator, I think he would do an excellent job on this commission, and I therefore heartily request your support of his nomination and appointment at this time. Thank you, Mr. President.

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SENATOR LANGEMEIER: Thank you, Senator Nelson. Senator Pahls, your light is on next.

SENATOR PAHLS: Mr. President, members of the body, a key word that I heard from Senator Chambers is, I care about what's happening in that individual building. I think if we can take a look at that, that is the direction that we are going, I think we can find the solution. Again, as I've talked to Senator Chambers in the past, I know there are not enough teachers who are African-American to fill all the needs. What he's looking for is a good teacher in that classroom. I did the same thing as an administrator. A good teacher in that classroom...the life of an administrator, selfishly, it's great. I think we can do that. There are strategies that we can use to make sure schools are doing what they're supposed to be doing. If we get the support of the parent, this body, the business community, great things could happen, trying to get away from talking about school districts and talking about school buildings. And then we get to the school building, then we get to the child, which is the basis of all of this. We all know what a good school would, or should look like. Just have to walk in it and be around it for a while. It doesn't take long to pick up on that. Like I say, we can find out those schools that do need additional help. And if things are happening that should not be happening, make them very transparent, so we can quit talking about school districts and talk about the individual child in those schools, because you can't lose sight of that. I give the rest of my time to Senator Chambers if he would like.

SENATOR LANGEMEIER: Senator Chambers, three minutes.

SENATOR CHAMBERS: Thank you, Senator Pahls. Thank you, Mr. President. Members of the Legislature, I have said what I really mean. I wouldn't have any reason to vote against Dr. Bird's appointment to this commission. I said I would vote no for symbolic reasons. Symbols are extremely important. Words are symbols. Words are not the objects; they are symbols that stand for and represent objects. If I'm going to do something for a symbolic reason, what am I attempting to achieve by employing that symbol, having had the opportunity to state explicitly what is on my mind? I've thought about this thing. Since what I'm talking about has no bearing whatsoever on how Dr. Bird will perform as a member of this commission, I'm not going to vote against his confirmation. I have not yet reached the point where I can treat other people exactly as they treat us. But before, as Shakespeare said, I shuffle off this mortal coil, I may reach that point. And if I do, everybody will know...

SENATOR LANGEMEIER: One minute.

SENATOR CHAMBERS: ...when I've reached that point. I am trying to reason with you all. I've spent decades of my life, decades that I feel were wasted, trying to reason with you all and others of your complexion, in this Legislature and away from this Legislature. I've gone to white schools and addressed white students. I would read to

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little-bitty white children, went to small towns in Nebraska, by invitation, where the parents did not want their children to be in the same room with me. And I went anyway, to talk to those children whose parents wanted them to hear me. I've never abused or harmed anybody's child. That's why I wonder, how can these people hate our children so much, when they don't know our children, our children have not done anything to them? And they show their hatred. I couldn't do other people's children as our children are done. And maybe if I...

SENATOR LANGEMEIER: Time.

SENATOR CHAMBERS: ...could reach that point, I would get a little more respect for the things that I say. Thank you, Mr. President.

SENATOR LANGEMEIER: Thank you, Senator Chambers and Senator Pahls. There are no other lights on. Senator Raikes, you are recognized to close on the first component of the Education Committee's report.

SENATOR RAIKES: Thank you, Mr. President, members. This vote would be to confirm Ken Bird to the Nebraska Educational Telecommunications Commission as a new appointee. I urge your support. Thank you.

SENATOR LANGEMEIER: Thank you, Senator Raikes. You have heard the closing on the first component of the Education Committee's confirmation report. The question is, shall this component be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 1304.) 37 ayes, 0 nays, Mr. President, on adoption of the first report.

SENATOR LANGEMEIER: The first report is adopted. Senator Raikes, you are recognized to open on the second component of the confirmation report offered by the Education Committee.

SENATOR RAIKES: Thank you, Mr. President, members. This division of the confirmation report includes the reappointment of Mr. Dennis Miller, and the new appointments of Ms. Mandy Johnson, Mr. Robert Moline, and Mr. Clay Smith. I urge your support of these candidates. Thank you.

SENATOR LANGEMEIER: Thank you, Senator Raikes. You have heard the opening on the second component of the Education Committee's confirmation report. The floor is now open for discussion. Seeing no lights on, Senator Raikes, you're recognized to close. Senator Raikes waives closing. The question before the body is, shall the second component of the committee confirmation report from the Education Committee be

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adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 1305.) 39 ayes, 0 nays, Mr. President, on adoption of the second confirmation report.

SENATOR LANGEMEIER: Thank you, Mr. Clerk. The second component is adopted. (Visitors introduced.) Mr. Clerk, items for the record?

CLERK: I do, Mr. President. Thank you. Your Committee on Business and Labor reports LB339 and LB88 to General File with committee amendments attached, those signed by Senator Cornett, as Chair. Agriculture, chaired by Senator Erdman, reports LB516 to General File with amendments. Senator Cornett, LB588A, it's a new bill. (Read LB588A by title for the first time.) Senator Heidemann would offer LR92. That will be laid over. Senator Erdman, LR93, a study resolution, will be referred to the Executive Board. And I have an Attorney General's Opinion (re LB658) addressed to Senator Raikes. That's all that I had, Mr. President. Thank you. (Legislative Journal pages 1305-1316.) [LB339 LB88 LB516 LB588A LR92 LR93 LB658]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Mr. Clerk, we will now move to Final Reading. Members should return to their seats and prepare for Final Reading. Mr. Clerk, first item on the agenda, LB701E. [LB701]

CLERK: Mr. President, pursuant to that, Senator Flood would move to suspend Rule 8, Section 5, to permit the Final Reading of LB701 and LB701A today. [LB701 LB701A]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Flood, you are recognized to open on your motion to suspend the rules. [LB701 LB701A]

SPEAKER FLOOD: Thank you, Mr. President, members. I think I've talked to a majority, if not almost all of you, with the exception of one or two, about my motion here to suspend the rules on LB701E. Rule 8, Section 5 requires that all bills that have a General Fund impact and all tax expenditure bills must sit on Final Reading until after the budget bills are passed. Under our rules, we would need to wait to take up the water bill that's found here at LB701 until...on Final Reading, until we've passed the budget. I'm moving to suspend this rule, to allow the final passage of LB701 and LB701A prior to the body's passage of the budget. What advantage does this provide the state? First of all, suspending the rules in this way allows the parties to move forward with complete...and complete arrangements for the provisions of LB701, which inches us closer to compliance. It also demonstrates and shows good faith to the state of Kansas that Nebraska is acting in good faith. And I make this request not lightly, but very thoughtfully, after discussing this issue and the importance of moving LB701, with the members of the Nebraska Attorney General's Office. So I would ask for your support of

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this motion to dispense...or, to suspend the rules, pursuant to our rules. Thank you, Mr. President. [LB701 LB701A]

SENATOR LANGEMEIER: Thank you, Senator Flood. You have heard the opening on the motion to dispense with the reading...rules suspension. The floor is now open for discussion. Seeing no lights on, Senator Flood, you're recognized to close. Senator Flood waives closing. The first...the motion before the body is, shall the rules be suspended with dispensing of the reading of the rules suspension? All those in favor vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB701 LB701A]

CLERK: 39 ayes, 2 nays, Mr. President, to suspend the rules to permit consideration of LB701 and LB701A. [LB701 LB701A]

SENATOR LANGEMEIER: The motion is adopted. Mr. Clerk, LB701E. [LB701 LB701A]

CLERK: Mr. President, Senator...the first motion is, pursuant to Rule 6, Section 8, to dispense with the at-large reading of LB701. [LB701]

SENATOR LANGEMEIER: The question is, shall the...the motion is, shall we dispense with the at-large reading of LB701E? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB701]

CLERK: 41 ayes, 3 nays, Mr. President, to dispense with the at-large reading. [LB701]

SENATOR LANGEMEIER: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB701]

CLERK: (Read title of LB701.) [LB701]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. All provisions of law relative to procedure having been complied with, the question is, shall the LB...shall LB701E pass? All those in favor vote yea; all those opposed vote nay. Have all the members voted that wish to? Record, Mr. Clerk. [LB701]

CLERK: (Record vote read, Legislative Journal pages 1317-1318.) 43 ayes, 0 nays, 6 present and not voting, Mr. President. [LB701]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. LB701E passes with the emergency clause attached. We will now proceed to LB701AE. [LB701 LB701A]

CLERK: (Read LB701A on Final Reading.) [LB701A]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. All provisions of law relative to

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procedure having been complied with, the question is, shall LB701AE pass with the emergency clause attached? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB701A]

CLERK: (Record vote read, Legislative Journal page 1318.) 44 ayes, 0 nays, 5 present and not voting, Mr. President. [LB701A]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. LB701AE passes with the emergency clause attached. We will now proceed to the motion to override the gubernatorial vetoes, LB415. [LB701A LB415]

CLERK: Mr. President, Senator Harms would move that LB415 become law notwithstanding the objections of the Governor. [LB415]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Harms, you are recognized to open on your motion to override the veto. [LB415]

SENATOR HARMS: Thank you, Mr. President and colleagues. Today I'm asking you to support my request to override the veto of the Governor on LB415 and LB415A. First, I want to say very clearly that I'm not here to attack the Governor, I'm not here to say bad things about the Governor, nor am in that frame of mind at all. What I'm here to talk to you about is the fact that this bill saves teenagers' lives. And the fact that he's vetoed it, the fact that he's taken a position in that manner I think is wrong. I'm not arguing about the Governor. I'm arguing about the fact...the position he's taken. I think it's wrong, I think it hurts our teenagers, and I don't think it's appropriate. The other thing I want you to keep in mind is, this is a defining moment this session. This is the beginning of other vetoes that are going to come. And we have to decide as colleagues, we have to decide as senators, on whether or not we're going to allow this to happen, whether or not we're going to stand up for what we believe. And this is the day that I think we need to do that. I'm going to give it to you by the numbers, and then I'm going to take his letter and I'm going to dissect that letter and I'm going to show you the data and the statistics of where he is wrong. First, let me give you the numbers again. According to the Nebraska Office of Highway Safety, teen drivers in Nebraska represents 8 percent of licensed drivers, yet they were involved in 26 percent of all reported crashes, 31 percent of all crashes between 9:00 p.m. and midnight, 21 percent of all crashes between midnight and 3:00 a.m., 46 percent of crashes in which speed was a major factor, 30 percent of all single-vehicle rollover crashes. You tell me we don't have a problem? We do have a problem, and it's one that we need to say we're no longer going to tolerate. We need to set the standards. And what we have heard and what the Governor has said to us is that maybe our standards are too high. They cannot be too high when it comes to this. We have a responsibility, we have a responsibility here to protect the very future, and that's our teenagers. They are not capable in this program, in early driving experiences, to be able to separate out cell phones and speed. They're not there, they're not mature

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enough. And what I'm asking for us, what we said before, we want to set the standards. We want to tell our students, this is wrong. Now, let me talk to you a little bit about his letter. In his first paragraph, he talks about interactive wireless communication, and he argues that this is a secondary offense. If you remember, as a body, we had that debate on this floor. And I didn't understand Senator Erdman's comment earlier, because I have some difficulty hearing at times, and I said quickly that it's primary. And that's what my intent was, it was to be primary. But this body said, we do not want primary; we want it to be secondary. And we agreed upon that. And I said, I'm willing to accept that. I'm willing to take that on and say it's okay, because it sets the standard, it sets the course. Now we're confronted by the Governor saying to you, as my colleagues, you were wrong, this is ridiculous, we can't enforce this. What you told me is where we want to be, and I agreed with that, and I believe that's the reason why we ought to overturn this. In his second paragraph, he talks about the fact that we are substituting the wisdom and judgment and responsibility of parents with that of the state government. Hey, folks, why do you think we need this legislation? Let me give you some other facts here. Do you realize that we're number one in the nation in underage drinking? Do you realize that this city is number one in the nation in binge drinking? Do you realize that we are at the bottom of how we view our standards with young teenagers and driver's license? All of that deals with parental control. All that deals with parental support here. That's what is wrong. We've lost control. There are many parents who do a wonderful job with their children, but I'm here to tell you, that's not happening in a majority of households. We do not have that opportunity. And this is a chance for us to set those standards. This is a chance for us to say, folks, we have to have these rules and these regulations. We're not infringing ourselves on parents. I've had parents call me since this veto has taken place. My cell phone has rung off the hook all night long, saying they are shocked and appalled that this has been vetoed, that they are glad that someone has, as a body, has stood up and said, we want these standards, because quite frankly, it's easier for them to say to their children, you can't do it; it's against the law. In the third paragraph, he talks about interactive wireless communications. This case distracts drivers...exists...he talks about the very fact that we should do it...we shouldn't pick out teenagers; we should let it...we should do it for everyone. Well, I'll tell you what, if we want to do it for everyone, let's pass a bill and send it to the Governor and let's ask him whether or not he wants to do this. He'll veto that. Do you realize that 37 percent of all accidents that occur in Nebraska are caused from teenagers being involved with a cell phone, being involved in communicating with their friends? And not only that, the licensed drivers from 16 to 19 years old...years of age, only make up 7 percent of the drivers, yet 37 percent of the accidents that we have with teenagers are calls from cell phones. And when you talk to the folks in law enforcement they'll tell you, this is the most underestimated or underreported reason for accidents, because most teens and most adults do not want to admit that they were on their cell phone. Do you realize, folks, that we lose 35 to 40 deaths a year in teenager deaths? Do you want to...next time you open up the paper, and if this veto stands, do you want to read that and say, you know what? We had a chance to correct this, we had a chance to make a difference here. This is

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about saving kids' lives. It's not about politics. It's not about who talked to you. It's not about the fact that you're a Democrat or Republican or whether you like me or you don't like me. It's about kids. It's about teenagers. It's about saving their lives. And that's what this legislation is about. And if you walk away from this, gosh, folks, what a disappointment that's going to be, not only for us as a body, but for teenagers. Let me give you some new statistics. This comes from the Nebraska Office of Highway Safety. It says teen drivers were involved in 181 fatal crashes from 2002 through 2005. Those crashes killed--and listen to this--those crashes killed 168 teens and 40 other people. Don't you think it's time that we say this is wrong? Don't you think it's time that we stand up and say, we want to correct this issue? Don't you think it's time to say that we want the standards that are important? Don't we want to give the parents some help and some assistance? This veto takes that away. And in the final conversation in his letter, he talks about that the six-month restriction of provisional operators puts a hardship on families. Folks, this is not forever. What are we talking about here? This is for, what, six months, or maybe a year? That's all. It's not a hardship. In fact, if it saved my child's life, I wouldn't care if it was two years. That's the very point. And the point here is that for every teenager you have in a car, it doubles the issue of having an accident, bringing death. And some statistics show it adds 300 percent chance of having further accidents when you load that car up with teenagers. That's why it's so important to introduce this legislation. That's why it was so important when we argued and debated in General and Select and we approved this with 32 votes. I'm asking you now to stand up in what you believe. I'm asking you not to do this because you're a Republican or Democrat or because you like the Governor. I'm asking you to dig down deep... [LB415]

SENATOR LANGEMEIER: One minute. [LB415]

SENATOR HARMS: ...from your heart, and I'm asking you to say, enough is enough, we're going to override this veto; we're going to make every attempt to save the lives of our teenagers. Thank you, Mr. President. [LB415]

SENATOR LANGEMEIER: Thank you, Senator Harms. (Visitors introduced.) You have heard the opening on the motion to override the veto. The floor is now open for discussion. We have, wishing to speak, we have Erdman, McDonald, Kruse, Engel, and Dubas. Senator Erdman, you're recognized. [LB415]

SENATOR ERDMAN: Mr. President, members of the Legislature, again I stand in Harms' way. There are a number that I believe will also be a part of the way that will follow me, and I may be the only one to speak in opposition to this motion to override. As we found out with an earlier bill this legislative session, you have to analyze what you believe the Legislature will pass, and then what the Governor will do, in any bill. In the previous legislation that was brought to us by Senator Engel, he made a...he took a calculated risk to accept an amendment, and the Governor vetoed the bill. Any bill that is brought before this Legislature, the introducer and the proponents have an

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opportunity to decide whether they want to accept an amendment. But also within that process is the Governor's opinion, because the bill cannot become law without going to the Governor for his recommendation, and his recommendation is no. If you want to make this a grander display than it is, go for it. This is not about the two authorities being challenged; this is not about the Legislature standing up to the Governor and telling him where to go. This is about whether or not we believe this is the right public policy for the state of Nebraska. Senator Harms had 32 votes on Final Reading to make it the law of the land. I voted no. I'm still no. I didn't convince the Governor to take his position, and he didn't convince me to take mine. But I do still believe, even with the bill as it is, that it is problematic. Now, I don't know how to take some of the last comments Senator Harms made, that I believe his comments referred to the total number of accidents that were caused by teenagers in the state of Nebraska. I believe his earlier comments were more narrow, that dealt just with cell phones, if I heard him correctly. If you're going to apply the last part of that, that there were over 200 accidents, or 100-some individuals who were killed in accidents regarding teenagers, and 41 adults, then we should be banning teenagers from driving. That's not what Senator Harms is talking about in this bill. So to...out of respect to him, I would hope that we would talk about the issue, because I think that muddies the water. I think he has strong points. I think his data will prove what he wants it to say...not what he wants to say, but what supports the position he's trying to get you to adopt. I fundamentally disagree with this rule. And I will object again today, as I did on Select File, as I did on General File, that if Senator Harms wants to make the accusation that anybody that votes against this bill or opposes this bill doesn't care about the lives of those young people, that is irresponsible. Senator Harms will have his opportunity here to override the Governor's veto. And based on the votes on Final Reading, he's probably got a pretty good shot at it, because he got 32 on Final Reading, and there were 14 people who didn't vote. There were only 5 who voted no, only 5. So to the extent that I need to be lectured about whether or not I care for young people, I don't. But to the extent that you believe this is the right public policy for the state of Nebraska, go for it. Press green. You want to stick it to the Governor? Press green. You think this is the right public policy? Press green. There are good reasons to vote for this bill. But in my opinion, those reasons are not sufficient to allay my concerns. I'm interested in seeing what the body will do. I think if I were in Senator Harms' position, I would be doing the exact same thing. Maybe not the same way, but I'd be doing the exact same thing. If I felt strongly enough about my bill, that I believed it was the best public policy for the state of Nebraska, I would file the same motion he did. That's what the checks and balances are about. And to stand up and say that people are outraged with the Governor, they can be outraged with the Governor all day. They're probably going to be outraged with the Governor again this session. They're going to be outraged with us. But it is about the checks and balances, and this debate is narrowly drawn to the discussion about whether LB415, in the form that it was passed by this Legislature, is good public policy. It is not. And it is not good public policy, in my opinion, not because I don't care about those young people, but because as I said earlier in this debate, there has to be a balancing act, and to cast the

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brush that all young people in this state are irresponsible is not true, or that they're not prepared is untrue. Senator Harms, I wish you well, but as you can imagine, I'll be voting no. I would imagine all the other speakers that I've heard will be voting yes. We'll see where we're at. Thank you, Mr. President. [LB415]

SENATOR LANGEMEIER: Thank you, Senator Erdman. Senator McDonald, you're recognized. [LB415]

SENATOR McDONALD: Mr. Speaker and members of the body, and I will be voting yes. I will be voting yes to override the Governor's veto for several reasons. I have grandchildren, and those grandchildren drive. And let me tell you, most grandchildren of my...of the teenage years, can't even walk around the street without a phone on them. They're talking continuously, all the time. And let me tell you, they don't put that phone down when they get in the car. If I had my way, I'd make sure that they had mandatory seat belts on, because most teenagers, when they get into a car accident, are kissing the windshield or thrown out from the car because they do not have their restraints on them. We protect them to a certain point, then we let them spread their wings when they're really not ready. Most teenagers are risk-takers, because they think they're immortal. The brain doesn't comprehend that until at least they're in their mid-twenties. And yet we're allowing them to take risk behaviors beyond that point...before that point in time. Those risk behaviors do include driving behind a wheel, which we teach them to do, and we appreciate it when they can drive. But it protects them, it protects the people in the car, and it protects all of us, because none of us want to answer that door at night, wondering where our child is, and find out they're not coming home tonight, nor are they ever coming home. God forbid I ever get that letter and I find out that my grandchild was in a car, maybe not driven by them, but one of their friends that was on the phone and had a car wreck. And I'm thinking: And I didn't support this? I'd feel terrible. So yes, you have my vote. I will definitely support to override the Governor on this issue. There are issues that I have not overridden the Governor. And like Senator Harms says, it's not an issue with the Governor; it's an issue with our children's safety. And I'm all for that. Thank you. [LB415]

SENATOR LANGEMEIER: Thank you, Senator McDonald. Senator Kruse, you're recognized. [LB415]

SENATOR KRUSE: Thank you, Mr. President and colleagues. I also stand to support the bill, and I affirm what has been said, both by Senator Harms and Senator Erdman, also by Senator McDonald. They have indicated this is not about the Governor. I strongly affirm that. The Governor is not in my thought at all. This is about the bill, and we need to focus on that bill and what it does. I'll speak only to the parents' part of it, because that's been inferred in a number of different comments. One is that parents should have control of their kids, and therefore this bill is not needed. Well, the best of parents need help. I raised a couple of teenagers. They were a challenge to Ruth and

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me. But the standards of the public, the public consensus, the public attitude, helped us a lot in giving them instruction. Another is that parents know what to do, so let them do the teaching. Well, I assure you that some have never thought about this question. Ruth and I have thought about it because we have had the accountability for looking at teen crashes in the Omaha area for the last 15 years, and reporting on them. And Ruth goes often to the court cases that are involved. Time and time again, there were backseat passengers. It is a deadly mix for a new driver, a learning driver. That's what we're talking about here. We're not...it really doesn't compare to adults at all, but a driver who's learning and who is with friends who are in the back seat--turning around, checking with them, and having a good time, doing what kids do. We know that that's a dangerous mix, because time and time again, there have been several kids in the car on a teen crash. I don't call them accidents, because many of them are not accidents; it is a crash. And then also we hear that parents will talk with their kids about this. Well, many will not. And that really doesn't have much to do with the bill, but it has a lot to do with where we're at. We simply are dealing with a lot of parents who will not talk with their kids about what needs to happen. So again, look at the bill, think about the situation of parents, giving them support. But especially, I urge that we focus on kids that are in a training period, and giving as much guidance to them as we can during that training period. It's a very limited time during which they must learn some things that some of us have learned over a lifetime. They have to learn it quickly, in order to protect them and their friends. And protecting them and their friends is what we are about. Thank you. [LB415]

SENATOR LANGEMEIER: Thank you, Senator Kruse. Wishing to speak we have Engel, Dubas, Wallman, Wightman, Harms, Johnson, Carlson. Senator Engel, you're recognized. [LB415]

SENATOR ENGEL: Mr. President, members of the body, in 1999, I prioritized the graduated licensing bill, and at that point in time, there was a lot of controversy over that, too, as far as restricting these young drivers. But it has proven effective. Mr. Zwonechek, who heads up the State Highway Safety Administrator, has...crashes involving 16- to 20-year-old drivers dropped 23 percent after we passed this bill in 1999. Many, many lives were saved, I believe, because of that. And also, I believe that what Senator Harms is doing is refining the bill that we passed then. We couldn't get everything on at that point in time we wanted to, and I think he helped refine it, and probably didn't get as far as we wanted to, but at least a step at a time. I think that's what we have to do. What I like about it is, this is not really taking anything away. This is part of the training period, is for the provisional...it's a provisional license. They have to prove themselves during that period, accident-free. They have to be accident-free; they have to be violation-free. And if they're...over a certain period of time, then they can get the full license, and then they can do whatever adults do. I think personally cell phones are dangerous. I don't think we can outlaw them for everybody, because then you...the ladies couldn't put on their lipsticks, guys like me couldn't be combing our hair. There's

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all kinds of distractions that you have in a car. Tell you a little story about that. We were going...my wife and I were going home. We always go Interstate. And we were going about 75 miles an hour between here and Omaha, and there was a young lady right behind me. She wasn't, I bet, between here and halfway to the front of the room here. And I decided I didn't want her that close, so I just touched my brakes to let her know she was a little too close. And she was on her phone, and I think she was doing a few other things. I don't know how she was driving the car. But that irritated her, and she went around me probably as fast as that little car would go, gave me the Hawaiian peace sign (laughter), which I said, in my own mind--she didn't hear me--I said, well, bless you. And she...I'm glad she didn't hear that; probably would have made her go a little faster. But people are going to...they do have dangerous driving habits. And...but I think the more we can teach them, the more training they have before they get the full license, the better off they are and the safer they will be. So if we can save lives...and I believe this is going to save more lives than the first one did, and I think we should carry on and instill in these young people that driving is a privilege. It's not a right; it's a privilege. It's something that they...and they...it's a responsibility they have to take. When they get behind the wheel, they're now responsible for their own welfare, but the other folks'. And most of the accidents you've been reading about lately is they're either...they don't have on seat belts, or they've got several kids in the car, and all those distractions. And the first thing a young person wants, they want to be 16, they want to get that license. But let's teach them some responsibility when...before they get the full license. And I think that's helped them be better drivers, because they want those full privileges. So I think this...as far as I'm concerned, when the Governor vetoed my bill, it's first one I've ever had vetoed, but I accepted that because that isn't as important as this bill here, at all. We can refine that bill next year to comply with what he wants, and that would satisfy me. But this one here, I believe we're satisfying...we're protecting lives, and I certainly will support the veto in this particular case. Thank you. [LB415]

SENATOR LANGEMEIER: Thank you, Senator Engel. Senator Dubas, you're recognized. [LB415]

SENATOR DUBAS: Thank you, Mr. President, members of the body. I rise in support of this veto override. I thank Senator Harms for his passion and his commitment to the young people of our state and to the parents who do want to take responsibility for what their children are doing. And this just provides one more thing that as a parent you can say, you know, I don't want you doing these things, for these reasons, but I also don't want you doing these things because it's against the law. And I as a parent appreciated any opportunity that I had to use that, to use when I was raising my children. I appreciate the data that Senator Harms did submit to us this morning. We do know that when we...these types of laws are enacted, it shows a drop in accidents; it shows it has a positive impact. The Legislature in the past has already recognized that it takes time to develop skills as drivers. That was recognized when the provisional licenses were put in place. I realize that enacting that, you know, we were asking students to have

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supervised driving time, that we were asking them to take extra education, again, we were asking parents to be involved. So there's definitely a recognition on the part of the legislative body in the past that there are some restrictions and some parameters that we need to place on our teenage drivers. This just takes it another step farther. This just puts another extra parameter in that mix. This is an extension of that recognition. It supports parents who are being responsible. And for those reasons, I again appreciate Senator Harms, his commitment, his passion, his willingness to go to the mat on this issue, and I stand with him in this attempt and will be voting for this veto override. Thank you. [LB415]

SENATOR LANGEMEIER: Thank you, Senator Dubas. Senator Wallman, you are recognized. [LB415]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I resent being called, if I am not for a bill, that I don't care for children. I don't think you'll find anybody...I've watched parents bury their children, and they weren't talking on a cell phone. It's called responsibility, wearing your seat belt, doing various things. Our children as a whole are very responsible. And we're going to put our thumb on them on this, on that, on this. Education...I think Senator Harms should know that education is the key, whether it be by the parents or the school. And most of our children are very, very responsible drivers. I've ridden with school administrators who put the fear of God in you, and they're not very good drivers, and a teenager...I would much, much ride with my teenagers than them. And so it spans all generations. You know, we can be bad drivers. We narrow this thing down to teenagers. Sure, they probably take more chances, they visit with one another in the back seat, and...but they should have their seat belts on. And I was not...probably would have not voted for the seat belt law, but I think it's a good law. And honestly, I usually put mine on. So when we take a risk, when we get in an automobile or a pickup truck or a van, we take a risk. Is this a society of some risk? And as we know, if you ever take military training, they'll tell you how if...your risk of dying is pretty good, doing certain (inaudible). And so...and your car is, too. And so if you go down the highway, do we obey the speed limit? Another job for the patrolmen to do: Is this kid 16, 15, 17, 18, 19? Some of these kids are 21. Our daughter is probably about...she's in her thirties; she looks like she's 17. And so I don't like to put more burdens on our law officials. And education, I think, is the key. I agree with Senator Harms. And figures can say about whatever you want to, where some wear seat belts, some weren't. Some might have been smoking cigarettes, but heaven forbid. But I think the Governor...I agree with the Governor's override on this that he voted the same way I did. And I appreciate Senator Erdman's comments. And so I would urge you to vote red on this. Thank you. [LB415]

SENATOR LANGEMEIER: Thank you, Senator Wallman. Senator Wightman, you're recognized. [LB415]

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SENATOR WIGHTMAN: Thank you, Mr. President, colleagues. I stand in support of both LB415 and overriding the Governor's veto. I'd like to thank Senator Harms for bringing the bill in the first place, and further, for all of the effort he has put in, in attempting to override the Governor's veto. This bill is a big step forward in reducing teenage accidents and teenage deaths, and also in reducing deaths of other persons who are involved in accidents with teenagers. This Legislature has, as suggested by Senator Dubas and others on a number of occasions, have considered the fact that teenage drivers are inexperienced drivers, that they don't have the same driving skills as more experienced drivers. They are distracted. They're having fun in a car. Four or five of them are in there at a time. And to the extent that this bill limits the number of nonfamily members in the vehicle and limits the use of the cell phone, I think it will reduce teenage deaths. Our city of Lexington has recently had two accidents involving teenage deaths. I'm not sure whether cell phones were involved. I think drinking was involved in at least one of them. But it's a bad combination when you have young drivers, you may have drinking involved, and you have the use of cell phones. They don't exercise the same responsibility that adult drivers do. The Governor had suggested that the situation is best handled by parental guidance. I say, if we had used...if we had followed that to the extreme, we probably would not have underage drinking laws. We would not have provisional operator's licenses. I think that it's clear that legislation is sometimes required, and this is one of them, to protect teenagers from themselves, and to protect adults from teenagers, who may be in situations as are provided for in Senator Harms' bill. So I do urge the...this body to exercise its prerogative to stand as the third branch of government, an independent branch of government, and in this instance override the Governor's veto of LB415. I thank you, Mr. President. [LB415]

SPEAKER FLOOD PRESIDING [LB415]

SPEAKER FLOOD: Thank you, Senator Wightman. (Visitors introduced) While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB701 and LB701A. We now return to discussion. Senator Harms, you are recognized. [LB415 LB701 LB701A]

SENATOR HARMS: Thank you, Mr. President, colleagues. Just a couple of things I just wanted to make sure as a body you understand, is that this bill is not designed to punish our young people. It's dealing with the fact that they are inexperienced, and I want you to understand that. It's the fact that they're inexperienced, they're in an automobile, they do not have the driving skills. And that's what this bill is about. So don't misunderstand it. I've had some folks say, well, I think you're punishing. No, it has nothing to do with punishment. It's the fact that they're inexperienced. We're trying to protect them and we're trying to save their lives. The other thing I would like to address is some comments that Senator Erdman made. And I just want to clarify this, so that he understands, because we're at different parts of the pole here, because I stand up and I

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speaking passionately about something I believe in, that's my nature. It's not lecturing. And for every time we would disagree on this floor, are we going to say, don't lecture to me? It has nothing to do with it. The issue really is what we're talking about. You have to have some passion and you have to care. And it's not about whether you care or not. It's just, philosophically we're not at the same pole. So I am not lecturing to you, Senator Erdman, and I'm not lecturing to anyone. I just have some strong views about this legislation, and I think it's critical for our teenagers. Thank you, Mr. President. [LB415]

SPEAKER FLOOD: Thank you, Senator Harms. Senator Johnson, you're recognized, followed by Senators Carlson, Erdman, Howard, and Avery. Senator Johnson. [LB415]

SENATOR JOHNSON: Thank you, Mr. Speaker. I'm not going to take long this morning. And again, this is not a vote on whether we have a good Governor. I think that we do have a good Governor. It's also not a question, in my mind, about parental control. I think that there are many good parents who are expressing parental control. But what I think that we're talking about here this morning is legislative responsibility. When you have 35 teenagers who are cut down in the prime of their life, in many instances where they are just doing something that all teenagers do, and we can do something about it, this is like an epidemic that we are ignoring. I would suggest, for those that feel differently, that they go to the next funeral of these teenagers. And you'll see good parents. I think we need to be good legislators. Education with experience yields safety. With that, I would like to give some of the rest of my time to Senator Avery, if he would like to have the time. [LB415]

SPEAKER FLOOD: Senator Avery, Senator Johnson would like to yield you the balance of his time. He has three minutes, eight seconds. [LB415]

SENATOR AVERY: Thank you, Senator Harms (sic). And I'm sorry for being late to the mike, but we were in an Exec Session. I supported this bill when it came before the body. I think it's a good bill. And those of you who were listening know that I have a special interest in this because I have a 15-year-old son who is...will be affected by it. And I was looking at the Governor's veto message, and he says that his number one issue, or at least one of his objections, is that the bill substitutes the wisdom, judgment, and responsibility of parents with that of state government. And he goes on to say that parents are best situated to judge the maturity and responsibility of their children. And that's not actually wrong. What I think this bill does, it does not substitute so much as it supplements. It gives parents another tool to deal with the problem of teen driving. I shudder every time I think that my son, on July 10, is going to get his driver's license, and he's going to be able to get out there in a car without me there to watch and to observe and to correct and to advise, not to say that he always listens to my advice even now, under his learner's permit. But nonetheless, I do believe that young teenagers are...while they listen to their parents sometimes, a lot of times they don't. But you put a policeman in the picture, with a uniform and the authority that goes behind the

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police function, I think that adds an element of legitimacy to what... [LB415]

SPEAKER FLOOD: One minute. [LB415]

SENATOR AVERY: ...many parents are trying to do when they set rules on what their teens can do when driving. I see this not as a substitute. I respectfully disagree with the Governor on that. I think it is a supplement. And I'm going to vote to override, and I hope that you would join me in that. Thank you. [LB415]

SPEAKER FLOOD: Thank you, Senator Avery. Senator Carlson, you're recognized. [LB415]

SENATOR CARLSON: Mr. President, members of the Legislature, some view this bill as being something that is picking on the youth. I don't believe that. But for my statement today, I am going to pick on the youth a little bit. I resent the statement by Senator Erdman that if we want to stick it to the Governor, vote to override. My vote doesn't have a thing to do with sticking it to the Governor. I like the Governor. I respect the Governor. I admire the Governor. I support the Governor. I want to work with the Governor. But no one elected me to the Legislature to be a puppet for the Governor. God gave me a mind. I need to use it, or I risk having it taken away. I want us to support and endorse good public policy. I believe LB415 is good public policy. I will vote for it. I thank Senator Harms for his work. Thank you, Mr. President. [LB415]

SPEAKER FLOOD: Thank you, Senator Carlson. Senator Erdman, you're recognized. [LB415]

SENATOR ERDMAN: Mr. President, I'd respectfully call the question. [LB415]

SPEAKER FLOOD: All right. Senator Erdman has made a request to call the question. Do I see five hands? I see five hands. The question is, shall debate cease? All in favor vote aye; all opposed vote nay. Mr. Clerk, please record. [LB415]

CLERK: 31 ayes, 4 nays to cease debate, Mr. President. [LB415]

SPEAKER FLOOD: Debate has ceased. Senator Harms, you are recognized to close. [LB415]

SENATOR HARMS: Thank you, Mr. President and colleagues. I want to restate, as I did earlier, this has nothing to do in regard to how I...what I think of the Governor or anything else. It just is the decision that he made that I do not agree with. And I think this issue is so vitally important that we override, and it's all about safety, it's all about teenagers' lives, it's all about what I think is so vitally important. And I would just ask, as you think about this, I would ask that you reach down deep. I would like for you to think

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in your own heart about what is right. This is what we're talking about is, what is right? What's the right public policy? This is what it's about. It's about public policy. And I would just urge you to vote with me to override. You've heard all the debate, you've heard all the arguments. We've gone through Select...we've gone through General, Select, and now to override this veto. Nothing has changed. I just hope that I can encourage you to reach down and make the right decision. And Mr. President, I'd like to request a call of the house, please. [LB415]

SPEAKER FLOOD: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB415]

CLERK: 35 ayes, 0 nays to place the house under call, Mr. President. [LB415]

SPEAKER FLOOD: The house is under call. Senators please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Chambers, Senator Avery. Mr. Clerk. All senators are present or otherwise accounted for. Senator Harms, how do you wish to proceed? [LB415]

SENATOR HARMS: Thank you, Mr. President. I'd like a roll call vote, and I'd like that in reverse order, please. [LB415]

SPEAKER FLOOD: A roll call vote in reverse order has been requested. Mr. Clerk, please call the roll. [LB415]

CLERK: (Roll call vote taken, Legislative Journal page 1319.) 33 ayes, 7 nays, Mr. President, on the motion that LB415 become law notwithstanding the objections of the Governor. [LB415]

SPEAKER FLOOD: Thank you, Mr. Clerk. LB415 does become law notwithstanding the objections of the Governor. Mr. Clerk, we will now proceed to LB415A. [LB415 LB415A]

CLERK: Mr. President, Senator Harms would move that LB415A become law notwithstanding the objections of the Governor. [LB415A]

SPEAKER FLOOD: The call is raised. Senator Harms, you're recognized to open. [LB415A]

SENATOR HARMS: Mr. President, colleagues, I would just simply ask that we approve now the funding for this bill and approve LB415A and override the Governor and his veto. Thank you, Mr. President. [LB415A]

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SPEAKER FLOOD: You've heard the opening on the motion to make LB415A law notwithstanding the objection of the Governor. We will now proceed to discussion on the same. Senator Howard, you are recognized. Senator Howard waives her opportunity to speak. There are no other lights on. Senator Harms, you are recognized to close. [LB415A]

SENATOR HARMS: Thank you, Mr. President, colleagues. I appreciate your support of this bill. I do think it's the right public policy. I think it sends the right message to people around us, that we are going to be independent, we are going to think through what is right, what is correct, and we are going to make the right decisions. And I believe this was the right decision. So, Mr. President, I thank you for this opportunity. And I'd like to have a roll call vote...no, excuse me, I'd just like to go ahead and do electronic vote. Thank you. [LB415A]

SPEAKER FLOOD: Okay, a machine has been requested. Members of the Legislature, the question is, shall LB415A become law notwithstanding the objection of the Governor? All those in favor vote yea; all those opposed vote nay. Mr. Clerk, please record. [LB415A]

CLERK: (Record vote read, Legislative Journal page 1320.) 35 ayes, 6 nays, Mr. President, on the motion that LB415A become law notwithstanding the objections of the Governor. [LB415A]

SPEAKER FLOOD: LB415A becomes law notwithstanding the objections of the Governor. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign a certificate to be delivered to the Nebraska Secretary of State, indicating that LB415 and LB415A have been returned by the Governor with his objections thereto, and after considering...reconsideration, having passed the Legislature by the constitutional majority, these two bills have become law notwithstanding his objections, on this 26th day of April, 2007. [LB415A LB415]

SENATOR FRIEND PRESIDING [LB219]

SENATOR FRIEND: Members of the Legislature, Select File. Mr. Clerk. [LB219]

CLERK: Mr. President, the first bill on Select File is LB219. I have no E&Rs. Senator Dierks would move to amend with AM1135. (Legislative Journal page 1321.) [LB219]

SENATOR FRIEND: Senator Dierks, you are recognized to open on AM1135. [LB219]

SENATOR DIERKS: Thank you, Mr. President and members of the Legislature. I've introduced AM1135 at the request of several people from the district and from the Education Committee who thought the legislation was needed immediately. The

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amendment adds the emergency clause. Additionally, the amendment changes the date, for the first year only, on which freeholder petitions must be filed. In the green copy of the bill, it lists the final date on which a petition can be filed as on or before June 1. I don't believe that's enough time for people this year with the passage of the bill to adequately learn of the new legislation and file this petition. With this amendment, the final date, for this year only, for a person to file a freeholder petition will be on or before July 15 of 2007. Thank you very much. [LB219]

SENATOR FRIEND: Thank you, Senator Dierks. Members, you have heard the opening on AM1135. There are senators wishing to speak. Senator Raikes, you are recognized. [LB219]

SENATOR RAIKES: Thank you, Mr. President, members of the Legislature. To remind you, LB219 is a bill that Senator Dierks introduced. It came to the Education Committee. Deals with the issue of freeholding in public school districts. His bill, I think, is...was a very good bill, one that is very much needed. And I do strongly support his amendment here to add the emergency clause. This will make...in effect, what his bill does is put rules and dates in place so that there is order brought to the process of freeholding. We have some districts that are now involved in that, and I think it's important that those rules be put in place sooner rather than later. So therefore, I urge your support of the Dierks amendment. Thank you. [LB219]

SENATOR FRIEND: Thank you, Senator Raikes. Senator Dierks, there are no other senators wishing to speak. Senator Dierks waives closing. Members, the question is, shall AM1135 be adopted to LB219? All those in favor please vote aye; all those opposed vote nay. Have you all voted who wish to? Record please, Mr. Clerk. [LB219]

CLERK: 28 ayes, 0 nays, Mr. President, on the adoption of Senator Dierks's amendment. [LB219]

SENATOR FRIEND: AM1135 is adopted. [LB219]

CLERK: Mr. President, if I may, Judiciary Committee is having an Executive Session underneath the south balcony. Judiciary. Senator McGill, I have nothing further pending to LB219, Senator. [LB219]

SENATOR FRIEND: Senator McGill, for a motion. [LB219]

SENATOR MCGILL: Mr. President, I move LB219 to E&R for engrossing. [LB219]

SENATOR FRIEND: Members, you have heard the motion. All those in favor please signify by saying aye. All those opposed say nay. LB219 does advance. Mr. Clerk, LB471. [LB219 LB471]

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CLERK: Mr. President, LB471. Senator McGill, I have Enrollment and Review amendments. (ER8078, Legislative Journal page 1271.) [LB471]

SENATOR FRIEND: Senator McGill, again, for a motion. [LB471]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB471]

SENATOR FRIEND: Members, you have heard the motion. All those in favor please signify by saying aye. All those opposed say nay. The amendments are adopted. [LB471]

CLERK: I have nothing further on the bill, Senator. [LB471]

SENATOR FRIEND: Senator McGill, again, for a motion. [LB471]

SENATOR MCGILL: Mr. President, I move LB471 to E&R for engrossing. [LB471]

SENATOR FRIEND: Members, you've heard the motion. All those in favor please signify by saying aye. All those opposed say nay. LB471 does advance. Next bill, Mr. Clerk. [LB471]

CLERK: Mr. President, LB289. Senator McGill, I have Enrollment and Review amendments, first of all. (ER8077, Legislative Journal page 1271.) [LB289]

SENATOR FRIEND: Senator McGill, for a motion. [LB289]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB289]

SENATOR FRIEND: Members, the motion is the E&R amendments, ER8077. All those in favor please signify by saying aye. All those opposed say nay. They are adopted. [LB289]

CLERK: I have nothing further on that bill, Senator. [LB289]

SENATOR FRIEND: Senator McGill, again, for a motion. [LB289]

SENATOR MCGILL: Mr. President, I move LB289 to E&R for engrossing. [LB289]

SENATOR FRIEND: Members, all those in favor please signify by saying aye. All those opposed say nay. LB289 does advance. Mr. Clerk, LB144. [LB289 LB144]

CLERK: Mr. President, LB144. Senator McGill, I have no amendments to the bill.

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[LB144]

SENATOR FRIEND: Senator McGill, for a motion. [LB144]

SENATOR MCGILL: Mr. President, I move LB144 to E&R for engrossing. [LB144]

SENATOR FRIEND: Members, all those in favor please signify by saying aye. All those opposed say nay. The bill does advance. Mr. Clerk, LB188. [LB144 LB188]

CLERK: LB188, Mr. President. Senator McGill, I have no amendments to the bill. [LB188]

SENATOR FRIEND: Senator McGill, for a motion. [LB188]

SENATOR MCGILL: Mr. President, I move LB188 to E&R for engrossing. [LB188]

SENATOR FRIEND: Members, all those in favor please say aye. All those opposed please say nay. The bill does advance. And Mr. Clerk, LB208. [LB188 LB208]

CLERK: LB208, Mr. President. Senator McGill, I have no amendments to the bill. [LB208]

SENATOR FRIEND: Senator McGill, for a motion. [LB208]

SENATOR MCGILL: Mr. President, I move LB208 to E&R for engrossing. [LB208]

SENATOR FRIEND: Members, you've heard the motion. All those in favor please say aye. All those opposed say nay. The bill does advance. Mr. Clerk, General File. [LB208]

CLERK: Mr. President, LB629, a bill introduced by Senator Dierks. (Read title.) It was introduced on January 17 of this year, at that time referred to the Natural Resources Committee. The bill was advanced to General File. There are Natural Resources Committee amendments pending, Mr. President. (AM987, Legislative Journal page 1212.) [LB629]

SENATOR FRIEND: Senator Dierks, you are recognized to open on LB629. [LB629]

SENATOR DIERKS: Thank you, Mr. President and members of the Legislature. I'm very pleased to open on my priority bill. LB629 is a bill that accomplishes many things. First of all, it encourages the development of wind energy in Nebraska. Nebraska ranks sixth in the nation for wind energy potential. However, we as a state have been slow to capitalize on this abundant, clean, renewable energy source. Currently, we are ranked 18th in the nation for wind development, and with current construction in other states,

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we will drop to 28th by next year. The C-BED, or community-based energy development structure offers a strong, viable option for Nebraska public power to diversify its energy resources and increase renewable energy generation, without increasing rates or spending tax dollars for incentives. C-BED originated in Minnesota, where they have an estimated 250 megawatts of community-owned wind energy. LB629 is drafted with the Minnesota model in mind, because it has proven a renewable energy program. It has been tailored to our public power state with the help of five weeks of negotiations. C-BED creates an important new financial opportunity for farmers and residents of rural Nebraska. Instead of just renting their land for wind development, which means receiving \$2,000 to \$4,000 for each turbine, rural Nebraskans may now become entrepreneurs in wind development, which brings far greater economic benefits. LB629 allows qualified owners, as defined in the bill, to own up to 15 percent of a C-BED project. Private wind developers are currently buying wind rights from farmers and ranchers throughout Nebraska. These private developers want to control Nebraska's best wind resources, own the wind farms, keep the majority of the profits for themselves, and take the money out of Nebraska. Rural citizens receive a fraction of the money from these private developers, compared to what they could earn as investors and owners of C-BED projects themselves. LB629 not only benefits individuals and families in rural Nebraska; it also enhances rural communities through economic development opportunities. Jobs for local contractors, engineers, accountants, lawyers, bankers, and main street businesses are created with the development. Building and maintenance of this alternative energy source is also important in the development of these...of this issue. The people who fill those jobs live and spend resources in rural Nebraska, and LB629 provides economic development without a cost to the state or local government. Very few bills create economic development but do not require an accompanying A bill. LB629 protects and enhances the role of public power in Nebraska. Although it was drafted with the Minnesota model in mind, the bill recognizes the role of public power in Nebraska. C-BED developers may contract with representatives from the four large electric utilities in Nebraska--NPPD, OPPD, Lincoln Electric System, and Tri-State Power--who purchase the energy to supply to our homes and businesses. The bill does not require the utilities to buy power from C-BED. It only requires that the electric utilities must consider these projects as viable options for providing renewable energy. Several handouts are being placed on your desk regarding LB629. One shows the mean annual wind speed in Nebraska. Another gives wind energy potential for the top 20 producing states. A third describes the NPPD wind energy facility located in Ainsworth, Nebraska. Another describes wind energy siting and development studies that have taken place over the last 13 years. And finally, there is a letter from the Nebraska Power Association in support of AM987. Chairman Loudon will soon introduce the Natural Resources Committee amendment to LB629, which becomes the bill. Let me just tell you that as introduced, LB629 did not have the support of the Nebraska Power Association or the four major electric utilities. After five weeks of negotiations, I am proud to say that an agreement was reached, in the form of AM987, that is supported by everyone involved. I would like to commend the representatives

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from each of these entities for spending time in meetings and conference calls, negotiating these changes. Every single word was scrutinized, discussed, and debated in numerous meetings. I am proud of the language we found in AM987 and believe that LB629 is a very simple but important piece of legislation for the state of Nebraska. Thank you, Mr. President. [LB629]

SENATOR FRIEND: Thank you, Senator Dierks. Members of the Legislature, as the Clerk stated, there are amendments from the Natural Resources Committee. Senator Louden, as Chair of the committee, you are recognized to open on those amendments. [LB629]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. The committee amendment becomes the bill. The amendment was a compromise reached between Senator Dierks and the public power industry in Nebraska. I want to commend the parties for their efforts in this regard. The committee amendment defines a community-based energy development project, often referred to as a C-BED project, as a new wind energy project with specific ownership requirements. The ownership of a project that has more than two turbines can be with no single qualified owner owning more than 15 percent of the project, with at least 33 percent of the power purchase agreement payments flowing to a qualified owner or local community; or, the ownership of a project that has two turbines or less can be with a single qualified owner or more qualified owners, with at least 33 percent of the power purchase agreement payments flowing to a qualified owner or local community. And all of the projects must have a resolution of support adopted by county board in each county where the C-BED project is to be located, or by the tribal council if the project is to be located within the boundaries of an Indian reservation. A qualified owner can be a Nebraska resident; a limited-liability company organized under the laws of Nebraska, and is comprised of members who are Nebraska residents; a Nebraska nonprofit corporation organized under the Nebraska Nonprofit Corporation Act; an electric supplier, which is any legal entity supplying, producing, or distributing electricity within the state for sale at retail or wholesale; or a tribal council. A single electric supplier, however, is limited to a 15 percent interest in the project, or 25 percent ownership if multiple electric suppliers are involved. The amendment allows a C-BED project developer and an electric utility to negotiate in good faith a power purchase agreement. It also allows an equity partner in C-BED project to be a nonqualified owner, so long as not more than 67 percent of the power purchase agreement payments flow to the nonqualified owners. The amendment also prohibits the transfer of ownership of the project, except for an inherited interest, during the initial 20 years of the power purchase agreement. A C-BED project is not eligible for any applicable net energy billing. The amendment requires a project to receive approval from the Nebraska Power Review Board, or certification under the federal Public Utility Regulation Policies Act. The amendment requires an electric utility to encourage aggregation of C-BED projects and to require any qualified owner to provide security to assure performance under the power purchase agreement. It also

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requires that once an electric utility has determined they need to construct new renewable energy generation, the utility shall take reasonable steps to determine if one or more C-BED projects are available and are technically, economically, and operationally feasible to provide some or all of the identified generation need. The bill requires a developer, to the extent feasible, to offer an opportunity to invest in the project to each property owner on whose property a turbine is located. The amendment specifically states that no electric utility is required to enter into a power purchase agreement under a C-BED project, and that an electric utility may agree to limit its exercise of the power of eminent domain to acquire a C-BED project if such electric utility is part of the contract to purchase output for a term of ten years or more. The amendment also contains a severability clause and the emergency clause. I would appreciate your support and adoption of the committee amendment. Thank you, Mr. President. [LB629]

SENATOR FRIEND: Thank you, Senator Louden. Members of the Legislature, you've heard the opening on AM987, the Natural Resources Committee amendments. There are senators wishing to speak. Senator Preister, you are recognized. [LB629]

SENATOR PREISTER: Thank you, Honorable President, friends all. I rise in support of Senator Dierks's LB629 and also the committee amendment from the Natural Resources Committee, which has been a very difficult, very challenging, and very good discussion. I think the amendment is agreed to by everyone that has had an interest, and I feel good about that. People had to give up things, but that's the nature of compromise and getting to this point. Senator Dierks has been a true champion, as others have, of renewable energy and wind energy. The community-based wind energy development projects are successful in Minnesota, as he said. We have the same capability in this state to implement it here along with our public power and to do it in conjunction with them, so that we maintain our public power status. That can be done, and in conjunction with the public utilities, this amendment will allow us to go forward with that. Senator Dierks provided a handout that's a colorful one with a map of the United States. It shows the tremendous potential that Nebraska has. In fact, we have the sixth greatest potential of any state in the nation, as is listed on that handout. The winds come down through Canada, through the Great Plains area, and we're blessed with that wind. Nebraska has been referred to by many people, including our Governor, as the Saudi Arabia of wind. We need to divest ourselves of foreign sources of energy and invest in local, native sources. And the wind is certainly a great one here on the plains that we need to harvest. This is an opportunity to do that. Although we, according to this map, have the 6th greatest potential, according to number of generators we have, we're only ranked 18th in the number of turbines that we've actually constructed. And because we're not moving ahead currently and other states are, it won't be long and we will have fallen back to 28th in actual development. I think we need to move forward. This is an opportunity to do that. It's an opportunity for good economic development in rural areas in particular. The Panhandle Area Development did a

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wonderful research report on the advantages to western Nebraska and to that part of the state, that applies to all of the rest of the state where this could happen. They state that wind energy generation can provide many benefits to the state of Nebraska, including: wind energy keeps more of our electric bill in Nebraska, instead of supporting Wyoming coal mines and the taxpayers there; local landowners can receive compensation from wind generation leases, and those leases can pay as much or more than the actual crops that would be generated on that land; wind farms can increase local property tax revenue when they're privately owned, as in the C-BED model; wind energy can create jobs, especially if we develop wind assembly fabrication service industries--and Daniels Manufacturing is one in Nebraska that has already been able to do that, Valmont has been looking at doing that by building the towers that support the turbines, and they're very interested in that economic development component; wind energy may significantly reduce... [LB629]

SENATOR FRIEND: One minute. [LB629]

SENATOR PREISTER: ...electrical cost in the long term; wind energy helps reduce our use of finite resources, and that's an important one to me; they also list the construction phase of a wind farm development provides economic benefits--and the folks in Ainsworth can certainly attest to that, when the construction was going on for that project; wind energy provides a long-term price hedge due to its consistent and predictable cost projection, is another one that they list. This is good for the state. It's good economic development. It's good for the environment. Nebraska has the second highest leading cause of death from asthma. As a rural clean-air state, we shouldn't have that. There's no environmental negative impact by wind generators. It's good for the environment, and the costs are competitive and as cheap as any form of generation, even without the subsidies. [LB629]

SENATOR FRIEND: Time. [LB629]

SENATOR PREISTER: I think this is good public policy. Thank you. [LB629]

SENATOR FRIEND: Thank you, Senator Preister. Mr. Clerk, you have an amendment to the committee amendments? [LB629]

CLERK: I do, Mr. President. Senator Dierks would offer AM1053. (Legislative Journal page 1212.) [LB629]

SENATOR FRIEND: Senator Dierks, you are recognized to open on your amendment to the committee amendments, AM987. [LB629]

SENATOR DIERKS: Okay, thank you, Mr. President. This amendment is a...are we talking about the committee amendments, or my amendment? [LB629]

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SENATOR FRIEND: We are on your AM1053, Senator. [LB629]

SENATOR DIERKS: Okay. Thank you. AM1053 was introduced with the agreement of the Nebraska Power Association. There are two items addressed in this amendment. The first...this is strictly a technical amendment. The first lowers the number of years from 20 to 10 in which C-BED projects cannot be transferred from the qualified owner to any other person. This was supposed to be part of the committee amendment, and we neglected to get it in there. The other part of the amendment adds the requirement of electric utilities to provide annual statements documenting their efforts to purchase wind energy from C-BED projects. These two items have been agreed to by the Nebraska Power Association. I urge your support. Like I say, they were...they omitted from the committee amendment, so we need to attach this, and I urge your support of that. Thank you, Mr. President. [LB629]

SENATOR FRIEND: Thank you, Senator Dierks. Members, you have heard the opening on AM1053. Senator Dierks, your light was next, and you are next to speak. And you are recognized. [LB629]

SENATOR DIERKS: Well, I put the light on to speak on the...speak to the committee amendments. If that's okay, we'll do that. Or if you have more lights on this other amendment... [LB629]

SENATOR FRIEND: There are other senators wishing to speak, but you are recognized if you'd like to continue. [LB629]

SENATOR DIERKS: Well, let me talk about the committee amendments, because this is the bill...this is actually the bill. They came about as a result of five very long weeks of negotiations, and they now become our bill. The various changes have been made to the bill. The main change includes excluding all references to tariffs and funding issues. And we have agreed that these issues relate more to contract issues and do not need to be added to the statutes. The definition of "electric utility" has been added under Section 3, which is the definition of the four big utilities in Nebraska--Nebraska Public Power District, Omaha Public Power District, Lincoln Electric System, and Tri-State. This section separates electric utility from electric supplier, which is also found in the bill. And electric supplier includes all the other energy producers, such as municipalities and rural electric associations. The definition of a qualified owner has been changed to exclude cooperative associations and political subdivisions or units of local or regional governmental organizations. Electric suppliers have been added to this list, which as I mentioned before, includes the REAs. In this bill, electric utilities are only required to do one thing--consider purchasing energy from C-BED projects. I think the amendment I just talked about adds one additional requirement. In both the original bill and the amendment, nothing in this legislation requires electric utilities to enter into agreements

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with C-BED projects. They must only listen to the proposal from the various C-BED developers. An important component of the bill is found in Section 9, dealing with the issue of eminent domain. This issue was not included in the green copy of LB629, but a similar bill was introduced by Senator Steve Lathrop in the form of LB672. That bill was heard by Judiciary Committee and advanced to General File by unanimous vote. Eminent domain is a very important addition to this bill. In the past, equity partners or those who wanted to invest in projects to earn federal credits and depreciation were skeptical about investing in C-BED projects if Nebraska...if the electrical suppliers could use the power of eminent domain to take over a project that was built. The electric suppliers were willing to waive their eminent domain authority. Several legal opinions raised concerns about whether or not utilities could contract away the statutory authority. With AM987, the electrical suppliers are granted the authority to waive eminent domain for at least the first ten years of a C-BED project. The emergency clause has been added, as well as the severability clause with this amendment. I'd urge your support. Thank you, Mr. President. [LB629 LB672]

SENATOR FRIEND: Thank you, Senator Dierks. Members, we are discussing AM1053, amendment to the Natural Resources Committee amendments. Senator Fulton, you are recognized. [LB629]

SENATOR FULTON: Thank you, Mr. President, members of the body. This...I've had a chance to read some more through the amendments, and I'm supportive of the amendments, as well as the bill. This...for those who don't know, Nebraska is the only public power state in the country. And I have said here before that I believe in a principle that that which the private sector can accomplish the public sector ought to let them accomplish. I said at that time that there are some exceptions. This would be one of those exceptions. Our status as a public power state has served us very well. And I worked for a number of years in the power generation sector, and I watched with horror what happened in some other states when deregulation ensued. So we have a good thing going in our public power system in Nebraska. So the questions I'll ask, I think, are already answered in the amendment. But I wonder if Senator Dierks would yield to a couple of questions. [LB629]

SENATOR FRIEND: Senator Dierks, will you yield to some questions? [LB629]

SENATOR DIERKS: Certainly. [LB629]

SENATOR FULTON: The...let's see, I'm on the committee amendment, page 2, committee amendment AM987, page 2, beginning at the very bottom of the page, line 27. A C-BED project developer and an electric utility are authorized to negotiate in good faith mutually agreeable power purchase agreement terms. I assume that is...I assume that statement, subsection (4), is contingent upon approval by the Power...the Nebraska Power Review Board. Would that be correct? [LB629]

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SENATOR DIERKS: That is correct. [LB629]

SENATOR FULTON: Okay. And that is what I'm reading in subsection (5), and that's why subsection (5) exists, to make that clear constitutionally? [LB629]

SENATOR DIERKS: Yes. [LB629]

SENATOR FULTON: Okay. Okay. Secondly, the...page 3 of the committee amendment, subsection (3), it's line 7, and this has to do with the transfer of a C-BED project to any person other than a qualified owner. Your amendment would change that from 20 years down to 10 years. Then I guess my question has to do with, what happens with the maintenance of one of these wind turbines? After ten years' time, if there is a transfer, who assumes...I guess, is that part of the...who assumes the responsibility for continued maintenance? Is that part of the negotiation or part of the agreement that will be entered into? [LB629]

SENATOR DIERKS: I think that's part of the...as I understand it, that's part of the responsibility of the owner of the project. [LB629]

SENATOR FULTON: Okay. So as a new wind turbine goes in under C-BED, the owner is responsible for upkeep and maintenance of the power generation of the wind turbines, correct? [LB629]

SENATOR DIERKS: Correct. [LB629]

SENATOR FULTON: Okay, not the service...or the districts that provide the service area, the public power district that might hold the service area? [LB629]

SENATOR DIERKS: No. [LB629]

SENATOR FULTON: Okay. Okay, those are the questions I had. Thank you, Senator Dierks. Thank you, Mr. President. [LB629]

SENATOR DIERKS: Thank you. [LB629]

SENATOR FRIEND: Thank you, Senator Fulton and Senator Dierks. Senator Wallman, you're recognized. [LB629]

SENATOR WALLMAN: Good morning, Mr. President and... [LB629]

SENATOR FRIEND: Good morning, Senator Wallman. [LB629]

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SENATOR WALLMAN: ...members of the body. And I, too, think this is good legislation. Sometimes there's a lot of wind flowing out of here, and we ought to have a windmill out here, huh? But any time we can use renewable energy, I think we should. We're using up, like, resources, polluting the air. We should be using renewable resources. And coal is an infinite...is a finite resource. And so it's a good thing to use natural energy. I think coming down the pike, oil will probably...will diminish, and maybe electric cars will be coming down the road. So we have to look at all different options, and this is a start. And it just takes a small start sometimes to get...a small spark, Senator Fulton, to get a fire going. And so let's get a fire going on wind energy here. And I thank Cap...I want to thank Cap Dierks and Senator Preister for working on this for a long time. And so I would urge your support. And thank you, Mr. President. [LB629]

SENATOR FRIEND: Thank you, Senator Wallman. Senator Raikes, you are recognized. [LB629]

SENATOR RAIKES: Thank you, Mr. President and members. I'd like to ask Senator Dierks a question or two if I could. [LB629]

SENATOR FRIEND: Senator Dierks, will you yield to a question or two? [LB629]

SENATOR DIERKS: Yes. [LB629]

SENATOR RAIKES: Senator, I'm trying to kind of get at the overall picture here. Is it the case that if a public power company in Nebraska, for example, NPPD, decided that they wanted to produce additional energy, that the way things are right now, wind energy would not be competitive for them to invest in, as NPPD? [LB629]

SENATOR DIERKS: They can invest in wind energy, that's correct. [LB629]

SENATOR RAIKES: They could. But would it be an economically feasible alternative for them at this time? [LB629]

SENATOR DIERKS: Well, we believe it would, yes. It's a negotiable item between the builder, the owner of the C-BED project,... [LB629]

SENATOR RAIKES: Well, okay. And I appreciate that comment. But what I was asking is, apart from C-BED, if Nebraska Public Power, for example, decided they wanted to invest in wind energy, would it be an economically viable energy source for them? [LB629]

SENATOR DIERKS: I would assume that it would be. [LB629]

SENATOR RAIKES: So I guess what I'm getting at with that...so when one of the public

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power companies considers whether or not to purchase or deal with a C-BED operation, they would compare that with just simply going into this on their own? [LB629]

SENATOR DIERKS: I would think so. [LB629]

SENATOR RAIKES: And why would the C-BED operation be a preferred alternative for them to just their own investment? [LB629]

SENATOR DIERKS: I suspect that their own investment gets pretty expensive, and with this C-BED project, we have equity investors from...that are not involved with the public power people, that would be investing their money to help this project along. They won't have the investment. [LB629]

SENATOR RAIKES: You didn't mention the federal subsidies. Are the federal subsidies the key as to why the C-BED would be able to be a more attractive alternative for the public power company than their own investment? [LB629]

SENATOR DIERKS: Well, it's my understanding that the public power industry can't...are not eligible for the federal subsidies, but the private owners are. [LB629]

SENATOR RAIKES: Okay. [LB629]

SENATOR DIERKS: The investment...equity investors are eligible. [LB629]

SENATOR RAIKES: So in essence, the strategy here with C-BEDs is, you have an entity that can take advantage of federal subsidies, which then at some point their...the resulting development could be purchased by a public power company, whereas if the public power company went directly into it, they could not take advantage of the federal subsidies? [LB629]

SENATOR DIERKS: That's correct. [LB629]

SENATOR RAIKES: Okay. The other question I have, in terms of the power company negotiating with a C-BED organization, there are no guidelines as to what price the power company has to offer for the electricity produced by the C-BED organization? [LB629]

SENATOR DIERKS: Well, if there are guidelines, I'm not aware of them. The thing we wanted to stay away from is to try to put that in statute. So it's a negotiable item, and we agreed in our negotiations for the bill that this is the way that it should be handled in the amendment. [LB629]

SENATOR RAIKES: Well, my question is, if you're considering, as an equity investor in

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a C-BED, putting money into this--and as you mentioned, it could be a substantial investment--how could you make a decision to do that if the...your revenue stream from it... [LB629]

SENATOR FRIEND: One minute. [LB629]

SENATOR RAIKES: ...was a question mark because you didn't know what price was going to be...you were going to be able to collect for the energy you produce? [LB629]

SENATOR DIERKS: Well, that agreement will be reached before there's any construction of the C-BED project. That will be negotiated up front. [LB629]

SENATOR RAIKES: And are you confident that in fact there will be these sorts of agreements reached, that there will be enough of an offer, enough of a price offered for the energy by the power company that the C-BED organization will see fit to go ahead with the investment? [LB629]

SENATOR DIERKS: Yes, I'm confident that that will work. It's worked other places. I think it will work here. [LB629]

SENATOR RAIKES: Okay. Thank you, Senator. [LB629]

SENATOR DIERKS: You bet. [LB629]

SENATOR FRIEND: Thank you, Senator Raikes and Senator Dierks. Senator Lathrop, you are recognized. [LB629]

SENATOR LATHROP: Thank you, Mr. President and colleagues. I was involved in this, in the sense that I introduced before Judiciary Committee the eminent domain piece to what's become AM987 and was involved in a number of meetings and had an opportunity to work with Senators Dierks and Preister. And I have to tell you that I think this is a really, really neat opportunity. I really applaud the efforts of Senator Dierks and Senator Preister to do two things. One is to provide a mechanism for the folks in rural Nebraska to take advantage of the wind. This is going to be an economic boon for our friends in rural Nebraska who live in the high-wind areas. What this C-BED project does, what this bill does, is it allows the farmer, the rancher, who lives in those windy areas, to become owners of turbines and owners of wind energy, and not to just get a lease payment back from some company, but to develop an ownership interest. And this is going to provide money and economic development for rural Nebraska, and I think it's a great idea. It will also provide electricity to our public power districts that is made without any pollution whatsoever, and that's important to us, as well. The...Nebraska is a public power state. And a concern that the power districts had originally when we started to talk about and work through the particulars of this bill was that, well, we are opposed in

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principle to someone other than the public owning these turbines and owning the wind energy. And as we worked through it, I think the power districts became satisfied that allowing Nebraska farmers and ranchers to become partners in producing wind energy was the closest thing to public power, to the principles of public power, that we could get to and still take advantage of the wind energy and the potential for wind energy. And then going back to a point...or a question that Senator Raikes had, and that is, the reason we are using private...the private sector to provide the wind energy is, they can take advantage of the federal tax credits and the public power districts could not. And as a consequence, it's the private sector that can deliver wind energy more cheaply than can the public power districts. It is all voluntary. It all depends upon the C-BED projects negotiating with the power districts. And I believe that they've come to a fine compromise here, and we should support not only LB629, but the amendments that have been offered by the committee and Senator Dierks. Thank you. [LB629]

SENATOR FRIEND: Thank you, Senator Lathrop. Senator Dierks, there are no other senators wishing to speak. You are recognized to close on AM1053. [LB629]

SENATOR DIERKS: Thank you, Mr. President. I just wanted to outline a couple of things that I think are important for us to consider. C-BED provides Nebraskans with long-term, 20-year cost-competitive renewable energy with no public utility capital investment or risk. It provides the edge against increased carbon-based cost generation, as Congress responds to global warming issues. It creates enormous new rural economic development opportunities across the state without using traditional taxpayer-financed economic incentives. And it...the development of wind energy is the most economically beneficial development model to diversify Nebraska's electrical generation capacity. In other words, it's a win-win situation for both the power industry and for our economic development efforts. With that, I'd like to urge your support of the bill, and I thank you very much for your attention. [LB629]

SENATOR FRIEND: Thank you, Senator Dierks. Members, you have heard the closing on AM1053. The question is, shall AM1053 be adopted to the Natural Resources Committee amendment? All those in favor please signify by voting aye; all those opposed vote nay. Have you all voted who wish to? Record please, Mr. Clerk. [LB629]

CLERK: 35 ayes, 0 nays, Mr. President, on adoption of Senator Dierks's amendment to the committee amendments. [LB629]

SENATOR FRIEND: The amendment is adopted. (Visitors introduced.) On with discussion. Senator Preister, you are recognized. [LB629]

SENATOR PREISTER: Thank you, Honorable President, friends all. Thanks for that last vote. Thanks to Senator Lathrop and Senator Dierks and all of the other senators who have been involved, Senator Louden as well, and the committee. I think the utilities are

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to be commended as well for their work on this. Our public power utilities, though, are at a disadvantage when it comes to being able to access federal renewable energy production tax credit incentives. They can't get them. So the only way that we can be able to access those incentives--and I appreciated Senator Raikes and Senator Dierks' exchange, and Senator Lathrop highlighting that--is through this partnership. This C-BED, as a private entity, can work with other private entities to be able to access that 1.9 cent kilowatt expense...or, incentive from the federal government. So when we can access that, which the public utilities wouldn't be able to do on their own, we can make it even more economically affordable. Currently, wind is competitive. Currently, even without the incentives, it can compete. It isn't as reliable as a generator that can generate on demand any time you want it. But in terms of cost, and with no environmental cost, no stack or emission pollution going out into the atmosphere that has to be paid for, it is competitive. But these federal incentive monies make it even more so, and that's part of what can help in rural economic development. And that's why these C-BED projects are so important. We in Nebraska maintain our public power status. We remain a wholly public power state, the only one, as Senator Fulton stated. And yet we can, through this partnership, access these incentive monies. Also using federal income tax depreciation benefits aids the private sector in that partnership. Everybody wins. That's the beauty of what we put together here. Everybody benefits, including the environment and the people in the future of Nebraska. Thank you very much. [LB629]

SENATOR FRIEND: Thank you, Senator Preister. Senator Loudon, there are no other senators wishing to speak. You are recognized to close on AM987. Senator Loudon waives closing. Members of the Legislature, the question is, shall AM987 be adopted to LB629? All those in favor please vote aye; all those opposed vote nay. Have you all voted who care to? Record please, Mr. Clerk. [LB629]

CLERK: 37 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB629]

SENATOR FRIEND: The amendments are adopted. (Visitors introduced.) Mr. Clerk, you had another amendment? [LB629]

CLERK: Senator Dierks, I had AM824, but I had a note you wanted to withdraw that, Senator. I have nothing further on the bill, Mr. President. [LB629]

SENATOR FRIEND: Senator Dierks, there are no senators wishing to speak on LB629. You are recognized to close. Senator Dierks waives closing. Members of the Legislature, the question is, shall LB629 advance to E&R Initial? All those in favor please signify by voting aye; all those opposed vote nay. Have you all voted who wish to? Record please, Mr. Clerk. [LB629]

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CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB629. [LB629]

SENATOR FRIEND: LB629 does advance. Items, Mr. Clerk? [LB629]

CLERK: Mr. President, bills read on Final Reading this morning (LB701, LB701A) were presented to the Governor at 11:07 a.m. Enrollment and Review reports LB73, LB73A, LB368, LB674 as correctly engrossed. Senator Kopplin would offer LR94, calling for a study, to be referred to the Executive Board. And Senator Engel, an amendment to LB658, to be printed. Senator Preister would like to add his name as cointroducer to LB367. (Legislative Journal pages 1322-1325.) [LB701 LB701A LB73 LB73A LB368 LB674 LR94 LB658 LB367]

And, Mr. President, a priority motion,...

SENATOR FRIEND: The Chair recognizes Speaker Flood.

SPEAKER FLOOD: Thank you, Mr. President, Mr. Clerk. I appreciate the opportunity before we adjourn here for the afternoon. First of all, I want to say thank you to all the senators who put in a lot of work this week. We accomplished quite a bit. Really pleased with the amount of work we did yesterday. In fact, 41 bills were under consideration and 41 bills advanced to Select File. On the same token, Tuesday we are going to start up with Class I schools. LB658 will be the topic as we make our way, beginning Tuesday morning at 10:00. And at 3:00 in the afternoon, we're going to switch to the budget bills, which will begin a couple days of budget debate. We will work late on Tuesday, so if you have plans in the evening, I would do your best to cancel them, so that we can consider the budget into the evening. And it will be a late night. So please...we'll give you more information as we get into the budget and see where we're going on Tuesday. I know that the Fiscal Office is also working to make sure opportunities are available for new senators especially to understand the process of the budget. Certainly, check your e-mail for that. But I want to thank everybody for their hard work this week and look forward to next week's discussion. Thank you, Mr. President.

SENATOR FRIEND: Thank you, Mr. Speaker. Mr. Clerk, you have a priority motion?

CLERK: I do, Mr. President. Senator Flood would move to adjourn until Tuesday morning, May 1, 2007, at 10:00 a.m.

SENATOR FRIEND: Members of the Legislature, the motion is to adjourn until Tuesday, May 1, 2007, at 10:00 a.m. All those in favor please signify by saying aye. All those opposed say nay. The ayes have it. We are adjourned.