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Floor Debate
February 06, 2008

[LB39 LB123 LB179A LB179 LB280 LB280A LB386 LB500 LB586 LB619 LB620 LB623
LB624 LB716 LB717 LB726A LB770 LB779 LB782 LB823 LB837 LB843 LB848 LB852
LB853 LB907 LB918 LB952 LB1011 LB1022 LB1110 LR235]

PRESIDENT SHEEHY PRESIDING []

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twentieth day of the One Hundredth Legislature, Second Session. Our chaplain for today is Senator Kruse. Would you all please rise. []

SENATOR KRUSE: (Prayer offered.) []

PRESIDENT SHEEHY: Thank you, Senator Kruse. I call to order the twentieth day of the One Hundredth Legislature, Second Session. Senators, please record your presence by roll call. Please record, Mr. Clerk. []

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

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Corrections for the Journal? []

CLERK: I have no corrections. []

PRESIDENT SHEEHY: Messages, reports, or announcements? []

CLERK: Mr. President, your Committee on Banking, Commerce and Insurance, chaired by Senator Pahls, reports LB716, LB848, LB852, LB907, LB1011 to General File; LB717, LB779, and LB918 to General File with amendments. I also have a confirmation hearing report from the Banking, Commerce and Insurance Committee, offered by Senator Pahls. Priority bill designation: Senator Hansen has selected LB1022 as his priority bill for this session. And I have two gubernatorial appointments...two gubernatorial appointment letters; be referred to Reference for referral to standing committee for confirmation hearing. That's all that I have, Mr. President. (Legislative Journal pages 517-519.) [LB716 LB848 LB852 LB907 LB1011 LB717 LB779 LB918 LB1022]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We will move to the first legislative confirmation report. []

CLERK: Mr. President, Senator Loudon, as Chair of Natural Resources, reports on two appointments, Leigh Hoyt and John Kinter to the Environmental Quality Council. (Legislative Journal page 498.) []

PRESIDENT SHEEHY: Senator Loudon, you're recognized to open on the confirmation

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report from Natural Resources Committee. []

SENATOR LOUDEN: Thank you, Mr. President and members of the body. The Natural Resources Committee conducted a hearing on February 1, 2008, for Leigh Hoyt and John Kinter, 2 appointees to the 17-member Environmental Quality Council. Both men appeared before the committee for the confirmation hearing. Leigh Hoyt is from McCook and is a new appointee representing county government's interest on the council. He attended Northeastern Junior College in Sterling, Colorado, earning a degree in general agriculture. Leigh farmed for 20 years and then began working in the fertilizer chemical application business, eventually marketing these products for Kugler Oil Company and Frenchman Valley Co-op. Leigh serves on the Red Willow County commission. John Kinter is from Norfolk and is a new appointee representing heavy industry interest on the council. He earned a bachelor's degree in natural resources from the University of Nebraska-Lincoln, and a master of business administration degree from Wayne State College. He currently serves as environmental manager for Nucor Steel in Norfolk, where he is responsible for environmental affairs and facilitywide environmental compliance. The committee recommended approval of Leigh Hoyt and John Kinter to the Environmental Quality Council by a vote of 7-4 and 1 passing. With that, I thank you, Mr. President, and ask for confirmation vote on these two people. []

PRESIDENT SHEEHY: Thank you, Senator Louden. You have heard the opening on the confirmation report from the Natural Resources Committee. Are there members wishing to speak on these appointments? Seeing none, Senator Louden, you're recognized to close. []

SENATOR LOUDEN: Mr. President, I ask that you vote affirmative to appoint these people to the Environmental Quality Council. Thank you, Mr. President. []

PRESIDENT SHEEHY: Thank you, Senator Louden. You have all heard the motion on the adoption on the Natural Resources Committee confirmation report. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal pages 519-520.) 33 ayes, 0 nays, Mr. President, on adoption of the confirmation report. []

PRESIDENT SHEEHY: Confirmation report is adopted. Next confirmation report. []

CLERK: Mr. President, I now have a series of reports from Revenue. The first report involves the appointment of Ruth A. Sorensen to the Property Assessment and Taxation. (Legislative Journal page 501.) []

PRESIDENT SHEEHY: Senator Janssen, you're recognized to open on the Revenue Committee confirmation report. []

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SENATOR JANSSEN: Thank you, Mr. Lieutenant Governor, members of the Legislature. Last Friday, February 1, we heard the appointments of Ruth Sorensen, Lincoln, Nebraska, to department of property tax...or to the Department of Revenue. She is from Lincoln, Nebraska, and she attended the Nebraska College of Law and she has been on the Department of Property Tax Assessment and Taxation (sic) from 2003 to the present time. And she was at the office of Polsky, Cope and Schepenmeyer (phonetic)...or Shiffermiller from December 2000 to November 2003; and with the Department of Revenue from 1998 to year 2000. Committee would like to report favorably on the appointment of Ruth Sorensen to the Property Tax Administrator position within the Property Tax Assessment (sic) Division. Thank you. []

PRESIDENT SHEEHY: Thank you, Senator Janssen. You have heard the opening on the first Revenue Committee confirmation report. Are there members wishing to speak on this appointment? Seeing none, Senator Janssen, you're recognized to close. Senator Janssen waives closing. The question before the body is, shall the first confirmation report from the Revenue Committee be adopted? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal page 520.) 33 ayes, 0 nays, Mr. President, on adoption of the confirmation report. []

PRESIDENT SHEEHY: Confirmation report is adopted. []

CLERK: Mr. President, the second report I have this morning from Revenue Committee involves the appointment of Rob Hotz to the Tax Equalization and Review Commission. (Legislative Journal page 501.) []

PRESIDENT SHEEHY: Senator Janssen, you're recognized to open on your second confirmation report. []

SENATOR JANSSEN: Thank you, Mr. Lieutenant Governor, members of the Legislature. Again, Mr. Hotz, the hearing date was February 1, last Friday, on his appointment. Mr. Hotz is from Lincoln, Nebraska, and he attended the College of Law in Nebraska. He was the NPSC legal counsel from 2007 to the present time. He also was general counsel in Nebraska State Treasurer from 2004 to 2007, and from...he was a legislative assistant here in the Legislature from 1996 to 1998, and he was a special assistant Attorney General from '95 to '96. The Revenue Committee wishes for your appointment of this particular individual, Mr. Hotz, and we acted favorably on his appointment. Thank you. []

PRESIDENT SHEEHY: Thank you, Senator Janssen. You have heard the opening on the second confirmation report from the Revenue Committee. Are there members

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wishing to speak? Seeing none, Senator Janssen, you're recognized to close. Senator Janssen waives closing. The question before the body is shall...shall be on the adoption of the Revenue Committee's second confirmation report. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal pages 520-521.) 36 ayes, 0 nays, Mr. President, on adoption of the report as offered by Revenue Committee. []

PRESIDENT SHEEHY: Confirmation report is adopted. []

CLERK: Mr. President, third report from Revenue Committee involves the appointment of Nancy Salmon to the Tax Equalization and Review Commission. (Legislative Journal page 501.) []

PRESIDENT SHEEHY: Senator Janssen, you're recognized to open on your third confirmation report from the Revenue Committee. []

SENATOR JANSSEN: Thank you, Mr. Lieutenant Governor. Again, the...on this same day the Revenue Committee heard from Nancy Salmon. She is from Aurora, Nebraska, and she had attended the Grand Island Business College; and Hamilton County...she was Hamilton County Assessor from 1991 to present time; and the Hamilton County...apparently on the board from 1982 to the present time; and from '72...'71 to '82 she was with the Family Physicians Clinic. We acted favorably on Nancy Salmon's appointment to the Tax Equalization and Review Commission, and I would like to have your favorable vote for this lady. Thank you. []

PRESIDENT SHEEHY: Thank you, Senator Janssen. You have heard the opening on the third confirmation report from the Revenue Committee. Are there members wishing to speak on this appointment? Seeing none, Senator Janssen, you're recognized to close. Senator Janssen waives closing. The question before the body is on the adoption of the third confirmation report from the Revenue Committee. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal pages 521-522.) 36 ayes, 0 nays, Mr. President, on adoption of the confirmation report. []

PRESIDENT SHEEHY: Confirmation report is adopted. []

CLERK: Mr. President, the fourth and final report from Revenue Committee involves the appointment of William Wickersham to the Tax Equalization and Review Commission. (Legislative Journal page 502.) []

PRESIDENT SHEEHY: Senator Janssen, you're recognized to open on your

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confirmation report from Revenue Committee, fourth report. []

SENATOR JANSSEN: Thank you, Mr. Lieutenant Governor. Again, last Friday we heard the appointment to...of Mr. William Wickersham to the Tax Equalization and Review Commission. Mr. Wickersham is from Lincoln, Nebraska, and he attended the University of Nebraska College of Law. He has been on the Tax Equalization and Review Commission from 2002 to the present time; chairman of the Tax Equalization and Review Commission, 2004 to present time; he also was a state senator from 1991 to 2002; and prior to that he was the deputy Sioux County Attorney. We acted favorably upon this appointment and, again, I hope to give him the courtesy of his vote in a favorable position today. Thank you. []

PRESIDENT SHEEHY: Thank you, Senator Janssen. You have heard the opening of the confirmation report, the fourth report from the Revenue Committee. The floor is open for discussion. Members wishing to speak are Senator Langemeier, Senator Erdman, and Senator Engel. Senator Langemeier. []

SENATOR LANGEMEIER: Mr. President, members of the body, I have great reservations about this appointment that we're about to do. I want to, first of all, start off by commending Mr. Wickersham for his testimony. I asked him a lot of questions that would probably put a lot of people in an uncomfortable position. He did just an excellent job. He's probably given the committee, and all the committees that I've been on, he's probably the best testimony in answering of questions that I've ever seen on an appointment. Normally, they're pretty much rubber-stamped through, but I had questions. With that, I want to commend him for that and I think he did a good job. He was very open and honest. We may not agree on some of the answers he gave, but I think we have to commend him for his honesty to answer them, knowing that I was not thrilled with his idea. With that said, as we discuss this bill, I want to...I want to say one of my colleagues very eloquent...Senator White very eloquently said in the discussion that the Governor has chosen this person; the Governor is our Governor and it's his role to appoint these people, and if there's no other decisions there it's our obligation to approve them. And so with that, I'm going to lend my support to Senator Wickersham. I still have reservations, but as I've thought about this for five days, I think Senator White had a good point there, as he won, he appointed them, and he gets what he wants. And so with that, I'm going to approve Senator Wickersham, former Senator Wickersham's appointment. Thank you. []

PRESIDENT SHEEHY: Thank you, Senator Langemeier. The treats which are currently being passed out to you at your desk are being handed out to honor Senator Wallman's 70th birthday, which is today. So, Senator Wallman, happy birthday. Senator Erdman. []

SENATOR ERDMAN: Thank you, Mr. President, members of the Legislature. I'll share with you where I have arrived at regarding the TERC Commission, or TERC, and it

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probably won't surprise some of you but, candidly, it's broken. It needs to be fixed. It has to be fixed, and I think the taxpayers of the state of Nebraska that expected something different when we passed as a state this commission in 1996 haven't had their expectations met. And I realize that that's not necessarily the fault of this appointee, but I guess, in my conversations over the years with citizens and those interested in this process, I'm looking for fundamental reform. I have LB1110 that intends to create that fundamental reform in statute because it's clear to me that we don't want that fundamental reform to come from the commissioners, because we're continuing to proceed with the plan that was in place prior. Let me share with you a comment. I completely concur with Senator Langemeier. I think Senator Wickersham, Commissioner Wickersham should be commended. When I was in the Legislature working with Bob as a state senator, whether he or I agreed or not was irrelevant; he was honest with me. I take him at his word. I think he is eminently qualified to serve the state of Nebraska in the capacity of determining valuations or equalization, whichever the role may be. I can't, in good faith, think that this is the position that he should continue in. My vision is, is that under LB1110 there may be an opportunity there in a different setting, but I have reservations about his continuing involvement on this commission. When Senator Wickersham...when Commissioner Wickersham became a commissioner, he knew problems existed at TERC. We haven't seen fundamental reform since. Of all the other individuals that we have appointed today, they're all new appointees. They have a limited baseline from which to draw from. I am somewhat torn in the idea that Senator Langemeier just proposed, or the philosophy, and I generally concur that unless there is sound reason or unless there is a legitimate reason that these individuals have generally been vetted through the appointment process by the Governor. I had a great deal of discussions with the Governor about this appointment, not because of his qualifications but because of what I believe, or what I believe the vision of TERC needs to be. And again, if we make fundamental reforms, I can see very easily Senator Wickersham, Commissioner Wickersham fitting into that setting. I'm not convinced, after sitting through TERC hearings, going through the process, visiting with my constituents, that what we have at TERC is what the people expected and what serves them best. And so I'm hesitant. I've shared these concerns with Commissioner Wickersham. I have no doubt today that he'll be appointed. I am not questioning his ability, his character, his integrity, none of that. I'm simply looking at what I believe the opportunity or the responsibilities that this commission provides and the right setting to be successful for the taxpayers, and I don't think we're there with TERC. And, to be candid with you, I don't think if somehow we would defeat this nomination that it would solve any problem. We have to have fundamental reform. But here's how this ties in. When asked in the hearing what type of changes need to be made, there were no solutions offered. I believe the quote was: I don't...if you want to characterize it as a lack of vision, a lack of imagination, I'll confess I don't have it and I still don't. In fairness to him, he's administering the commission that he helped create, but of all the people that I would hope we can work with to find a solution to this, I hope it's Commissioner Wickersham and the other three appointees. Because if the people that have been

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there... [LB1110]

PRESIDENT SHEEHY: One minute. []

SENATOR ERDMAN: ...exercising this responsibility don't know how to fix the problem, then we've got bigger problems than even I'm aware of. So I have great reservations and, again, it has nothing to do with the qualification of the appointee. It's the process in which we're putting that individual in to be successful, or an attempt to manage the process to the benefit of the taxpayers, and I am...I'm at a loss to think that TERC needs to continue the way that it is. I think there has to be fundamental reform, and I'm open to the discussion. Whether I vote yes or no I think is probably irrelevant this morning. I think this Legislature has a responsibility to correct and to try to meet the expectations of the taxpayers on which they voted for in 1996 regarding TERC. Thank you, Mr. President. []

PRESIDENT SHEEHY: Thank you, Senator Erdman. Senator Engel, followed by Senator Schimek, Senator Louden and others. Senator Engel. []

SENATOR ENGEL: Mr. Vice President (sic), members of the body, I wholeheartedly support the reappointment of Senator Wickersham. I served with him for several years and, as far as I'm concerned, Senator Wickersham really kept the intellectual level of this body up, and when he left I did notice a big change, but he is a very intellectual person and he was here in the formation of TERC. TERC, at that point in time, I thought was a necessary...something that we needed because it gave people a chance to protest their valuations without going to district court and saved a lot of expense. And I think, as far as Senator Erdman says as far as TERC, I think...I don't think there's anything we've ever done down here that can't be improved, including TERC, including what we do. So that's not the point. I think we should continually try to improve what we do to make it work better, more efficiently. But as far as Senator Wickersham is concerned, he's a very dedicated person, very dedicated person and, like I say, he knows the system, he knows exactly...he does his homework, he studies, and he's been a good mentor for a lot of people in this body at one point in time. So I do wholeheartedly recommend his reappointment. Thank you. []

PRESIDENT SHEEHY: Thank you, Senator Engel. Senator Schimek. []

SENATOR SCHIMEK: Yes, thank you, Mr. President and members. I heartily second what Senator Engel just said. I had the privilege of serving with then Senator Wickersham for a number of years in this Legislature. He was Retirement Systems Committee Chair originally and then he became the Revenue Committee Chair, and without exception he was always prepared. He lent some other argument sometimes to the discussion, representing the far, far corner of the state. I think that you wouldn't find a finer person to have on this board. I understand there's some philosophical

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differences over what the board should be or what it does. I don't think that argument ought to be used in connection with this particular appointment. Without a doubt, Bob Wickersham is intelligent, he's full of integrity, he studies hard, he works hard and I 100 percent support this renomination. Thank you. []

PRESIDENT SHEEHY: Thank you, Senator Schimek. We have Senator Louden, followed by Senator White, Senator Harms, and Senator Dierks. Senator Louden. []

SENATOR LOUDEN: Thank you, Lieutenant Governor and members of the body. I didn't serve with Bob Wickersham but I knew him for many years from the district that I represent, and he was my representative for many years. When TERC was first came out, I was involved in tax protests, and then the idea at the time was that this TERC committee was supposed to take care of situations so you didn't have to go into district court. As it evolved or as it worked out, it ended up so that TERC was the one that was indicating to the counties on what the valuation should be and, consequently, when someone had an issue with their valuation then they had to go back to the TERC committee, which was the committee that set the valuation up in the first place. I think the problem lies in is the way the thing is set up. Now the Legislature formed the TERC committee and there's no reason why the Legislature can't give some indication on how they want that done. I think there should be...now I agree with Senator Erdman that we need to have some work done on that thing so that it goes back to what it was intended to do, which was a place that you could protest your tax valuations and have them adjusted. Now when it first came out, they were over two years behind on their schedule, because I've appeared before the TERC committee and by the time we got a ruling from them it was over two years later. And so, consequently, it was of no value, their ruling. After Senator Wickersham had been on there for awhile, they have brought their load up so that they're not that far behind. I support Senator Wickersham's appointment to this committee because I think if there's anybody on there that probably knows their way, the ways in and out of it, it would certainly be Senator Wickersham. I'm not familiar with the rest of the people that are on that board. But I would suggest that this is a case where we don't want to, as they say, throw the baby out with the bathwater. I think we need to keep good people on that commission, but I think that commission needs to be studied again and probably given some direction on how they should handle and what they should do, and whether they are the ones that are supposed to equalize the property between counties or if they were supposed to be the ones to judge valuation issues after they've been brought forward. So with that, I'd certainly intend to support Bob Wickersham's appointment to this committee. Thank you, Mr. President. []

PRESIDENT SHEEHY: Thank you, Senator Louden. Senator White. []

SENATOR WHITE: Thank you, Mr. President. I had serious concerns about Senator Wickersham being appointed to this commission and I did make comments that were

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described to me that when the Governor wins an election, generally he should get his appointments. I had a number of complaints from constituents from people in the metropolitan area about TERC, about how they were received. What I never had is anybody saying Senator Wickersham had an institutional bias for one way or the other. I had people complaining from the counties' offices on how he looked at their work. I had people on individual sides looking at how he looked at their work. I do have serious concerns about TERC, very serious concerns. My friend Senator Louden noted the good work that they did. However, Senator Wickersham testified they received 1,500 appeals last year; they worked hard, they resolved 300. So if they don't get even one new appeal, they've got four years of backlog as we sit here today. There are institutional problems. Senator Wickersham was very candid, said he would work with the Unicameral, work with the Revenue Committee to try to find better solutions so that taxpayers in this state can have a rapid, affordable, friendly environment to talk about their tax problems and have them resolved. Now, there are other appointments that you will hear me oppose and that is fundamentally different than what we felt with Senator Wickersham. Whatever I felt personally about Senator Wickersham, one way or another, he is an honest, competent man. He is perceived to be impartial, though not universally liked. That's fine. Sometimes you have to call the hard ones and they don't like you for it. There will be an appointment that is under consideration now that is completely different, and it is essential that this record...that I make it clear, when the Governor appoints, we have a constitutional obligation to review the qualifications of those who would stand in the position, in this case, of a quasi-judge. The next appointment is one where someone has had a consistent appearance of taking one side or another. I cannot support that appointment. I will not support that appointment, not because of the individual but because in that situation one side will always perceive that our institutions are not fair, that our institutions are prebiased. That we cannot afford. And when we face those kinds of appointments, it is essential that each of us search our conscience and uphold our constitutional obligation, even when the Governor wins the election, to make sure the appointments protect the institutions of the state. Thank you, Mr. President. []

PRESIDENT SHEEHY: Thank you, Senator White. Senator Harms. []

SENATOR HARMS: Thank you, Mr. President and colleagues. I rise in support of Bob Wickersham. I've known him for 20 years and I will tell you that I did not have the opportunity to work with him as a senator, but as a citizen. And during the time that I had lots of opportunity to work with Bob Wickersham, was over tax issues at the community college that I worked at and funding formula changes, and I can tell you right now I've never worked with a man who was more knowledgeable. He's honest, he's dedicated, and he did his homework. If we're concerned about the fact that people don't like these commissioners, I just want to bring to your attention that anybody who deals with taxes and gives you...doesn't always agree with you, you're not going to be liked. So what are we talking about here? It's not a position of whether you're liked. It's making

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the right decisions, that's the right process to go through. If this commission is not being...it needs to have fundamental changes then we as a Legislature have the responsibility, not to be complaining about this because we're going to appoint someone. We need to make the changes now. We need to introduce the legislation that corrects this issue. And I think what Senator Erdman has said, I don't...I'm sure he's correct, that we need to make fundamental changes. Well, then let's just make them. Let's don't pick on one person that's being appointed and say that it's his responsibility, and let's don't say that because he deals with taxes he's supposed to be liked. Well, you know what? When we vote on our tax package here, you think when you go home you're going to be liked? I don't think so. So I really believe that he is the best candidate. I think he will do an excellent job. He has done an excellent job. I just urge us, as senators, if we need to make fundamental changes, let's get after it and let's make it. And I support him fully. Thank you, Mr. President. []

PRESIDENT SHEEHY: Thank you, Senator Harms. Senator Dierks, followed by Senator Erdman. Senator Dierks. []

SENATOR DIERKS: Thank you, Mr. President. I, too, stand in support of Senator Bob Wickersham. The entire time that he was a member of this Legislature, I was also. As a freshman senator, he got all involved with an issue that four of us in the Legislature were involved with--involved the closing of the Chicago Northwestern Railway between Norfolk and Chadron. Senator Peterson was from Madison County. I had the rest of the line, out to where Senator Lamb had it, and Senator Lamb had it on out to the corner of the state where Senator Wickersham had it. We became very close. We worked very hard to try to keep that track open and available as a short line. I was just amazed at his knowledge of those issues, his ability to step right up and talk about it. He was a freshman senator and he really took ahold of that. He's a very bright man. And I agree with Senator Harms that it's too bad that all the positions we have to fill here can't be positions that everybody likes, because when you talk about tax issues, assessments and that sort of thing, you're going to have differing opinions and it can cause some frustration. I think I try to overlook the frustration part and try to concentrate on the man. Senator Wickersham is a...he's an honest person, I think it's a statesman, and I would sure urge your support of his nomination. []

PRESIDENT SHEEHY: Thank you, Senator Dierks. Senator Erdman. []

SENATOR ERDMAN: Thank you, Mr. President. Maybe...maybe you didn't hear what I said, or maybe I need to clarify it. This is not about whether or not I agree with the results of TERC. This not about whether I like Bob Wickersham as an individual. All of those things are irrelevant. However, I do like Bob as an individual. This is not it at all. And with all due respect to Senator Harms, who wasn't listening, LB1110 is before the Legislature. That is fundamental reform of TERC. And if you were going to ask me, as an individual that helped create the commission that we currently have, how to fix it, I

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would hope that they had an opinion. The legislation is before us and, in fact, in addition to the bill that I've got, there's about seven other bills to try to fix TERC. So there does need to be change. Am I saying that it's Senator Wickersham's fault...Commissioner? No. He is a man of character; I said that before. He's a man of integrity; I said that before. He is extremely knowledgeable; I said that before, in case that got missed in your rush to jump forward and accuse me of doing something different than what I am. He is the right person for the wrong job. If we create a different process, I will be the first to run and encourage his appointment to that position. That's my concern. You will probably not find a Nebraskan more committed and more interested in this area of law, that has the credentials, than Commissioner Wickersham. That's not a question here. My vision and my concern, as I've shared with the Governor and others through this process, is ensuring that we provide the right vehicle, the right forum, for this process to take place. That's it. And again, whether I vote yes or no is irrelevant. Senator Harms is right; we need to have fundamental change. But I have to candidly ask myself out loud, can you get fundamental change when there are people there that don't know what that change would be or, more importantly, have no ideas what it could be? I have no doubt he's willing to work with the Legislature. Of all the people that we've ever appointed to a commission, there's probably not a person that has a greater desire or interest in the legislative process than Bob Wickersham. And Senator Schimek is right; he is meticulous, he is prepared, and he will come to the table ready to discuss things. My concern is, is that if you've been there for four years as a commissioner why haven't you come up with some ideas to be able to share with us at your confirmation hearing? I want to challenge the Legislature and the state to involve them in this discussion, but if we as the Legislature simply come up with a solution, we're going to be devoid of some of those opportunities we have for insight. And it's not that I come to this without having sat through TERC hearings. Done it. I wouldn't wish that on anyone in the state of Nebraska, and my constituents tell me the same thing. But you cannot remove the process from the individuals, and we have to fix the process and put the individuals in place for them to have an opportunity to be successful. Thank you, Mr. President. [LB1110]

PRESIDENT SHEEHY: Thank you, Senator Erdman. Are there additional members wishing to speak on the confirmation report, fourth confirmation report from the Revenue Committee? Seeing none, Senator Janssen, you're recognized to close. []

SENATOR JANSSEN: Thank you, Mr. Lieutenant Governor. We have had a very good discussion this morning and I think that on confirmation reports sometimes we should have that; clears the air a little bit. But with that said, I wish you would all support the confirmation reports. Thank you. []

PRESIDENT SHEEHY: Thank you, Senator Janssen. You have heard the closing on the fourth confirmation report from the Revenue Committee. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. []

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CLERK: (Record vote, Legislative Journal page 522.) 36 ayes, 1 nay, Mr. President, on adoption of the confirmation report. []

PRESIDENT SHEEHY: The fourth confirmation report is adopted. Do you have items for the record? []

CLERK: I do, Mr. President. Your Committee on Enrollment and Review reports LB782, LB823, and LB624 to Select File. I have a confirmation hearing report by the Education Committee. Judiciary Committee would report LB952 to General File, signed by Senator Ashford, as Chair. And a Reference report referring certain gubernatorial appointees to standing committee for confirmation hearing. That's all that I had, Mr. President. (Legislative Journal pages 522-528.) [LB782 LB823 LB624 LB952]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR235. Mr. Clerk, we will move to the item under Final Reading. Members should return to their seats in preparation for Final Reading. Mr. Clerk, we'll move to first item under Final Reading. [LR235]

CLERK: Mr. President, first of all, Senator Erdman, FA164, I understand, Senator, you'd like to withdraw that. [LB39]

SENATOR ERDMAN: That is correct. [LB39]

PRESIDENT SHEEHY: FA164 is withdrawn. [LB39]

CLERK: Mr. President, Senator Erdman would move to return LB39 to Select File for specific amendment, AM1764. (Legislative Journal page 502.) [LB39]

PRESIDENT SHEEHY: Senator Erdman, you're recognized to open on AM1764 to LB39. [LB39]

SENATOR ERDMAN: Mr. President, members of the Legislature, I had previously offered a floor amendment that said "resident," and that wasn't the specific language that I was shooting for, and so I've since had time to revise that. But what I'm asking you to do today is to vote to return LB39 to Select File for the specific amendment of AM1764. The language in AM1764 states, and this again, if you recall LB39, deals generally with the way that the petition process is carried out in the state of Nebraska. It deals with how petitioners may be paid, and it also deals with limitations on who is eligible to be a petitioner. Under the language of the bill, before I get to the actual language of the amendment, it refers to only an elector and, if you recall, an elector is an individual who's eligible to be registered to vote but may not be a registered voter. So

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it's an individual over 18 year...or 18 years of age or older, a resident of the state; that is the terminology of an elector--somebody who is eligible to be a registered voter but may not actually be registered to vote. What my amendment would add is this additional language to the word "elector of the state of Nebraska." It would read, "elector of the state of Nebraska," and the new language would be, "or a resident of the state of Nebraska who is at least 16 years of age and otherwise qualified to be an elector." So that is the way to write that 16- and 17-year-olds, who would be registered voters except that they're 16 and 17 years old, could also circulate petitions. Now you may ask where's the logic for that. Well, it actually comes from Section 32-230. Currently in the state of Nebraska, election workers are generally registered voters. However, if an individual is 16 or 17 years of age and otherwise would be a registered voter, they may also work at the polling place. And so the amendment before you would recognize that we already give that distinction in our election process to residents who are 16 years of age or older, who otherwise would be voters but obviously you can't vote until you're 18. The reason I offer it is this: If the issue is about fundamental integrity, if it's about the process, if it's about ensuring that we do this appropriately and that our election process has to be upheld with the highest integrity, which I would concur, then I would like to at least present before the body the idea that if we're concerned about the election, including the point in which you cast a ballot, and we allow 16- and 17-year-olds to participate in the actual collection of your ballot, why would we trust them any less to be able to circulate the petition which may or may not get on the ballot? And you'll have an opportunity. It's a simple process. If you don't want my amendment, you can save yourself the time and vote down the motion to return to Select File. If you think it's a worthy discussion, you can vote to return LB39 to Select File; we can have the discussion; then you still would have the opportunity to vote it up or down. But I want to offer it for your consideration. I have shared this with Senator Schimek. We have discussed it. I don't think she has any problems, but I don't know that she's in support. I haven't gotten that confirmation from her. But we have visited. I see she has her light on. But out of respect to her, as it is her bill, I would yield whatever remaining time I have to her to respond or to use the time as see she's...see...she sees fit. I'll get that out. Thank you. [LB39]

PRESIDENT SHEEHY: Thank you, Senator Erdman. Senator Schimek, about 6 minutes, 20 seconds. [LB39]

SENATOR SCHIMEK: Thank you, Mr. President, and thank you, Senator Erdman. I rise to ask a couple of questions of Senator Erdman, if I might. [LB39]

PRESIDENT SHEEHY: Senator Erdman, would you yield to some questions? [LB39]

SENATOR ERDMAN: Yes. [LB39]

SENATOR SCHIMEK: Senator Erdman, I don't think this is any kind of a delaying tactic

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kind of amendment on this bill. I look at it as something that you have always been interested in, and that is involving young people. Is that an accurate statement? [LB39]

SENATOR ERDMAN: Senator, the attempt of the amendment is not to delay your bill. It's trying to reflect the existing practice we have in elections with what we're proposing to be the limitations for petition circulators. [LB39]

SENATOR SCHIMEK: Right. Well, I thank you. I have had a chance to think about this and he's right about the 16-year-olds at the polling places. In fact, I was Chair of the committee when we advanced that bill to the floor and you all approved it, and I think it's good to involve young people in the political process. I would...I guess maybe one of my questions that I had in the back of my head--and maybe we can discuss this a little bit more, Senator Erdman--if for some reason a young person 16 years of age was involved in the process and did commit some fraudulent act, I presume, and we've had this discussion a little bit, that that 16-year-old could be...charges could be brought against that 16-year-old in either juvenile court or adult court. Would that be your thinking on this? [LB39]

SENATOR ERDMAN: As to which jurisdiction or which court it would go to, I would not be for sure. And obviously there's some prosecutorial discretion. But if they are violating the law regarding petition circulation, they should be held accountable, as anyone else, just as if they commit election fraud as a representative of the county at a polling place. They would also be held to that same account. [LB39]

SENATOR SCHIMEK: Thank you. And I agree that's the way it should be. Or if somebody who's 14 years of age signs an affidavit and said they're 16 years of age and they can circulate petitions, they, too, should be subject to the law. Perhaps my biggest worry about the petition process, and this doesn't have to do anything with whether you're 16 or whether you're 46 or 66, is the understanding of the issue that you are circulating and your ability to explain that to the person from whom you're soliciting signatures. And I do have confidence that 16-year-olds could do this, as well as 17 1/2-year-olds, which is the other age that is kind of the bottom line for being a registered voter. I have confidence that at least in a lot of cases it wouldn't matter about age. So, Senator Erdman, I am going to support your motion to return this to Select File. Upon reflection, I think it is...I think it's a good move and I thank you for bringing the amendment. Thank you. [LB39]

PRESIDENT SHEEHY: Thank you, Senator Schimek and Senator Erdman. You have heard the opening to AM1764 to LB39. Senator Chambers. [LB39]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, the quasi-Nebraska state song could be "Home on the Range," and some of the words say, "Where seldom is heard a discouraging word." Well, this morning on this issue I have to

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offer a discouraging word. Senator Schimek mentioned that when a person is 17 1/2 years old then, under certain circumstances, when they reach an age by the time voting rolls around, they can vote, but they'll be the age. I don't think that if you say 17 1/2 is all right, therefore 16 must be okay. I don't think it follows that because you may allow children 16 years old to work as poll workers under the supervision, direct supervision, of adults, it doesn't follow from that that you ought to allow children to circulate these petitions. We have seen adults corrupted by being offered money. These children will be offered money. I do not think that 16-year-old children will understand the types of matters that are placed on the ballot for the purpose of amending the constitution or to prevent a certain bill passed by the Legislature from taking effect, or through the initiative process putting legislation on the books. It is not enough to say that young people should be involved in the process. I think they should, but we involve them at the level where their understanding, by and large, in the general run of young people, where their understanding will be adequate to allow them to participate without harming the system. I believe that we ought to do all we can in the schools, newspaper editorials, and everybody else who may present anything that a young person may come in contact with to persuade them to be interested in and concerned about the government, whether it's the city, county, state or federal, knowing that a civic-minded citizen is the one who can help make a democracy operate. But because I do feel that way about young people, I have great regard for them. Believe it or not, I was young once a long time ago. I do not think, because of the way I feel about them, how much I care for them, they ought to be placed in a position to do everything that is done in society. There are movies which are presented and there are age categories, the term is age...well, it has to do with the suitability of something for the age of those who will be allowed to see it. There are certain activities which are not wrong or bad in and of themselves. If you're talking about exposing adults to these activities, they ought to be able to make judgments, whether they can or not. There are presumptions made about somebody when they reach a certain age, but there also is a societal interest in shielding people who are very young from certain deleterious activities and influences which they may not be mature enough to grasp the significance of. We know that young people and older people don't take kindly to having somebody consider they are not mature enough to do or understand this or that. Nevertheless, if after we've been on the earth a long enough time and we develop some wisdom along with our knowledge, we should gather with that wisdom the will and the determination to make decisions based on wisdom. I do not think it is the better part of wisdom... [LB39]

PRESIDENT SHEEHY: One minute. [LB39]

SENATOR CHAMBERS: ...to have these children circulating petitions. Let's say that a proposal is to be put on the ballot and it is shaky. Not enough adults or those who currently can circulate petitions would be willing to do so in great enough numbers to give it a chance to be put on the ballot. Then you go to children. If you have a basketball team, a baseball team, a football team where children respect you as a coach, you

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impress them into service to circulate petitions. You can tell their parents, I want your child to circulate petitions for this particular activity. I don't think we ought to create that kind of a situation when we're dealing with something as serious as the petition process. I have my light on, so I'll stop at this point, Mr. President. Thank you. [LB39]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Karpisek, followed by Senator Chambers. Senator Karpisek. [LB39]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. This bill, I think we brought up...Senator Schimek brought it up to make sure that the petition process is as good as we can make it, and to make sure who's passing the petitions does the best job. And I agree with Senator Chambers that I don't know that these 16- and 17-year-olds are the people that should be solely in charge of those petitions. Now Senator Erdman makes a very good point that maybe--well, I don't know if he made the point; I'm assuming--maybe some people older than that are not as reliable as the 16- and 17-year-olds. But I think the whole process, when Senator Schimek brought this bill we saw petitions being not attended, all sorts of horror stories about the way they're getting signatures, and I think that's what we're trying to tighten up here to make sure that we have the best people on these petitions and running them the way that they're supposed to be. Because we know in this body that we respect the petition process immensely. But we want it to be done right. So although I think Senator Erdman is making a very good point to get young people involved in the process, I don't see the correlation between working in a voting district and passing petitions as the same argument. Now if you would make some sort of stipulation to say that they have to have someone who is 18 with them while they circulate, I guess I could understand that. But again, I think it's a great idea to get these younger people involved but I don't know that we are helping what we're trying to do in the bill by allowing that to happen. Thank you, Mr. President. [LB39]

PRESIDENT SHEEHY: Thank you, Senator Karpisek. Senator Chambers, followed by Senator White, and Senator Nelson. Senator Chambers. [LB39]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, one thing I want to make clear, I am not opposed to bringing an amendment to a bill when it's on Final Reading. I've done so; I will do it again, perhaps. But when you do have a substantive issue of this kind, which has ramifications, we need to discuss it at length. So if the body brings the bill back and if the body chooses to add this amendment, I'm going to make sure that this bill does not move rapidly because our discussion thus far has not gone into the ramifications. If it could be shown that a high level of civic-mindedness pervades our schools, maybe I would feel differently. But there are adults who don't understand the language in these petitions. We had given to us at an earlier stage photographs of petitions left unattended. So a child takes one of these petitions to the football game. He's in Little League, if you can be 16, but at any rate,

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one of these leagues where children this age can play, and gives it to a teammate and say, go get the people up in the bleacher to sign this, have your family sign it, and do these other things without intending to be in violation of the law or anything else. We should not put adult responsibilities on children and then be upset when children behave as children. A mistake is made in trying to bring children along faster than their maturity, mentally and intellectually, will allow. I hear a lot of things said about preschool education for children. If a child doesn't know French at three years old, when the child's native language is English, what difference does it make? If a child doesn't know 3 times 17 is whatever it is...is that 51? They use computers now, so if I got it wrong, the ones listening don't know the right answer because they don't use their head for that purpose either. But all this stuff of saying you've got to make these children read, you've got to make them do math, you have to put them on science, and they don't have a chance now to enjoy infancy. Grown people are trying to mold and shape children, not as human beings who have to live a life. They are going to push them too rapidly and the type of maturation, the type of socialization that should occur when children can be children is not going to happen. A baby babbles. Let the baby babble. Let the infant take as long as it takes to walk, to run, to jump, to develop coordination. But instead, parents will say, so-and-so down the street has a child who can do this and that, so I'm going to make mine do it. Then, when they develop difficulties later in life, nobody wants to look back to the fact that we distorted the growing process for these children. This that we're talking about I think would undermine the integrity of the petition process. These are children and I think some functions of government should not be left in the hands of children. [LB39]

PRESIDENT SHEEHY: One minute. [LB39]

SENATOR CHAMBERS: People in government may behave childishly, but because of practical considerations, presumptions are made that when a person reaches a certain age, he or she has matured to a level where certain things can be allowed but the government society cannot be the "super nanny" all the time. The government can step in place of the parent while the child is a child and see to that child's best interest. I think if we're going to be responsible adults, looking to the best interests of the children and the system, this amendment ought not be adopted. Thank you, Mr. President. [LB39]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Wightman. [LB39]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the Legislature. I have some questions of Senator Erdman, if he would yield. [LB39]

PRESIDENT SHEEHY: Senator Erdman, would you yield to some questions? [LB39]

SENATOR ERDMAN: I will. [LB39]

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SENATOR WIGHTMAN: Senator Erdman, the term "resident" is obviously a rather inclusive term. My understanding is it would include people who would not be citizens of the United States if they reside within the community. Is that correct? [LB39]

SENATOR ERDMAN: Actually, that's not correct, Senator Wightman. If you read the language, it says that a resident of the state of Nebraska who is at least 16 years of age and otherwise qualified to be an elector. An individual who is not a resident nor a citizen is not qualified under the provisions of an elector. What this language narrowly does is it says that if you were 18 you'd be eligible to vote, but since you're not we're going to let you, as we do with election workers, be able to exercise this responsibility. So it does only apply to citizen residents who otherwise would be electors or, yeah, otherwise be electors but they're not old enough to vote. [LB39]

SENATOR WIGHTMAN: Okay. By the definition of the proposed statute that would be true. Residents normally do include people who reside within the community who are not citizens, though. They're counted in the population, is that correct? [LB39]

SENATOR ERDMAN: That is correct, Senator Wightman, and again it's consistent with the other language, but it's also taking off of the consistency or the intent of Senator Schimek to have it be limited to electors and not residents. (Inaudible) concern that other's (inaudible). [LB39]

SENATOR WIGHTMAN: Okay. The next question I have is that the form that they're filling out that they have to subscribe to, to be a circulator, is in the form of an affidavit, and I don't know the answer to this for sure, but is someone that is underage, a minor, able to sign a written affidavit? And I'm trying to find the answer to that. I know that in the legal field we usually or frequently say so-and-so, "being of legal age, disposes and says," and I'm not saying that's universal. Do you know the answer to that? [LB39]

SENATOR ERDMAN: It's a great question, Senator Wightman. I don't have it off the top of my head. I would imagine that there is a process and I will try to find that answer before we get to a vote on this so that you have that answer. [LB39]

SENATOR WIGHTMAN: Okay. I'm trying to find it as well. Thank you, Senator Erdman. Thank you, Mr. President. [LB39]

PRESIDENT SHEEHY: Thank you, Senator Wightman. Senator Nelson, followed by Senator Pedersen. Senator Nelson. [LB39]

SENATOR NELSON: Thank you, Mr. President, members of the body. I'm standing in support of sending this back to Select for further discussion on this amendment. I fully support the amendment. And you may remember, when we were talking about it on Select, I was very interested in making it possible for young people to participate in the

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petition and the election process. Senator Chambers and I differ a little bit. He thinks of these 17- and 18-year-olds as children; I think of them as young adults and as minors. And I certainly agree with him that perhaps we're pushing children too soon at too early an age. I was at a meeting just yesterday where we're talking about early learning and the importance of starting out to learning to read at three or four years of age and what a difference it makes as you progress through school for so many children. But I've had the advantage of having three children go through high school within the last ten years. Been active, I have as a parent, been active in those and I've had an opportunity to observe the 17- and 18-year-olds not only at Central High School in my district, but also at Westside High School, and I'm very impressed with the maturity and the ability that these young people have. And if we're going to put adult responsibilities on them as clerks of an election board, which is a very responsible position, yes, they're under some direct supervision there, but they have to know what they're doing. I think when we try to differentiate between children and young adults, let's move on here to 18- or 19-year-olds. Are they any better to explain the contents of a petition; any more able than if they're 17 or 18? I'm thinking all of these juniors and seniors have had to go through a social studies course. If they are interested in the political process, as my children were, they probably know more about some aspects of elections and have an interest in what's happening, both on elections and in the petition process, than many adults who are twice their age. I, frankly, I think that they would assume their responsibilities as a petitioner circulator in a very responsible manner. I think they would take it seriously because they're going to be able to participate in the process in some way before they become age 18. And I have confidence that they are going to know what the petition says so that they will well be able to explain it to people who, even if they read it, can't understand it. And I think they would do just as good a job as you would expect from someone who is 18 years of age or older. So let's not think of these 17- and 18-year-olds as children. They are perhaps immature adults, but they have a much higher level of maturity than we used to see 20 years ago. I think if they can serve on an election board as a clerk, they can certainly serve ably as a circulator of a petition. Thank you, Mr. President. [LB39]

PRESIDENT SHEEHY: Thank you, Senator Nelson. Senator Pedersen, followed by Senator Chambers and Senator Carlson. Senator Pedersen. [LB39]

SENATOR PEDERSEN: Thank you, Mr. Lieutenant Governor and members of the Legislature. For more than 40 years of my life I have worked with young people, teenagers, adolescents, children. Adolescents, children, I use them both in the same as I believe they are the same. Just because somebody has gone through puberty does not mean that they're emotionally, psychologically adults. Are we going to support giving this kind of responsibility to kids? Are there some that can do it? Yes. I would agree with Senator Nelson, there are a few that can do it, especially my kids, and I don't know about anybody else's. But that in itself I think is scary. As I get into my older years and look back at how kids have changed, I think it's because of the hormones in the milk

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that they have grown up more fast physically, but I don't see that they've changed emotionally, mentally, or intellectually. They need our direction. They are children. I support Senator Erdman's bill about...that we've had to try and raise the age of maturity...majority, not maturity, excuse me, because it would bring more uniformity to what's going on with children in that age group. I have a bill in the Legislature this year that, if it comes to the floor, will be very controversial and take a lot of debate, LB843, because of what I believe happens in adolescents, or in this childhood stage of teenagers. In general, adolescents, teenagers, young people do not have minds that are mature mentally, intellectually, and emotionally. For that reason, I will not be supporting Senator Erdman's amendment. Thank you. [LB39 LB843]

PRESIDENT SHEEHY: Thank you, Senator Pedersen. Senator Chambers. [LB39]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, another concern I have is when the criminal justice system treats children as adults. There is mandatory language in this law. If you look on page 3, the page where we're making an amendment if we adopt Senator Erdman's position, in line 2: Any person who falsely swears to a circulator's affidavit on a petition shall be guilty of a Class IV felony. So if a child, whose parents or coach or anybody else, or for any other reason swears to be 16 when he or she is 15, that person shall be guilty of a Class IV felony. That means the prosecutor, if the language is followed, is compelled to charge that child as an adult. You cannot convict a juvenile in juvenile court of a felony. If that person who circulates offers money or other things of value in exchange for a signature, the child...and Senator Nelson kept saying 17 and 18. This talks about 16. The 16-year-old child tells somebody, if you will sign this petition then I'll cut your grass, anything of value, anything, that child is guilty of a Class IV felony. Do you think children understand this language? Will they even be familiar with it? With adults you can say ignorance of the law is no excuse, and there's a statement that explains that. Every man will plead it and no man can counter it. If ignorance of the law is a defense, everybody will plead ignorance of the law and nobody can counteract that defense. We're talking about children. We're talking about a very important and crucial process that can change the constitution, that can recall people who are in office, that can stop a law passed by the Legislature from taking effect, that can put into the statute books a law. Can somebody 16 be a member of the Legislature? There are many things which children are not allowed to do; there are some things which they are. But we, who have intelligence and wisdom, must know how to analyze, evaluate, and discriminate between one thing and another. You can say children are capable of going this far and not farther. We will allow them to assume these responsibilities but no others. You don't want them to gamble. You don't want them to drink liquor. Well, if participating as these poll workers is so important and carries so much responsibility, they can handle gambling as well as adults. They can handle liquor as well as adults. Adults cannot handle either one of those. So let the children do it too. Those kind of arguments are not persuasive. We have to look at what the activity is. We should look at the significance and consequence

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of that activity. We then should consider the general run of person who is in the class that we're going to allow do a certain thing. We will have outstanding people; we will have people who are less than average in their ability to do something. You don't base how you treat that class on the bottom extreme or the top extreme. We're looking at the general run of 16-year-old child... [LB39]

PRESIDENT SHEEHY: One minute. [LB39]

SENATOR CHAMBERS: ...and the things that 16-year-old children will do, and I would not want a 16-year-old child to be charged with a felony even if that child deliberately and intentionally lied about being 16 because he or she knows that if I circulate this piece of paper and get people to sign it I'll get \$2 for every signature that I get. There is a money motivation for adults. Children will get into the cars of strangers when they're told don't do it. They will be told in these chat rooms don't give personal information, and they give it. Don't put pictures of yourself or identifying information, and they do it. But then we're all of a sudden going to say these children are very mature, and this and that and the other. I know of things that happened at Westside which would show great lacks of maturity. So because they might do well in one particular class... [LB39]

PRESIDENT SHEEHY: Time, Senator. [LB39]

SENATOR CHAMBERS: Thank you, Mr. President. [LB39]

PRESIDENT SHEEHY: And that was your third time. Senator Carlson, followed by Senator Karpisek and Senator Erdman. Senator Carlson. [LB39]

SENATOR CARLSON: Mr. President and members of the Legislature, in listening to this discussion, I think in terms of the fact that as legislators we are here to make decisions about drawing lines, we make decisions about defining boundaries, we make decisions that set rules and we pass laws, and I think regardless of where we pass something there always seems to be exceptions, and they're probably worthy exceptions. I listened to Senator Erdman, listened to Senator Nelson. I know that there are 16- and 17-year-olds that are mature mentally, emotionally beyond their years; they could function very well as the clerk of an election or a petition circulator. But somewhere you draw the line. And so in listening to this, I think that we should probably leave the bill as Senator Schimek has advanced it or asked for it to be advanced, and I think we probably need to take another look at the other provision as far as age on being clerk of election. A young person does not have to be an employee in order to learn from some kind of an experience, so they could be close to the process and, in a sense, almost be a part of it without actually circulating a petition or serving as a clerk of election. And if we set the age at 16 then there will be certainly correct statements made that there are 14- and 15-year-olds that are mature beyond their years and they could serve as well, and that will be the truth. But we set the line someplace. For that reason,

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I'm going to vote against returning it to Select File for the amendment, and I'm going to...if it does return I'll vote against the amendment. Thank you. [LB39]

PRESIDENT SHEEHY: Thank you, Senator Carlson. Senator Karpisek. [LB39]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I just turned my light on to echo what Senator Chambers said about 16-year-olds, not only 17-year-olds, and what Senator Carlson said. There are very many young people that are wonderful, very good people that can do a lot of things. There are also a lot of ten-year-olds that can do a lot of things. But again, we do need to draw a line in the sand. We send our young people to the service. They can die when they're 18 for our country, but I don't think that that has anything to do with letting them...maybe if they're really big, bad, mean people we should...I mean, like football players, let them go over to Iraq, too, and scare some people. I don't believe that. There's a line that we have to draw and I just wanted to echo those sentiments. Thank you, Mr. President. [LB39]

PRESIDENT SHEEHY: Thank you, Senator Karpisek. Senator Erdman. [LB39]

SENATOR ERDMAN: Thank you, Mr. President. I do appreciate the discussion this morning and I think any time you offer an amendment, regardless of when it's being offered, it should be thoughtfully considered. Final Reading is a little different, obviously, because there's not another round of debate. Although if the amendment were to be adopted, the bill would have to lay over and allow the public the opportunity to review any amendment that was adopted before a vote on Final Reading. I think some of the comments have been instructive, and I think some of them miss the mark pretty substantially. Regardless, whenever you get into discussing where you draw the line for something, you can pull out all kinds of analogies or examples of how something may or may not work, and I think those consequences have to be considered. Senator Karpisek sounds like he wants to support my bill to lower the age of majority, and I was joking when Senator Pedersen was talking that I don't know that some or many would reach the age of maturity, if we could ever figure out what that is, but--I was going to name the senator that I was talking to but I won't--but I do think that that's a consideration. Obviously, what we try to do when we grant authority or, as Senator Chambers pointed out, extend a privilege to a class of individuals, you have to understand the parameters of that. You have to understand their abilities, especially in an age category, to make sure that they're capable of complying with the responsibilities that they're going to be endowed with. I don't have those reservations. I also recognize that not every 16-year-old is going to do this, not every 17-year-old is going to do this. And under the existing law for election workers it's an option--they can be the clerk of the election. So we're trying to tie those two together and whether or not 18-year-olds should be able to drink alcohol or go to war, whatever, is instructive in general but it kind of misses the point. I'm going to ask that this amendment be withdrawn after everyone that had their light on wishes to speak, and so I will cease there, Mr. President, and allow others to

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speak if they would like to. And then, when I'm recognized on my close, I will withdraw the amendment. [LB39]

PRESIDENT SHEEHY: Thank you, Senator Erdman. Senator Aguilar. [LB39]

SENATOR AGUILAR: Question. [LB39]

PRESIDENT SHEEHY: The question has...okay. Senator Aguilar, you were the last light, so we will go to Senator Erdman, for his closing. [LB39]

SENATOR ERDMAN: Senator Aguilar was the last light and I'm going to withdraw it, which I said prior to the question. So thank you for the courtesy that we now have to not have to vote on the question, but I will withdraw the amendment and the motion to return, and Senator Schimek will have her opportunity for a vote on LB39 this morning. Thank you, Mr. President. [LB39]

PRESIDENT SHEEHY: Thank you, Senator Erdman. Would the members please return to their seats so we can proceed with the Final Reading. Senator Synowiecki, we are on Final Reading of LB39. Mr. Clerk, we may proceed with Final Reading of LB39. [LB39]

CLERK: (Read LB39 on Final Reading.) [LB39]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB39 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB39]

CLERK: (Record vote read, Legislative Journal pages 529-530.) 31 ayes, 14 nays, 1 present and not voting, 3 excused and not voting, Mr. President. [LB39]

PRESIDENT SHEEHY: LB39 does pass. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB39. Do you have items for the record, Mr. Clerk? [LB39]

CLERK: Mr. President, your Committee on Banking, Commerce and Insurance reports LB853 to General File with amendments; that signed by Senator Pahls. And I have a new A bill. (Read LB726A by title for the first time.) That's all that I had, Mr. President. (Legislative Journal page 530.) [LB853 LB726A]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We will now move to items under Select File.

CLERK: Mr. President, Senator McGill, with respect to LB586, I have Enrollment and Review amendments, first of all. (ER8143, Legislative Journal page 359.) [LB586]

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PRESIDENT SHEEHY: Senator McGill. [LB586]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB586]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB586]

CLERK: Mr. President, Senator Lathrop, I had AM1705, but I have a note you want to withdraw AM1705. [LB586]

SENATOR LATHROP: That's true. [LB586]

PRESIDENT SHEEHY: AM1705 is withdrawn. [LB586]

CLERK: Senator Lathrop would move to amend with AM1742. (Legislative Journal page 466.) [LB586]

PRESIDENT SHEEHY: Senator Lathrop, you're recognized to open on AM1742. [LB586]

SENATOR LATHROP: Thank you, Mr. President and colleagues. This is an amendment, a very simple amendment, to Senator Cornett's LB586, which deals with medical liens in injury claims. AM1742 makes two clarifications: First, the amendment clarifies that LB586 only applies to private health insurance plans and does not apply...has no application to Medicare and Medicaid. So I have inserted "private" into the amendment, which will found in LB586 to make that clarification. And the other one is very simply that it clarifies that amendments to the lien law do not change the measure of damages in personal injury claims. That measure remains the private-party rate. That's simply a clarification to make sure that the language in LB586 is not interpreted as some kind of an endorsement of something other than the private-pay rate, which is the law in Nebraska. With that, I would ask for your vote on AM1742. Thank you. [LB586]

PRESIDENT SHEEHY: Thank you, Senator Lathrop. Are there members wishing to speak on AM1742? Seeing none, Senator Lathrop, you're recognized to close? Senator Lathrop waives closing. The question before the body is, shall AM1742 be adopted to LB586? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB586]

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Lathrop's amendment. [LB586]

PRESIDENT SHEEHY: AM1742 is adopted. [LB586]

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CLERK: Senator McGill, I have nothing further on the bill. [LB586]

PRESIDENT SHEEHY: Senator McGill. [LB586]

SENATOR MCGILL: Mr. President, I move LB586 to E&R for engrossing. [LB586]

PRESIDENT SHEEHY: You have heard the motion on advancement of LB586. All those in favor say aye. Opposed, nay. LB586 advances. Senator Heidemann. [LB586]

SENATOR HEIDEMANN: Yes, thank you, Lieutenant Governor and fellow members of the body. You should have received on your desk a green copy of the Appropriations Committee preliminary report. I encourage you to read it. Right now the Appropriations Committee has started hearings on the recommendations contained in this report and hearings on bills assigned to the committee, and we plan to continue on to do this till February 20. After that we will be in Exec Session to finalize our finalized budget, which is due on the legislative floor no later than the 40th legislative day, which falls on March 12 this year. The status is on page eight. I ask you to please note with this preliminary the recommendation exceeds the minimum reserve by a small amount, and I do definitely want to quote out, that's by a small amount, and that's on line 29, of about \$4.3 million. The Governor had left \$4.7 million. We're a little bit off of him but not by much for post-hearing adjustments. However, projecting into the future, there begins a serious imbalance, and this is something that I'm very concerned about and I have touched base with you on the floor before, when we was talking about A bills. We was at, I believe, and this is from memory, at \$260 million, but with things that the Appropriations Committee has done in the preliminary report, we have taken our out year imbalance to \$286.5 million. That's definitely a concern of mine; we've talked about it in Appropriations that, you know, this is something that, we don't want to wait until the next biennium budget. We want to start to work on this now. I think it's something that we actually have to do. I will say that the Appropriations Committee was very hesitant and very cautious about putting in to this point things in our preliminary budget. We actually probably were putting some major decisions off. The February forecasting board is February 22. We are expecting that to probably change the financial status quite a bit. How much, you know, we don't know, but we at this time don't think it's probably going to be positive. I want to caution you that everything in this book was taken off deals with the October forecast, which is very generous to us. So if the February forecast is not, that will change this, could change this dramatically. I encourage you to read this. If you have questions you can sure ask me, and if I can't answer them, we can talk to people down in the Fiscal Office to try to get those answers for you. Thank you very much. [LB619]

PRESIDENT SHEEHY: Thank you, Senator Heidemann. (Visitors introduced.) Mr. Clerk, we'll now proceed to LB619. [LB619]

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CLERK: LB619. Senator McGill, I have Enrollment and Review amendments, Senator. (ER8144, Legislative Journal page 360.) [LB619]

PRESIDENT SHEEHY: Senator McGill. [LB619]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB619]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. The motion is adopted. [LB619]

CLERK: Senator Pirsch would move to amend with AM1652. (Legislative Journal page 466.) [LB619]

PRESIDENT SHEEHY: Senator Pirsch, you're recognized to open on AM1652. [LB619]

SENATOR PIRSCH: Thank you, Mr. Lieutenant Governor, members of the body. LB619 and the bill to follow, LB620, if you'll remember from General File, just deal with the Treasurer's Office's ability to collect bad checks, bad debt fee equal to the actual cost that they incur in collecting these returned checks. There was some safeguards added in the committee and were added by the body in amendment on General File, and I do appreciate all the support. One of the points that was brought up by Senator Synowiecki I do appreciate, on General File as well, and that was acted upon, and that was to make sure that these bad debt fees, when they're collected by the Treasurer's Office, do not go to a discretionary treasurer's account but rather to an account that would not be...could not be discretionary for the treasurer. And so towards that, I had no objection to the amendment, to send it to the General Fund, and that's what by amendment we did on General File. In retrospect, that wasn't the best choice of funds to send it to, from an accounting efficiency standpoint. A better fund would be a third fund. Instead of the State Treasury Management Cash Fund, which was the discretionary account, or the General Fund, a third account would be the State Treasurer's Administrative Fund. That's a nondiscretionary account, and that empties quarterly into the General Fund, and the reason why it would be preferable is, there's 90 different agencies, each one with a multitude of checks, of these bad collection checks. To have each accounting entry directly into the General Fund would be an accounting nightmare for Department of Administrative Services, and so to rectify that, we used the normal process--keep it in a nondiscretionary account that empties quarterly, once that build up, so you only have one entry into the General Fund for accounting purposes. That's a whole lot neater. And so that's what the...I'm offering a little amendment on both of these, both LB619 and LB620, to effectuate that. Thanks very much. [LB619 LB620]

PRESIDENT SHEEHY: Thank you, Senator Pirsch. You have heard the opening to AM1652 to LB619. Are there members wishing to speak on this amendment? Seeing

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none, Senator Pirsch, you're recognized to close. Senator Pirsch waives closing. The question before the body is on the adoption of AM1652. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB619]

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of the amendment. [LB619]

PRESIDENT SHEEHY: AM1652 is adopted. [LB619]

CLERK: I have nothing further on the bill, Mr. President. [LB619]

PRESIDENT SHEEHY: Senator McGill. [LB619]

SENATOR MCGILL: Mr. President, I move LB619 to E&R for engrossing. [LB619]

PRESIDENT SHEEHY: You have heard the motion for advancement of LB619. All those in favor say aye. Opposed, nay. LB619 advances. [LB619]

CLERK: LB620, Mr. President. Senator McGill, I have Enrollment and Review amendments, first of all. (ER8145, Legislative Journal page 361.) [LB620]

PRESIDENT SHEEHY: Senator McGill. [LB620]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB620]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB620]

CLERK: Senator Pirsch would move to amend with AM1715. (Legislative Journal page 466.) [LB620]

PRESIDENT SHEEHY: Senator Pirsch, you're recognized to open on AM1715. [LB620]

SENATOR PIRSCH: Thank you, Lieutenant Governor, members of the body. Again, I don't think this is controversial. This is...just results in easier accounting time for the department, and this amendment would have it follow the standardized process that all other funds go. What this would essentially do, again, is to route the individual checks not directly to the General Fund, but rather to a fund, a nondiscretionary fund, where no one can touch it, and then quarterly, once it aggregates, it will dump into the General Fund, so that you only have one accounting entry. It's really an accounting efficiency amendment, so I'd urge you to also vote yes on this amendment. [LB620]

PRESIDENT SHEEHY: Thank you, Senator Pirsch. You've heard the opening to AM1715. Are there members wishing to speak? Seeing none, Senator Pirsch, you're

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recognized to close. Senator Pirsch waives closing. The question before the body is, shall AM1715 be adopted to LB620. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB620]

CLERK: 26 ayes, 0 nays, Mr. President, on adoption of Senator Pirsch's amendment. [LB620]

PRESIDENT SHEEHY: AM1715 is adopted. [LB620]

CLERK: I have nothing further on the bill, Mr. President. [LB620]

PRESIDENT SHEEHY: Senator McGill. [LB620]

SENATOR MCGILL: Mr. President, I move LB620 to E&R for engrossing. [LB620]

PRESIDENT SHEEHY: You have heard the motion to advance LB620. All those in favor say aye. Opposed, nay. LB620 does advance. Mr. Clerk, we move to LB386. [LB620 LB386]

CLERK: LB386, Mr. President. Senator McGill, I have Enrollment and Review amendments. (ER8148, Legislative Journal page 389.) [LB386]

PRESIDENT SHEEHY: Senator McGill. [LB386]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB386]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB386]

CLERK: Mr. President, Senator Langemeier, I understand you'd like to withdraw AM1618 and AM1620? [LB386]

SENATOR LANGEMEIER: Yes. [LB386]

PRESIDENT SHEEHY: AM1618, AM1620 are withdrawn. [LB386]

CLERK: Senator Langemeier would move to amend with AM1691, Mr. President. (Legislative Journal page 506.) [LB386]

PRESIDENT SHEEHY: Senator Langemeier, you're recognized to open on AM1691. [LB386]

SENATOR LANGEMEIER: Mr. President, members of the body, as I had said on

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General File, the two opposing amendments that we have just withdrawn were one from the title company and one from the bankers. They didn't quite see eye to eye on this issue. They have now agreed to AM1691, so I indicated I would offer that and withdraw the other two options. With that, I'd appreciate your support of AM1691. [LB386]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You have heard the opening to AM1691 to LB386. Are there members wishing to speak? Seeing none, Senator Langemeier, you're recognized to close. Senator Langemeier waives closing. The question before the body is on the adoption of AM1691. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB386]

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of Senator Langemeier's amendment. [LB386]

PRESIDENT SHEEHY: AM1691 is adopted. [LB386]

CLERK: I have nothing further on the bill, Senator McGill. [LB386]

PRESIDENT SHEEHY: Senator McGill. [LB386]

SENATOR MCGILL: Mr. President, I move LB386 to E&R for engrossing. [LB386]

PRESIDENT SHEEHY: You have heard the motion on the advancement of LB386. All those in favor say aye. Opposed, nay. LB386 does advance. We'll now proceed to LB123. Mr. Clerk. [LB386 LB123]

CLERK: LB123. Senator McGill, I have Enrollment and Review amendments. (ER8152, Legislative Journal page 431.) [LB123]

PRESIDENT SHEEHY: Senator McGill. [LB123]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB123]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB123]

CLERK: I have nothing further on the bill, Senator. [LB123]

PRESIDENT SHEEHY: Senator McGill. [LB123]

SENATOR MCGILL: Mr. President, I move LB123 to E&R for engrossing. [LB123]

PRESIDENT SHEEHY: You have heard the motion for the advancement of LB123. All

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those in favor say aye. Opposed, nay. LB123 advances. Mr. Clerk, we'll move to LB179. [LB123 LB179]

CLERK: LB179 does have Enrollment and Review amendments. (ER8151, Legislative Journal page 432.) [LB179]

PRESIDENT SHEEHY: Senator McGill. [LB179]

SENATOR MCGILL: Mr. President, I move the E&R amendments. [LB179]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the E&R amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB179]

CLERK: I have nothing further on the bill, Mr. President. [LB179]

PRESIDENT SHEEHY: Senator McGill. [LB179]

SENATOR MCGILL: Mr. President, I move LB179 to E&R for engrossing. [LB179]

PRESIDENT SHEEHY: You have heard the motion on the advancement of LB179. All those in favor say aye. Opposed, nay. LB179 does advance. We'll move to LB179A. Mr. Clerk. [LB179]

CLERK: LB179A. Senator, I have no amendments to the bill. [LB179A]

PRESIDENT SHEEHY: Senator McGill. [LB179A]

SENATOR MCGILL: Mr. President, I move LB179A to E&R for engrossing. [LB179A]

PRESIDENT SHEEHY: You have heard the motion for the advancement of LB179A. All those in favor say aye. Opposed, nay. LB179A does advance. Mr. Clerk, we'll move to first item under General File. [LB179A]

CLERK: Mr. President, LB280 is a bill by Senator Stuthman. (Read title.) The bill was introduced on January 10 of last year, at that time referred to the Judiciary Committee. The bill was advanced to General File. I have no amendments pending at this time, Mr. President. [LB280]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Stuthman, you're recognized to open on LB280. [LB280]

SENATOR STUTHMAN: Thank you, Lieutenant Governor and members of the body. LB280 would give juvenile courts the jurisdiction to enter permanent custody orders for

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children that are involved in a juvenile case. In 2003 the Nebraska Supreme Court handed down a decision, Ponseigo v. Mary W., that has been interpreted by the courts to mean that the district court has no jurisdiction to decide final custody of children when there is an accompanying juvenile action. Juvenile courts currently have no statutory authority to determine custody. Under the current statute and case law, the district courts and juvenile courts are unable to address the necessary amendments regarding physical placement or physical custody, and child support determinations to divorce, modification cases, or paternity custody actions when the parents were never married, that may be necessary to achieve permanency for children who have been made ward of the state. Courts have interpreted Ponseigo to mean that the district court cannot decide final custody issues, regardless of how the case is filed if the child is already subject to a current juvenile court action. In these cases, there is nowhere to establish custody, even if there is a willing parent for the child. And I would also like to bring up the fact that on Friday, January 25, when Chief Justice Mike Heavican, you know, addressed the body on his judiciary address...and I want to thank Speaker Flood for allowing this to happen. And in the address that Chief Justice gave, he talked about many juvenile court cases and the custody and parental issues, and when court decisions may be deferred for three, four months before action is taken, you know, to us as adults three, four months is only a short time. But as the judge stated, to a child three months is a long time. Some children, therefore, remain in limbo in juvenile court because custody cannot be established in juvenile court. Giving juvenile courts authority to enter final custody orders in cases in which the juvenile court is already involved would provide a timelier placement for children in state custody. I think this is a very appropriate bill. The thing that really concerns me is that, like Chief Justice did state, kids don't know where they're at. They could be placed in a foster home, in another foster home, and then in another foster home; and I think if there could be some permanency established by these courts, the district court and the juvenile court, I think this would be a very workable situation. Thank you. [LB280]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. You have heard the opening to LB280. Are there members wishing to speak? Seeing none, Senator Stuthman, you're recognized to close. Senator Stuthman waives closing. The question before the body is, shall LB280 advance? All those in favor vote yea; opposed, nay. Senator Stuthman. [LB280]

SENATOR STUTHMAN: I would request a call of the house. [LB280]

PRESIDENT SHEEHY: There has been a request for a call of the house. The question before the body is, shall the house be placed under call? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB280]

CLERK: 26 ayes, 0 nays, Mr. President, to place the house under call. [LB280]

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PRESIDENT SHEEHY: The house is placed under call. All unexcused senators please report to the Chamber. All unauthorized personnel please step from the floor. The house is under call. Senators, please record your presence. Senator McGill, Senator Lathrop, Senator Chambers, Senator Lautenbaugh, Senator Ashford, the house is under call. Senator Stuthman, all senators are present. How would you like to proceed? [LB280]

SENATOR STUTHMAN: A board vote. [LB280]

PRESIDENT SHEEHY: We can do roll call or call-ins, since we already initiated a board vote. Senator Stuthman is willing to accept call-ins, and the question before the body is on the advancement of LB280. [LB280]

CLERK: Senator Pedersen voting yes; Senator Kopplin voting yes; Senator Chambers voting yes; Senator Adams voting yes; Senator Ashford voting yes; Senator Lathrop voting yes; Senator Karpisek voting yes; Senator Nelson voting yes. [LB280]

PRESIDENT SHEEHY: Please record, Mr. Clerk. [LB280]

CLERK: 26 ayes, 0 nays, Mr. President, on the advancement of LB280. [LB280]

PRESIDENT SHEEHY: LB280 does advance. The call is raised. Next item under General File. [LB280]

CLERK: Mr. President, LB280A, a bill by Senator Stuthman. (Read title.) [LB280A]

PRESIDENT SHEEHY: Senator Stuthman, you're recognized to open on LB280A. [LB280A]

SENATOR STUTHMAN: Thank you, Lieutenant Governor and members of the body. The A bill portion of this, there's really no fiscal impact, but we are keeping an A bill on file so that in case something does get amended into the bill in the future, that we can address that at that time. So as of right now, there is no A bill to it. Thank you. [LB280A]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. You have heard the opening to LB280A. Are there members wishing to speak? Seeing none, Senator Stuthman, you're recognized to close. Senator Stuthman waives closing. The question before the body is, shall LB280A advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB280A]

CLERK: 31 ayes, 0 nays, Mr. President, to advance LB280A. [LB280A]

PRESIDENT SHEEHY: LB280A advances. We will now proceed to LB500. [LB280A]

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LB500]

CLERK: LB500, a bill by Senator White. (Read title.) The bill was introduced on January 17 of last year, at that time referred to the Business and Labor Committee. The bill was advanced to General File, Mr. President, and I do have committee amendments pending. (AM809, Legislative Journal page 1073, First Session, 2007.) [LB500]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator White, you're recognized to open on LB500. [LB500]

SENATOR WHITE: Thank you, Mr. Lieutenant Governor. LB500 is, in my mind, one of the most important bills we can address this year, if we're serious, about improving the economic climate for all of Nebraska, not just the urban areas. This bill is, in fact, directed at areas outside of our major metropolitan cities to enhance the citizens of those areas abilities to get training that will not only move their economy forward, it will allow them to live a better life and move their families forward. One of the incredible problems that we face in this state is an aging and declining base of high-craft trades--welders, steamfitters, electricians, plumbers, carpenters, and others--skilled, trained, educated individuals who actually make the infrastructure that we so often talk about. LB500 is designed to enable citizens from rural areas, far from the source of the training, to travel to that training and get the education necessary to become a full participant in those high-craft trades. The way it would work is this: In a normal situation, an apprentice welder, for example, would work a job welding, and then he would go into special training two or three nights a week for a number of hours to do classroom, hands-on shop, and other trainings. Perhaps it would be training on specifications. Or if he were a carpenter or a plumber, it might be on building standards or structural strength materials. Unfortunately, for many of our citizens who do not live near one of these training areas, it is impossible for them to combine the work, on-hands work, and then also make the trip to a source for the in-classroom training. What this means then is, if you do not live...if you wish to be, for example, a steamfitter and you do not live near a city that offers that, you either have to move and relocate, or give up your ability to do it. This cripples local economies. With the rise of the ethanol industry, there is an increasing and deep need for electricians, for steamfitters, for plumbers, and they don't necessarily live in those areas. We also find it extremely difficult in this state to recruit people who have these skills, to move into some of our more rural areas. Part of the reason is, there's a nationwide shortage. Right now in the Panhandle they are having, I was told, extreme problems attracting and holding qualified welders to build the natural gas pipeline. We have that problem over and over again. I have had major contractors in the roads system say they have enormous problems recruiting, for example, skilled electricians in the Third Congressional District. We can't allow this to continue. Those areas will not prosper, they will not grow as they should, we will continue to lose our youth to other areas. What this bill would allow is, one of those folks who wants that training could work four weeks, be paid as normal, then go for a week to--it could be

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Milford, it could be Scottsbluff, it could be Omaha, it could be Lincoln--any place that has the appropriate apprenticeship program, and then they could get unemployment insurance for that week while they were getting their classroom training. They would then at the close of that week return back to their normal job. The unemployment insurance would not, would not be charged back to the employer. Right now, as the bill was originally drafted, and as we will ask you to return it to that form when Senator Cornett gets up, the fiscal note was approximately \$5,000. We intend to keep it to be neutral, and I ask the body to seriously consider this. We devote so much effort to education, but one area I believe we've really not met needs of either our economy or our citizens, is encouraging young people into what are very well-paying jobs and great careers essential to us--the high trades, the skilled labor that has built this country and makes it continue to function as one of the finest places to live in the world. Accordingly, I ask you for your support. We're going to withdraw a committee amendment, because the fiscal note was absolutely unacceptable. We'll withdraw that; we'll move it back to the original form and hopefully move it forward. Thank you. [LB500]

PRESIDENT SHEEHY: Thank you, Senator White. You have heard the opening to LB500. We will move to AM809. Senator Cornett, you're recognized to open. [LB500]

SENATOR CORNETT: Thank you, Mr. Lieutenant Governor and members of the body. Committee amendment AM809 was advanced by the committee. This amendment was intended to make the appropriate statutory changes in an attempt to carry out the original intent of LB500. Because the original language used in LB500 did not accomplish what Senator White intended, the fiscal note did not reflect the actual cost of the intent behind LB500. Working together with Senator White, the committee then attempted to correct the bill by allowing any individual enrolled in a federally approved apprenticeship training program to receive unemployment benefits during the time they were voluntarily participating in apprenticeship training programs and were not employed. Under AM809 such benefits would not be charged to the employer's experience account. Since last spring when the bill was advanced by the committee, we learned that the fiscal note to the committee amendments ranged somewhere between \$2.9 million to over \$14 million. In this time of economic uncertainty, I do not think it's realistic to ask this body to support such an expensive endeavor at this time. I can honestly say the committee did not have any advance knowledge that the changes brought out by AM809 would have this type of fiscal impact. So I would ask you to vote against committee amendment AM809. I am also offering AM1693, which has much narrower intent, and I will ask you for your support of AM1693. Once again, I ask you to vote no on committee amendment AM809. [LB500]

PRESIDENT SHEEHY: You have heard the opening to AM809 to LB500. Members wishing to speak: Senator Cornett. Senator Cornett waives. Additional members? Seeing none, Senator Cornett, you're recognized to close. [LB500]

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SENATOR CORNETT: Thank you. Again, it was not the committee's intent to, when we drafted the amendment, to have this type of fiscal note, and we received the fiscal note later than we should have, and that is why I'm requesting you to withdraw this amendment. Thank you. [LB500]

PRESIDENT SHEEHY: Thank you, Senator Cornett. You have heard the closing to AM809. The question before the body is on the adoption of AM809 to LB500. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB500]

CLERK: 0 ayes, 22 nays, on the committee amendments, Mr. President. [LB500]

PRESIDENT SHEEHY: AM809 is not adopted. [LB500]

CLERK: Senator Cornett, I understand you'd like to withdraw AM1670, Senator. That was one you had filed earlier. [LB500]

SENATOR CORNETT: Yes. AM1693 has the technical changes in it. [LB500]

CLERK: Right. Senator Cornett would move to amend, Mr. President, with AM1693. (Legislative Journal page 446.) [LB500]

PRESIDENT SHEEHY: Senator Cornett, you're recognized to open on AM1693. [LB500]

SENATOR CORNETT: Thank you, Lieutenant Governor and members of the body. AM1693 mirrors Iowa's law in regards to how benefits are administered when an individual attends federal apprenticeship training programs. For those individuals who are enrolled in specific training programs, namely the Trade Adjustment Assistance Act and the Workforce Investment Act training programs, they can currently receive unemployment benefits under Nebraska law. But those benefits are directly charged back to the employer's experience account. Under AM1693, the employer's experience account would not be charged. This change would have minimal fiscal impact. I am reliably informed by the Department of Labor that the fiscal note for AM1693 would be similar to the original fiscal note, roughly a one-time programming fee of around \$5,200. This change is more narrow and gets at the heart of the problem. We believe this amendment is a good compromise by both labor and business, because workers will be able to attend the training programs without resulting in a direct chargeback to the employer's experience account. I ask for your support in adopting AM1693. [LB500]

PRESIDENT SHEEHY: Thank you, Senator Cornett. You have heard the opening to AM1693 to LB500. Members wishing to speak are Senator Fulton, followed by Senator Erdman, Senator Raikes, and Senator White. Senator Fulton. [LB500]

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SENATOR FULTON: Thank you, Mr. President. Would Senator Cornett yield to a question please? [LB500]

PRESIDENT SHEEHY: Senator Cornett, would you yield? [LB500]

SENATOR CORNETT: Yes. [LB500]

SENATOR FULTON: Senator, I'm trying to catch up here a little bit. The fiscal note that you anticipate being attached to present AM1693 is something over \$5,000. I assume that's going to be federal funds, correct? [LB500]

SENATOR CORNETT: What do you mean? [LB500]

SENATOR FULTON: Is this going to be a \$5,000... [LB500]

SENATOR CORNETT: It's a programming fee. [LB500]

SENATOR FULTON: Okay, at the state level. [LB500]

SENATOR CORNETT: Yes, it's... [LB500]

SENATOR FULTON: So the...okay. The fiscal note that we have before us indicated these are federal...that these would be federal funds, but that's not correct. You anticipate this will be a General Fund fiscal note. And I'm not too concerned about the amount. It's just I'm trying to account where does this go. [LB500]

SENATOR CORNETT: I believe it's a General Fund fiscal note. I will double-check on that, though. [LB500]

SENATOR FULTON: Okay. Second question: I heard that the amendment which we voted down was not workable due to a \$2.5 million fiscal note, and I read through that and thought I understood that amendment. Can you explain how we went...or what language was stricken, or what process was realized that we went from that fiscal note of \$2.5 million down to this programming fiscal note of \$5,000? [LB500]

SENATOR CORNETT: Yes. The original intent of the bill was to mirror Iowa's law. Senator White worked with us on the amendment, AM809, and it was not necessarily drafted to the correct statutes, and we had a fiscal note that was much higher than intended. When we got that back we went back and we looked at the drafting and realized that we needed to narrow it down. And what we did was basically mirror what Senator White's original intent was. [LB500]

SENATOR FULTON: How did it come back? I guess, what was it in that...maybe I

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should have asked this on AM809, but what was it that moved it so high? These are programming fees. What moved it from up to \$2.5 million? [LB500]

SENATOR CORNETT: It broadened it to any apprenticeship training programs from just the federal apprenticeship training programs. [LB500]

SENATOR FULTON: And so how does that, again, if it's programming, if this is a programming fee, how did that move to such a...that seems to be a high level, \$2.5 million. And I do understand that we voted that down, but that which caused the fiscal note to proliferate to that level, I want to make sure that we're not doing that in this amendment, too. So what exactly was it that we would have been paying for in that last amendment? And I can come back and talk to you later, too. [LB500]

SENATOR CORNETT: Well, no. It's a very complicated issue, because it has to deal with one, the federal programs, the state programs, and deals with the experience accounts. But what the amendment did was basically create a whole new class, so we...that was not our intent. So we went back to which the original intent was, which was to just allow them to collect unemployment while they were attending these training programs for federal programs. [LB500]

SENATOR FULTON: Okay. Okay, I'll...thank you, Senator Cornett. I'll look into this more. Thank you, Mr. President. [LB500]

PRESIDENT SHEEHY: Thank you, Senator Fulton. Senator Erdman. [LB500]

SENATOR ERDMAN: Thank you, Mr. President. Would Senator Cornett continue to yield? [LB500]

PRESIDENT SHEEHY: Senator Cornett, would you yield? [LB500]

SENATOR CORNETT: Yes. [LB500]

SENATOR ERDMAN: Senator Cornett, we're referencing the U.S. Code here. It's referred to as the Trade Act of 1974. Has that been modified? Does that generally refer to something else, and is it something we're trying to base it on, as of today? Or are we willing to let this program encompass any future amendments to that law that may require additional contributions to help facilitate the opportunities that Senator White would like to see? [LB500]

SENATOR CORNETT: I don't believe that there will be any further at this time. I do have a copy of the U.S. Code collections that I'd be happy to provide for you. It is a federal law and it does evolve. But these are for federal programs that are currently in place. [LB500]

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SENATOR ERDMAN: Would it be worth consideration, at least, and I don't know the answer to this and it's going to depend...go ahead. You have another...go ahead. [LB500]

SENATOR CORNETT: That's...let me just check with my legal counsel. She's been dealing with the federal aspect of it. [LB500]

SENATOR ERDMAN: Let me just ask this before you do that, Senator Cornett, and then you can dialogue. Would it be appropriate or would it be worth our time to at least consider saying that as the act existed on a certain date, so that way we're clear what it is, or is it more fluid than that and it expands or retracts, depending upon what happens at the national level, because we don't want to obligate ourselves by reference to a program that may have unintended consequences, but at the same point, we don't want to tie our hands to where what we're referencing isn't effective. And I'm wondering where that balance is, and that's a discussion that we can have later. I just... [LB500]

SENATOR CORNETT: I was going to say, I don't actually know the answer to that. I don't believe we would be tying our hands with this, because it does reference whatever the federal programs are at the time, but it also would not open it up very particularly far, because it doesn't get charged back to the employer's experience account. It comes from a pool. [LB500]

SENATOR ERDMAN: I understand that, but it potentially would have an impact on the pool. [LB500]

SENATOR CORNETT: Yes, it could. [LB500]

SENATOR ERDMAN: My comment, though, is that if we know what the program opportunities are under the federal act today, we could say "as existed on January 1, 2008," and then that's clear the programs that are available. Otherwise, we allow Congress to literally tell us some additional programs that we may never envision. If it's clear that these are the ones that we want to target, it may be worth consideration of saying, "as existed" on a certain date. If the type of programs we're listing are different than what I would understand them to be, you know, then maybe that's something that we need to discuss a little further. But I just want to make sure that we're not simply referencing a federal law, and which we literally will have no control over, but we could say, "as existed" on a certain date. [LB500]

SENATOR CORNETT: Senator Erdman, I personally would not have a problem with that. That would be a dialogue you would probably need to have with Senator White. He has brought the bill forward, but I personally would not have a problem with that, and I don't see any issue with it. [LB500]

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SENATOR ERDMAN: And I'm not asking you to adopt it. I'm saying that it needs to be at least considered, to make sure that--and I think Senator White understands where I'm going--that we're targeting the programs he would like to see that are already available under the federal law, but now that we're changing the way that we treat the compensation or the way that that account is being distributed, it would be at least prudent to determine what the impact might be. And if we know what they are today, it may not be bad to say "as existed" on January 1, or whatever the last time they revised the act. But I just throw that out for consideration. Thank you, Mr. President. [LB500]

PRESIDENT SHEEHY: Thank you, Senator Erdman. Senator Raikes, followed by Senator White. Senator Raikes. [LB500]

SENATOR RAIKES: Thank you, Mr. President, members of the Legislature. Senator Cornett, could I trouble you with a question or two? [LB500]

PRESIDENT SHEEHY: Senator Cornett, would you yield to some questions? [LB500]

SENATOR CORNETT: Yes. [LB500]

SENATOR RAIKES: Senator, I just want to make sure I understand how this is going to get paid for, and I think I do, but I want to clarify it with you. So I'm working for you, and I decide that surely something can be better than this, and I see this training program, so I let you know that, okay, I'll work for you three weeks out of five, or whatever, and then I'm going to go be in this training program for the other two weeks. At the time I'm in that training program, I can collect unemployment. Is that right? [LB500]

SENATOR CORNETT: Yes, and it's not necessarily that you decide that you want something better. What this is for is people that have apprenticeships with companies and are looking at improving their skill levels, and because of the distance of travel in the western part of the state to where the training is, they do them in blocks of time. And the companies at that time can't necessarily afford to pay them to take two weeks to go do the testing and training for the next level. So...and they are federal programs that are available. So what the bill proposes is that during that two-week training program, that they can collect unemployment while they improve their skill level. It's directed not towards the metro area, but for people in the western part of the state that are trying to increase their training levels. I think Senator White mentioned steamfitters. And that money...the employer pays...all employers pay into unemployment, and they have what is called an experience account. But part of what they pay into unemployment, a percentage of that goes into a pool. [LB500]

SENATOR RAIKES: Let me interrupt to ask a question. Now you said it's mainly directed toward western Nebraska, but it would apply across the state; am I correct?

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[LB500]

SENATOR CORNETT: It would apply across the state, but the people who live in the metro area can usually take the classes in the evenings or on the weekends. [LB500]

SENATOR RAIKES: So they wouldn't have to take off work and take...get unemployment? [LB500]

SENATOR CORNETT: Correct. The employers in the metro area don't have the loss of work from that employee while they are furthering their training, because they do offer the classes on nights and weekends. [LB500]

SENATOR RAIKES: And I think the other point you made, which was good, is that I may take this training, not intending to work for someone other than you. I may want to come back to work for you, but I would be more skilled as a result of having had this training. [LB500]

SENATOR CORNETT: From what I understood in testimony, that generally these are people that are already on, doing an apprenticeship with a business. Say, for instance, you are a plumber in the western part of the state, you have an apprentice on. You don't have a big company, you can't afford to give your employee two weeks off paid to go get training in the metro area to become a...to the next level of training. So you say... [LB500]

SENATOR RAIKES: Okay, so I think I understand where you're going, and my question is just this: That trainee is going to be paid unemployment. [LB500]

SENATOR CORNETT: Correct. [LB500]

SENATOR RAIKES: And that money has to come from someplace. [LB500]

SENATOR CORNETT: That's what I was explaining a moment ago. [LB500]

SENATOR RAIKES: So what you're basically saying is, we're not going to charge it to your account, your experience account,... [LB500]

SENATOR CORNETT: Correct. [LB500]

SENATOR RAIKES: ...so we're going to socialize that some way or another. [LB500]

SENATOR CORNETT: That is basically... [LB500]

SENATOR RAIKES: We're basically going to say that me the plumber in the next town,

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who is not going to participate in this program, is actually going to contribute a part of my unemployment to help pay for that program; is that the way that works? [LB500]

SENATOR CORNETT: Senator Raikes, they already do. That's what I was trying to explain a moment ago. There is...every employer has an experience account. Every employer has to pay into unemployment. A...we'll just say for every \$8 or every \$10 that they pay into... [LB500]

PRESIDENT SHEEHY: One minute. [LB500]

SENATOR CORNETT: ...their experience account, one dollar of that goes into a pool that is for everyone, and this is the pool of unemployment hours that every employer has contributed to. [LB500]

SENATOR RAIKES: Okay. I understand that concept. [LB500]

SENATOR CORNETT: Right. [LB500]

SENATOR RAIKES: And so we're basically increasing with this bill the draw on that pooled fund, so to speak? [LB500]

SENATOR CORNETT: Correct. [LB500]

SENATOR RAIKES: There are more draws. And I would just, you know, allow you to explain. We have had issues recently with funding unemployment in Nebraska. In fact, we had to increase the amount on which you pay the unemployment from \$7,000 a year up to \$9,000 a year, and I think we also increased the payments required for various experience categories, did we not? [LB500]

SENATOR CORNETT: We did. [LB500]

SENATOR RAIKES: Okay. So I think you've explained it. This is a part of the... [LB500]

PRESIDENT SHEEHY: Time, Senator. [LB500]

SENATOR RAIKES: Thank you. [LB500]

PRESIDENT SHEEHY: Senator White, followed by Senator Harms. [LB500]

SENATOR WHITE: Thank you, Mr. Lieutenant Governor. A couple of points: Senator Fulton was kind enough to bring forward that the fiscal note, in fact, indicates that there will be federal funds for the one-time reprogramming in the \$5,183. The second thing, and with regard to Senator Raikes's question, indeed, Senator Raikes, the cost of

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increasing the training of displaced workers--and this is limited to displaced workers--will be taken across the entire risk pool of unemployment. It will not be charged back to the individual employer. In that sense what we are saying is, to individual employers, look, do encourage your people to get higher skills, do encourage them to work for you and then go to wherever they need to get the training and come back. And we do pass that across the entire employment spectrum, saying that this is a good for everybody. We believe that what will happen is that because of the current low unemployment here, and because of the extreme need for higher-skilled workers, that it won't cost employers any kind of substantial increase of money. Their employees will be making more, the money will be paid more, the economy will grow. Should we have a sudden spike in displaced workers who qualify under this--and that is federally defined, displaced workers--we could indeed someday, perhaps, see some kind of meaningful increase to individual employers, at which time I would suggest we would take it up as to whether or not the economic benefits bear the costs. Right now I have talked to a number of businesses. No one sees it as a substantial problem in current economic conditions. No one foresees it. But they do see a current crisis in not getting highly skilled labor necessary to push the economy forward. So yes, it's a good point by Senator Raikes. Someday it may be a problem. At this point no one has come forward to me and made it a problem. Senator Cornett was kind enough to send our counsel over to correct a misstatement I made, and I'd like to make it clear. Right now the only real substantial change this law makes is it no longer charges the employer back on the experience account. Under federal law displaced workers have certain rights anyway. What this does is help us tell the community at large, invest in your labor. Educate them, we will help you do so. And I know Senator Harms...my understanding, Senator Harms had a concern, is any place there's an approved training, anywhere in the state--and Metropolitan Community College specifically came to me and said they support this, because they have a number of those kind of facilities--will qualify. It's up to the individual where they want to go. Thank you, Mr. Lieutenant Governor. [LB500]

PRESIDENT SHEEHY: Thank you, Senator White. Senator Harms. [LB500]

SENATOR HARMS: Thank you, Mr. President, colleagues. One of the nice things about this, and I rise, really, in support of this, particularly because I'm from rural America and I understand the issues that we have in regard to skilled workers, displaced workers, it's really an issue for us and for all of probably rural America. And the beauty about this piece of legislation is that it will tie in very nicely to what the community colleges' role and mission is today, that in fact, if a company had enough displaced workers or enough individuals who were short the skilled levels that they required, community colleges can actually go right in that particular company and at night use their own facilities, their own equipment, and train them right on the spot. This is a beautiful thing for all of us in the state of Nebraska, but particularly for rural America. And if you look at the data, in the next decade they're projecting that we're going to be in America 100 million workers short, and so any place that we have the opportunity to look down and

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help these people who are displaced, these people who would like to have additional skills, it's the key to our future. People will not...businesses will not relocate unless they have...to a rural environment, unless they have the opportunity to have world-class training or have the ability to have skilled workers. And this fits in beautifully to that whole concept about economic development and where we need to go in the future. So I would really urge you to be in favor of this, because I think it will be a great help for us in the future. Thank you, Mr. President. [LB500]

PRESIDENT SHEEHY: Thank you, Senator Harms. Senator Stuthman, followed by Senator Howard. Senator Stuthman. [LB500]

SENATOR STUTHMAN: Thank you, Lieutenant Governor and members of the body. I would like to engage in a little conversation with Senator White. [LB500]

PRESIDENT SHEEHY: Senator White, would you yield? [LB500]

SENATOR WHITE: Yes, sir. [LB500]

SENATOR STUTHMAN: Senator White, I would like for you to explain to me, and I'm going to give you situation. You have Company A that has got employees. [LB500]

SENATOR WHITE: Right. [LB500]

SENATOR STUTHMAN: And you have Company B. Company B has got a more sophisticated company that requires a lot more training and skills. An individual working for Company A, that is just an ordinary company, and there's an employee that's there and he decides maybe he'd like to take some training and go over to Company B. [LB500]

SENATOR WHITE: Um-hum. [LB500]

SENATOR STUTHMAN: Will Company A, will he allow his person to leave two weeks to go get that training... [LB500]

SENATOR WHITE: Well, I...you know, that's a good... [LB500]

SENATOR STUTHMAN: ...to go to the other company, or is this really intended to take care of just Company B on the skills that that company needs for an employee he has currently and wants to upgrade himself and earn more income? [LB500]

SENATOR WHITE: That's a good question, Senator. If I understand it well, I'll try to give you the best answer I can, and part of it is going to be individual decisions. Let's say Company A has welders, okay? [LB500]

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SENATOR STUTHMAN: Um-hum. [LB500]

SENATOR WHITE: They manufacture stock fencing. You have a young man who wants to become a steamfitter, which of course, welding is an essential skill with them. Right now Company A, if I were that young man and I went to the Company A and I said, look, I need this job and I want to stay in the community, but I can't get the advanced welding skills I need to move forward here. Will you let me have a week off every four, and I'll collect unemployment and it will charged back to your account personally, my answer as a businessman would have to be, son, I like you, but not that much. Now what this law would say then is you could say, you're a heck of a welder and it's hard to get good help, and it's not going to cost my account, my experience account, if I let you do that. I'm no longer going to be charged as a stock fencing company, it'll take you two years to get that, you go ahead. And then the cost, the unemployment cost, goes across the whole economy. It doesn't just come back on the place I'm working, if I understand your question, if I understand the law as it's in...that's what it is intended to do. [LB500]

SENATOR STUTHMAN: Thank you, Senator White. And I was just thinking about this in the discussion, you know, as to an individual that maybe wanted to go down the street and work there for \$4 an hour more, and he decides, well, I'm going to stay on my job in Company A, but I'm going to go get this training for Company B, so I can work there. And once I get the training, then I'm going to say I'm not going to come back to Company A. I'm not going to work for Company A any more, and I'm going to go to Company B. And that Company A has allowed me to take two weeks off of the employment, and he's putting it in. But I see the value of taking it from the big pool of money for the training, for the unemployment while he's training. So that...I'll listen to the discussion, but I just thought of that, you know. Is this to...really, the intention to improve the skills of the people that are working on like Company B, or is it for the average, Company A, and the benefits there? Thank you. [LB500]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. Senator Howard, followed by Senator Cornett and Senator White. Senator Howard. [LB500]

SENATOR HOWARD: Thank you, Mr. President and members of the body. I rise in support of LB500. This certainly sounds like a win/win for both the employer and the employee, seeking to increase his skill level and therefore his earning capability. I don't see this as being limited to our rural communities but also being beneficial to our urban workforce. In today's society, working parents have increasing demands made on their time, and it's not always possible to take night-time or extra classes when you're trying to be a good parent and take care of your children. I see this as an opportunity for those individuals to attend a two-week training class and put themselves in a better position to provide for their families. So I support this bill and thank Senator White for bringing it to us. Thank you. [LB500]

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PRESIDENT SHEEHY: Thank you, Senator Howard. Senator Cornett. Senator White. [LB500]

SENATOR WHITE: Thank you. I would like to make a couple of points. First of all, the bill is limited to displaced workers, which is a person who has lost their job because of trade issues. So it's not as...and that's one of the things. To be honest with you, if we could afford it I'd like it broader, but right now we're limiting it to displaced workers because of the fiscal note. But Senator Stuthman raises a point. I mean, is this about giving people the skills so they could go to another company to make more money? The answer is, you bet! You bet! That is the point. It is the point to give people the tools to not only make a better salary for themselves but become more productive for the whole economy and for their families. [LB500]

PRESIDENT SHEEHY: Thank you, Senator White. Senator Cornett. [LB500]

SENATOR CORNETT: Yes. I went back and was reading the original amendment, and I was going to answer Senator Fulton's question in regards to what specifically it referenced that opened up the program so large. And basically the language, the way it was drafted, would have opened up this program for anyone that was unemployed, and we were just specifically narrowing it for displaced workers. So that was just to answer Senator Fulton's question, but I see he's not in the Chamber at this time. [LB500]

PRESIDENT SHEEHY: Thank you, Senator Cornett. Are there additional members wishing to speak on AM1693? Seeing none, Senator Cornett, you're recognized to close. [LB500]

SENATOR CORNETT: Thank you. Again, I urge the body to support AM1693. It is a fiscally sound amendment that limits this program to displaced workers, to allow them to gain the training they need to advance their skills. Thank you very much. [LB500]

PRESIDENT SHEEHY: Thank you, Senator Cornett. You have heard the closing. The question before the body is on the adoption of AM1693 to LB500. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB500]

CLERK: 33 ayes, 0 nays, Mr. President, on adoption of Senator Cornett's amendment. [LB500]

PRESIDENT SHEEHY: AM1693 is adopted. [LB500]

CLERK: I have nothing further on the bill at this time, Mr. President. [LB500]

PRESIDENT SHEEHY: Are there members requesting to speak on LB500? Seeing

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none, Senator White, you're recognized to close. [LB500]

SENATOR WHITE: I thank the members of the body for their attention to this matter. I ask that you advance this bill. I think it gives us a real chance to rebuild the industry and the economies of all of the state, not just those areas that are experiencing population growth. Thank you. [LB500]

PRESIDENT SHEEHY: Thank you, Senator White. You have heard the closing. The question before the body is, shall LB500 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB500]

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB500. [LB500]

PRESIDENT SHEEHY: LB500 does advance. Next item, Mr. Clerk. [LB500]

CLERK: LB623 is a bill introduced by Senator Pirsch. (Read title.) The bill was introduced on January 17 of last year, referred to Judiciary, advanced to General File. At this time I have no amendments to the bill, Mr. President. [LB623]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Pirsch, you're recognized to open on LB623. [LB623]

SENATOR PIRSCH: Thank you, Mr. Lieutenant Governor, members of the body. This bill, LB623, involves the topic of domestic violence. Domestic violence is a very serious crime in Nebraska and a very unique crime. Serious, I say, because many times it leads to serious injury or death. Newspapers are replete with such stories here in Nebraska, and I don't think it's...I don't think I need to go over some of the recent cases in the area. But I do say unique, as well; as a prosecutor you learn this. It is a very difficult crime for a victim, difficult because of the nature of the relationship--the domestic relationship that exists between the abuser and the victim. Oftentimes the victim relies on the offender financially, and there's more of an ongoing type of relationship than your typical type of crime, in which oftentimes there is no relationship between the offender and the victim, and so very unique in that regard. Oftentimes there's an emotional component as well that exists. Oftentimes the offender and the victim share children together, and so it does bear mentioning that it's a very unique crime. It's also a particularly harmful crime, because in so many instances children are often caught in the middle of the abuse, actually are there witnessing the violence between their father and their mother. And so it is particularly harmful in that instance. I wanted to just talk a little bit about the process, what happens when a domestic violence incident occurs. When a misdemeanor domestic violence incident occurs in particular, police are summoned. Many times the abuser, the person who is...the one who has perpetrated the violence, has left the scene of that violence by the time the actual law enforcement has arrived. In that case, you know, officers are usually able to quickly ascertain who it was and

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ascertain the extent of the abuse, and so they're not big "who-dun-it" cases. But in those cases the offender, after the neighbor calls the police or after the victim does--someone does--they oftentimes leave the scene. In that case, when police know who committed the crime and yet they're not there to arrest, police go down to the courthouse, file an affidavit relating to the prosecutor the facts of the domestic violence incident and ask the prosecutor to file a complaint against the abuser. The problem is this, is that when the complaint is actually filed by the prosecutor without having the abuser apprehended, under current law it starts what is called a speedy trial clock ticking. A speedy trial right is six months in the state of Nebraska, and that means as a practical matter, that if the defendant isn't located within that six-month period, the offender will walk away scot-free, and he or she cannot be prosecuted for this act of domestic violence. Oftentimes the offender will lay low and avoid contact with law enforcement for that six-month period, knowing that the charges will have to be dismissed, despite the fact that they have no defense to the crime. So currently the law does, because of the way it is structured, provide an incentive for the offender to hide out for a short number of months and be rewarded for that by having the charges dismissed. My bill simply proposes to rectify that by employing a different structure, a different paradigm, one that is, as far as speedy trial is concerned, one that is already employed for other types of crimes on our books. And towards that end my bill would simply start the six-month speedy trial time at the point in time where the defendant is actually arrested for the domestic violence incident and not at the time that the law enforcement officer has the prosecutor file the complaint, at a point in time when the abuser has not been arrested or located. So it's a pretty simply change, and I appreciate your questions and look forward to talking about the matter, answering any questions that you may have, and certainly would ask for your support. Thank you very much. [LB623]

PRESIDENT SHEEHY: Thank you, Senator Pirsch. You have heard the opening to LB623. Are there members wishing to speak? Senator Howard. [LB623]

SENATOR HOWARD: Thank you, Mr. President, members of the body. Senator Pirsch, if I may ask Senator Pirsch a question or two. [LB623]

PRESIDENT SHEEHY: Senator Pirsch, would you yield to some questions? [LB623]

SENATOR PIRSCH: Yes. [LB623]

SENATOR HOWARD: Thank you, Senator Pirsch. Just for clarification and to possibly help others as well as myself understand this bill better, would this charge remain indefinitely, until this individual is apprehended? Would it be on the books? Is there a time frame? [LB623]

SENATOR PIRSCH: Very good question. There is a secondary safeguard in place over and above this. The Nebraska statute is a hard six months, but in addition to this

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safeguard, which is by statute, by legislative creation--it is an animal that the Legislature put out--there is other protections for individuals charged with such crimes that emanate from the constitution, under the due process clause. And those safeguards, protections for those who are accused of crimes, will not be and cannot be in any way changed by this bill or any bill that is proposed by the Legislature, unless it changes the U.S. Constitution, and so those safeguards will always be considered by a court. It is not a...the courts will...it is not as hard or flat of a rule as six...that's a pretty mathematical equation, the six months as a statutory requirement, but with respect to making sure that there is no miscarriages of justice, those due-process claims, violations of due process, will always be reviewed by judges, if and when an individual is arrested, and typically are, and that's a separate analysis. And so this statute would not in any way change or harm that due-process analysis. That stands independent of what we're doing here. We're only changing those things that the Legislature is clearly in charge and has discretion of changing. [LB623]

SENATOR HOWARD: I appreciate that explanation, and I certainly support your bill. I think this is legislation that we need to enact. I agree with you that if someone is able to lay low and avoid this for a certain period of time and then the charge is nonexistent, that doesn't serve to benefit the individual who's suffered this domestic abuse. Just so I have a clear picture of this, Senator Pirsch, if I may ask you another question. [LB623]

SENATOR PIRSCH: Yes. [LB623]

SENATOR HOWARD: Say an alleged abuser is apprehended on a traffic charge and this domestic assault or violence charge is out there, is that the point when that would then become activated, as they would...there would be research done; they'd find that on the books and then he would...that would go into effect? [LB623]

SENATOR PIRSCH: That's right. Once he's...it would be noted that he had that, and he would at that point in time, once the arrest took place, then and only then would the six months start ticking. And then the state would have a duty at that point in time to have a trial occur within a six-month period following that time. [LB623]

SENATOR HOWARD: Thank you, Senator Pirsch. I certainly agree with your concept. I appreciate you bringing this in. This really does address both the protections for the person who is the accused and gives the individual who has suffered the alleged abuse the opportunity to have justice served. So thank you. [LB623]

PRESIDENT SHEEHY: Thank you, Senator Howard. Are there additional members wishing to speak? Seeing none, Senator Pirsch, you're recognized to close. [LB623]

SENATOR PIRSCH: Thank you, Mr. Lieutenant Governor and members of the body. I think that this is a good step in the right direction with respect to helping to address a

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very serious problem in Nebraska and elsewhere throughout the nation, actually, of domestic violence. As I mentioned, it is a very serious crime, and so often so many emotions are tied into it. It does lead to...eventually lead to serious bodily injury or death, and so if we can address these type of incidents just as they're formed...usually in cases where there's murder...domestic violence cases where murder or serious bodily injury have occurred, it's usually not the first time that a domestic abuse incident has occurred. And so if we can, you know, have...interject into the situation at a point in time through this bill, where we can make sure that that doesn't occur, I think it's a very good idea. And so, that's what this bill does. It uses an already existing structure for other types of crimes and implements it in this case, because it is a very serious type of crime, and because it is a very unique type of crime with respect to the nature of the relationship between the abuser and the individual who is abused. So I'd urge you to vote yes on this measure. [LB623]

PRESIDENT SHEEHY: Thank you, Senator Pirsch. You have heard the closing. The question before the body is, shall LB623 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB623]

CLERK: 27 ayes, 0 nays, Mr. President, on the advancement of LB623. [LB623]

PRESIDENT SHEEHY: LB623 does advance. Mr. Clerk, do you have items for the record? [LB623]

CLERK: Mr. President, your Committee on Transportation, chaired by Senator Fischer, reports LB837 to General File, with amendments. I have a confirmation hearing report from the Transportation Committee--actually three separate reports. A bill read on Final Reading this morning was presented to the Governor at 10:41 a.m. (Re LB39.) Senator Langemeier, an amendment to be printed to LB1011. An announcement: Revenue Committee will meet in Executive Session today at 12:45 p.m., Revenue Committee at 12:45 p.m. today. Name adds: Senator Aguilar to LB500, Senator Synowiecki to LB770. (Legislative Journal pages 532-535.)

And I do have a priority motion, Mr. President. Senator White would move to adjourn until Thursday morning, February 7, at 9 a.m. [LB39 LB837 LB1011 LB500 LB770]

PRESIDENT SHEEHY: You have heard the motion to adjourn until Thursday, February 7, 2008, at 9 a.m. All those in favor say aye. Opposed, nay. We stand adjourned. [LB623]