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Transcriber's Office

Floor Debate
February 11, 2008

[LB92 LB123 LB157 LB177 LB179 LB179A LB202 LB204 LB204A LB205 LB210 LB223 LB246 LB269 LB279 LB280 LB280A LB312 LB379 LB380 LB383 LB386 LB395 LB465 LB500 LB609 LB609A LB621 LB623 LB668 LB690 LB706 LB707 LB715 LB750 LB752 LB763 LB790 LB791 LB851 LB855 LB856 LB857 LB896 LB898 LB914 LB915 LB925 LB1094 LR223 LR236 LR238]

PRESIDENT SHEEHY PRESIDING []

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-second day of the One Hundredth Legislature, Second Session. Our chaplain for today is Pastor Victor Haworth from the First Brethren Church in Falls City, Nebraska; Senator Heidemann's district. Would you all please rise. []

PASTOR HAWORTH: (Prayer offered.) []

PRESIDENT SHEEHY: Thank you, Pastor Haworth. I call to order the twenty-second 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, Mr. President. []

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

CLERK: Mr. President, your Committee on Enrollment and Review reports LB123, LB179, LB179A, and LB386 as correctly engrossed. Your Committee on Banking, Commerce and Insurance, chaired by Senator Pahls, reports LB851 to General File with amendments. Communication from the Governor: engrossed LB92, LB177, LB202, LB204, LB204A, LB205, LB210, LB246, LB269, LB312, LB379, LB380, LB383, LB690, LB706, and LB707 were received on my office on February 1. These bills were signed by me on February 7, delivered to the Secretary of State. Notice of hearing from Transportation Committee, signed by Senator Fischer. And I have a communication from the Colorado Legislature regarding a resolution adopted thereby. That's all that I have, Mr. President. [LB92 LB123 LB177 LB179 LB179A LB202 LB204 LB204A LB205 LB210 LB246 LB269 LB312 LB379 LB380 LB383 LB386 LB690 LB706 LB707 LB851]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I do propose to sign and do hereby sign LR236. On behalf of the legislative body, today I would like to welcome back Senator Johnson.

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Welcome back to the Legislature. We look forward to your speedy recovery and full participation. We will now move to items under legislative confirmation reports. First report, Mr. Clerk. [LR236]

CLERK: Mr. President, I have a report from the General Affairs Committee, chaired by Senator McDonald, several appointments to the Nebraska Arts Council. (Legislative Journal page 514.) []

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

SENATOR McDONALD: Mr. Clerk, I'd like to divide the confirmation report. New information on one of the appointees has come to our attention that the committee needs to consider. []

PRESIDENT SHEEHY: So ordered. The report is divided. []

CLERK: Senator, I then have a report that has the names of Richard Vierk, Murray Newman, Donna Hastings, and Nana Smith; right? []

SENATOR McDONALD: Yes. Mr. Clerk, I'd like to take up the Vierk, Newman, Hastings, and Smith confirmations as one division. Mr. President and members, there are two new appointees in the Nebraska Arts Council and two reappointments. The first of our new appointees is Donna Hastings of Hastings, Nebraska. Ms. Hastings is on the board of directors to the Hastings Community Theater, Hastings Symphony Orchestra, as well as the Hastings Museum Foundation. She has served as owner and president of the Dahlsten Truck Line, Inc. since 1991, and is a graduate of the University of Nebraska where she received a master's degree in science. The second appointee is Nana Smith of Lincoln. She has served as a board member for such organizations as the Nebraska Humanities Council, Lincoln Community Foundation, Museum of Nebraska Art, and the Nebraska Art Association. She received her education from Yale University and also has a law degree from the New York University School of Law. Our first reappointment is Murray Newman of Omaha. Mr. Newman has served on the Nebraska Arts Council since 2004. He has been on the board of trustees for such organizations as Bellevue University and the Nebraska Independent College Foundation. He is a graduate of the University of Pennsylvania and also received an MBA from Creighton University. And our other reappointment is Richard Vierk of Lincoln. Mr. Vierk has served on the Nebraska Arts Council since 2004. He has served on the board of directors for several organizations, such as the Public Education Network, Saint Elizabeth Health Center, and the United Way of Lincoln and Lancaster County. In addition, he has served as the chair of the board of regents at Dana College. His education consists of a bachelor's degree at Dana College as well as a law degree from the University of Nebraska Law School. All of these individuals are highly qualified appointees to the Nebraska Arts Council and I would strongly urge your support. Thank you. []

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PRESIDENT SHEEHY: Thank you, Senator McDonald. You have heard the opening on the confirmation report from General Affairs. The floor is open for discussion. Senator Nelson. []

SENATOR NELSON: Thank you, Mr. President, fellow colleagues. I would just like to stand in support of the nomination of Murray Newman as a reappointee to the council. Mr. Newman resides in my district. He's a patron of the arts. He's currently treasurer of the Arts Council and I think is well-qualified to serve for another term. Thank you, Mr. President. []

PRESIDENT SHEEHY: Thank you, Senator Nelson. Are there additional members wishing to speak? Seeing none, Senator McDonald, you're recognized to close on your first confirmation report. []

SENATOR McDONALD: Yes, and thank you, Mr. President, members of the body. All of these members are highly qualified and do deserve your vote. Thank you. []

PRESIDENT SHEEHY: Thank you, Senator McDonald. You have heard the closing. The question before the body is on the General Affairs first confirmation report. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal pages 561-562.) 33 ayes, 0 nays, Mr. President, on adoption of the confirmation report. []

PRESIDENT SHEEHY: Confirmation report is adopted. Next report, Mr. Clerk. []

CLERK: Senator, the appointment of David Catalan. []

SENATOR McDONALD: We're going to defer that. []

PRESIDENT SHEEHY: Report is deferred. We'll move to the confirmation report from Banking, Commerce and Insurance. []

CLERK: Mr. President, Banking, Commerce and Insurance reports on the appointment of Ann Frohman as the director. []

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

SENATOR PAHLS: Thank you, Mr. President, members of the body. This morning I ask you to confirm the Governor's appointment of Ann Frohman as director of the Department of Insurance. The Banking, Commerce and Insurance Committee

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conducted a public hearing on Ann's appointment on January 29. The committee was impressed with her presentation and her answers to our questions. Accordingly, the committee advanced her confirmation report on a favorable vote of eight to zero. Ann is a native of North Platte, but we decided not to hold that against her because one of our senators on our committee actually is also from North Platte. She is a graduate of Kearney State College and the University of Nebraska College of Law. She served as the clerk for Nebraska Supreme Court Judge John T. Grant. She then joined the legal division of the Nebraska Department of Insurance. She left and served as a state risk manager and then worked for Lincoln Benefit Life insurance company. Ann returned to the Department of Insurance to serve as general counsel and then deputy director. For a number of years, Ann worked closely with Insurance director Tim Wagner, who passed away this past October. I believe Ann is uniquely positioned to carry on and build upon the legacy left to use by Director Wagner. Our Insurance Department is highly respected around the country for operating in a solid and professional manner. We have reaped the benefits of major companies having recently domesticated to Nebraska, giving us a growing stature in the insurance role, in addition to creating new jobs. Ann has already been an important part of these efforts at the department. I urge you to vote to confirm the Governor's appointment of Ann Frohman as the director of the Nebraska Department of Insurance. Thank you. []

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

CLERK: (Record vote, Legislative Journal pages 562-563.) 34 ayes, 0 nays, Mr. President, on adoption of the confirmation report. []

PRESIDENT SHEEHY: Confirmation report is adopted. Next item under confirmation reports? []

CLERK: Mr. President, Education Committee reports on the appointment of John Lund to the Board of Educational Lands and Funds. []

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

SENATOR RAIKES: Thank you, Mr. President and members of the Legislature. The Education Committee encourages the confirmation of the appointment of Mr. John Lund to the Board of Educational Lands and Funds. Mr. Lund is a new appointment to the board. If approved, his service on the board would extend to October 1, 2012. Mr. Lund

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is the president and CEO of the Lund Company, a commercial real estate firm in Omaha. He has more than 30 years of experience in the commercial real estate business. He earned a bachelor's of science degree in business administration from the University of Nebraska-Lincoln. He serves on the board of directors of the Greater Omaha Chamber of Commerce, as well as the Regency Homeowners Association board and the Offutt Air Force Base Advisory Board Council. I'll remind you that the Board of Educational Lands and Funds is charged with the constitutional duty of managing the state's educational trust lands. The board consists of five members, one from each of the state's four Congressional districts that existed on January 1, 1961, and one member at large. As of June 30, 2006, the land holdings consisted of 1.34 million acres valued at \$517.4 million. Land holdings comprised 56.6 percent of the K-12 school trust portfolio at that time, with stocks and bonds accounting for the remaining 43.4 percent. The stocks and bonds portion of the portfolio is managed by the Nebraska Investment Council. With that, I'll close and encourage the confirmation of this appointment. Thank you. []

PRESIDENT SHEEHY: Thank you, Senator Raikes. You have heard the confirmation report from the Education Committee. Are there members wishing to speak on this report? Senator Louden. []

SENATOR LOUDEN: Yes, thank you, Mr. President and members of the body. I was wondering if Senator Raikes would yield to a question, please. []

PRESIDENT SHEEHY: Senator Raikes, would you yield? []

SENATOR RAIKES: Yes. []

SENATOR LOUDEN: During your confirmation process when you was doing the questioning, did you by any chance ask at what percentage of the real estate that they were going to put up for sale and if they were going to continue to sell any of the land that the Board of Educational Lands and Funds own? []

SENATOR RAIKES: We did not press for detail on that, Senator. []

SENATOR LOUDEN: Do you think that perhaps some of those questions should have been raised because of the present time? Are they still selling as much land as they were for a while? And I think they have to have a certain percentage of their portfolio sold, and I was wondering if they intended to carry that out on that five-member commission? []

SENATOR RAIKES: Well, you correctly bring up that issue because it's been a long-standing one and the Legislature, I don't know just exactly how many years ago, passed a statute that--with at least intent language--that those lands be converted from

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land holdings to stocks and bonds. I don't know that the numbers I gave you as of June 30, 2006, are on track with that or not. There is, of course, the point that's always raised among the board members and the administration over there, that they have a fiduciary responsibility to invest this money wisely. And the question is, are we better off as a state, are we better off for the good of the educational trust account to have that in land or to have it in stocks and bonds? And of course, that varies over time. But certainly that is an issue that remains and board members that serve in that role have to make a call on that issue. []

SENATOR LOUDEN: Okay. Do you know, the money that's received from the educational lands funds, what is that money used for? []

SENATOR RAIKES: That money is used, the earnings off of that money currently are used to fund school districts on a per-capita basis, I believe. It's...I forgot an exact term that's used to describe it. Most all of it is used for that. You may remember that just this last election we passed a constitutional amendment whereby \$40 million of that, the earnings off \$40 million are used to support zero to three programs in Nebraska. []

SENATOR LOUDEN: And has anybody...during your course of questioning did anybody ask what the value of the land that the state of Nebraska owns? Do they have...did he by any chance have any idea on that, what the value of that land was? []

SENATOR RAIKES: The value of the 1.34 million acres owned as of June 30, 2006, was \$517.4 million, if that's the question. []

SENATOR LOUDEN: Say that again? []

SENATOR RAIKES: The 1.34 million acres owned on June 30, 2006, \$517.4 million. []

SENATOR LOUDEN: Okay. That would be about \$500 an acre then, is that what you're telling me? []

SENATOR RAIKES: I haven't done the calculation but yeah, something in that range. Most of it, as you know, is grassland as compared to either dryland or irrigated farmland. []

SENATOR LOUDEN: Yes, that's the reason I was... []

PRESIDENT SHEEHY: One minute. []

SENATOR LOUDEN: ...questioning it because in the western part of Nebraska there's a good deal of this land that's out there. And of course, that's the lease revenue comes off of that and that's...I think state apportionment was the word you as probably trying to

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think of, Senator. []

SENATOR RAIKES: Right, yes. []

SENATOR LOUDEN: Okay. Thank you, Senator Raikes and thank you, Mr. President. []

PRESIDENT SHEEHY: Thank you, Senator Louden. Are there additional members wishing to speak? Seeing none, Senator Raikes, you're recognized to close. Senator Raikes waives closing. The question before the body is on the adoption of the confirmation report from the Education Committee. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal page 563.) 35 ayes, 0 nays, Mr. President, on adoption of the confirmation report. []

PRESIDENT SHEEHY: Confirmation report is adopted. Next item under confirmation reports? []

CLERK: Mr. President, Senator Fischer, as Chair of the Transportation and Telecommunications Committee, votes on a series of appointments to the Board of Public Roads Classifications and Standards. (Legislative Journal page 533.) []

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Members, we will be hearing three separate reports. Senator Fischer, you're recognized to open on your legislative confirmation report from the Transportation and Telecommunications Committee. []

SENATOR FISCHER: Thank you, Mr. Lieutenant Governor, members of the body. As the Lieutenant Governor said, we do have three reports. The first is for the Board of Public Roads Classifications and Standards. The Transportation and Telecommunications Committee held a confirmation hearing on Monday, February 4 for appointments to the Board of Public Roads Classifications and Standards. This board oversees annual construction planning and fiscal reporting for state and local highways, roads, and streets, as well as the application of minimum design construction and maintenance standards for functional classifications of public roadways. The standards ensure that each segment can safely handle the traffic pattern and volume it is expected to carry as part of a policy enacted in 1969 to provide for the efficient management, operation, and control of an integrated system of state and local highways, roads, and streets. The reappointees to the board and areas of representation are: James Bauer of Beatrice, municipalities; Randy Peters of Lincoln, Nebraska Department of Roads; Richard Pierce of Miller, counties; Darold Tagge of Holdrege, lay citizens; Henry Thieman of Petersburg, counties; Edward R. Wootton, Sr. of Bellevue, lay citizens. Roger Figard of Lincoln is a new appointee to the board. Mr. Figard received a bachelor of science in civil engineering from the University of Nebraska and is presently a city

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engineer with the city of Lincoln public works and utilities. His area of representation is municipalities. All of these gentlemen appeared before the committee hearing except for Richard Pierce. Mr. Pierce was unable to attend and Senator John Wightman attended on his behalf. The Transportation and Telecommunications Committee recommends this confirmation with a record vote. []

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

CLERK: (Record vote, Legislative Journal page 564.) 36 ayes, 0 nays, Mr. President, on adoption of the confirmation report. []

PRESIDENT SHEEHY: The confirmation report is adopted. []

CLERK: Second report, Mr. President, from Transportation involves three appointments to the Motor Vehicle Industry Licensing Board. (Legislative Journal page 533.) []

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

SENATOR FISCHER: Thank you, Mr. Lieutenant Governor and members of the body. The Transportation and Telecommunications Committee held a confirmation hearing on Monday, February 4, for three appointments to the Motor Vehicle Industry Licensing Board. The Motor Vehicle Industry Licensing Board is made up of ten board members who are appointed by the Governor and serve for a three-year appointment. These three appointees are to serve for a term from September 17, 2007, to May 18, 2010. The chairperson of the board is the director of the Department of Motor Vehicles. The remaining members are one member of the general public, one new motor vehicle dealer from each of the three Congressional districts, two used motor vehicle dealers, one trailer dealer, one factory representative, and one motorcycle dealer. Sid Dillon, representing the motorcycle dealers from Fremont, and Douglas Rolfsmeier, the new car dealers from Seward, were both reappointments to the board. Fred Stone, representing the general public, is a new appointee to the board. Mr. Stone is a resident of Lincoln. He is a past member of the Big Brothers Big Sisters program, past president of Petroleum Marketers executive conference, past member of the state of Nebraska Motor Fuels Advisory Committee, as well as a past member of the city of Lincoln energy advisory committee. All three of these gentlemen did appear before the committee at the hearing. The Transportation and Telecommunications Committee recommends this

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confirmation with a record vote. []

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

CLERK: (Record vote, Legislative Journal pages 564-565.) 37 ayes, 0 nays, Mr. President, on adoption of the confirmation report. []

PRESIDENT SHEEHY: The confirmation report is adopted. []

CLERK: Mr. President, the third report from Transportation Committee involves the appointment of Richard Ruby to the Board of Public Roads Classifications and Standards. (Legislative Journal page 534.) []

PRESIDENT SHEEHY: Senator Fischer, you're recognized to open on your third confirmation report from Transportation and Telecommunications Committee. []

SENATOR FISCHER: Thank you, Mr. Lieutenant Governor and members of the body. The Transportation and Telecommunications Committee held a confirmation hearing on Monday, February 4, for appointment to the Board of Public Roads Classifications and Standards. As stated before, this board oversees the annual construction planning and fiscal reporting for state and local highways, roads, and streets, as well as the application of minimum design, construction, and maintenance standards for functional classifications of public roadways. Richard Ruby was a reappointee to the board. Mr. Ruby is from Lincoln, Nebraska, and is a civil engineer employed with the Nebraska Department of Roads. Mr. Ruby is a graduate of the University of Nebraska-Lincoln. He is a member of the UNL College of Engineering alumni board, the UNL College of Engineering faculty advisory board, and the Lincoln-Capital City Kiwanis. Mr. Ruby's area of representation is the Nebraska Department of Roads. He did attend the hearing on February 4. The Transportation and Telecommunications Committee recommends this confirmation with a vote of seven in favor and one opposed to the confirmation. []

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

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CLERK: (Record vote, Legislative Journal page 565.) 31 ayes, 1 nay, Mr. President, on adoption of the confirmation report. []

PRESIDENT SHEEHY: The confirmation report is adopted. Next item, Mr. Clerk. []

CLERK: Mr. President, the final report involves an appointment from Natural Resources, chaired by Senator Louden; the appointment of Mr. Ronald Zeiger, Environmental Quality Council. (Legislative Journal page 551.) []

PRESIDENT SHEEHY: Senator Louden, you're recognized to open on your confirmation report from Natural Resources Committee. []

SENATOR LOUDEN: Thank you, Mr. President and members. The Natural Resources Committee conducted a confirmation hearing on February 6, 2008, for Ron Zeiger, a reappointee to the 17-member Environmental Quality Council. Mr. Zeiger appeared before the committee for his confirmation hearing. Mr. Zeiger is from Syracuse and represents municipal government interests on the council. He received a bachelor of science degree from Northwest Missouri State University in Maryville, Missouri. Ron served in the United States Navy, completing two tours of duty in Vietnam. Currently Ron is vice president and general manager of Zeiger Construction Company in Syracuse. He served several years on the Syracuse City Council, is a founding member of the Syracuse Area Economic Development Corporation, and is a member of the Nebraska Diplomats. The committee recommended approval of Ron Zeiger to the Environmental Quality Council by a vote of seven for and one not voting. With that, I'd ask that Mr. Zeiger be confirmed. []

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 this report? Seeing none, Senator Louden, you're recognized to close. Senator Louden waives closing. The question before the body is on the adoption of the confirmation report from the Natural Resources Committee. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal page 566.) 31 ayes, 0 nays, Mr. President, on adoption of the confirmation report. []

PRESIDENT SHEEHY: The confirmation report is adopted. (Doctor of the day introduced.) Mr. Clerk, do you have items for the record? []

CLERK: I do, Mr. President. Enrollment and Review reports they have examined and reviewed LB280 and recommend that it be placed on Select File, LB280A, LB500, LB623, LB609, LB609A, LB668, LB715, LB279, LB896, LB898, LB790, all on Select

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File, some of which have Enrollment and Review amendments attached. Government Committee reports LR223 back to the Legislature for further consideration after a public hearing. Senator Johnson has an amendment to LB395 to be printed. New resolution: Senator Kruse offers LR238. And pursuant to its introduction, Mr. President, I have a communication from the Speaker regarding the referral of LR238 to Reference Committee. That's all that I have at this time. (Legislative Journal pages 566-569.) [LB280 LB280A LB500 LB623 LB609 LB609A LB668 LB715 LB279 LB896 LB898 LB790 LR223 LB395 LR238]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We'll move to first item under General File. []

CLERK: Mr. President, LB791. (Read title.) The bill was introduced on January 9, referred to the Agriculture Committee, advanced to General File. At this time I have no amendments to the bill. [LB791]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Erdman, you're recognized to open on LB791. [LB791]

SENATOR ERDMAN: Mr. President and members of the Legislature, LB791 was brought to me by the Department of Agriculture to allow them to promulgate rules governing the planting of seed potatoes in the state of Nebraska. The hearing was held on January 22. Seven of the eight members of the committee were present and those seven all advanced the bill to General File without amendment unanimously. LB791 amends the Nebraska Plant Protection and Plant Pest Act to provide the express authority for the Department of Agriculture to promulgate rules governing the planting of certified seed potatoes in the state. Specifically, it inserts a new defined term of certified seed potatoes in Section 3 of the bill, which is incorporated into the Plant Protection and Plant Pest Act by Sections 1 and 2 of LB791. It also amends Section 2-10,116 to add rules pertaining to the planting of certified seed potatoes to a list of items relevant to the regulation of plant pests from which the department is expressly authorized by this section to adopt rules and regulation. The practical application of LB791 is that the state of Nebraska has entered into a memorandum of agreement under APHIS, or the Animal and Plant Health Inspection Service of the United States Department of Agriculture. This language is necessary to allow the state of Nebraska to be able to ship seed potatoes or potatoes out of the state of Nebraska. This section only applies to those areas that are being transported out of the state. Individuals could still be able to plant seed potatoes or potatoes in their backyard for gardens or similar activities. But without this language and authorization in law, Nebraska would be out of compliance with the memorandum of agreement. That would then prohibit Nebraskans from being able to ship these potatoes, not only outside the state of Nebraska but outside of the United States. Certification of seed potatoes in Nebraska is currently conducted by the Potato Certification Association of Nebraska. It is currently based in Alliance, Nebraska, and is

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designated by statute. The vice chancellor of the Institute of Ag and Natural Resources at the University of Nebraska specifies the standards for certification and approves the rule and procedures used by that certifying entity. With that, Mr. President, I would encourage the advancement of LB791 to E&R. [LB791]

PRESIDENT SHEEHY: Thank you, Senator Erdman. You have heard the opening to LB791. (Visitors introduced.) Are there members wishing to speak on LB791? Seeing none, Senator Erdman, you're recognized to close. Senator Erdman waives closing. The question before the body is LB791. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB791]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB791. [LB791]

PRESIDENT SHEEHY: LB791 does advance. Next item, Mr. Clerk. [LB791]

CLERK: LB925, Mr. President. (Read title.) The bill was introduced on January 14, referred to Agriculture Committee, advanced to General File. There are Agriculture Committee amendments, Mr. President. (AM1607, Legislative Journal page 364.) [LB925]

PRESIDENT SHEEHY: Senator Fischer, you're recognized to open on LB925. [LB925]

SENATOR FISCHER: Thank you, Mr. Lieutenant Governor and members of the body. I introduced LB925 on behalf of several constituents who brought this suggestion to me. This bill addresses an increasingly common issue concerning property damage done by stray goats and lack of a means for proper compensation. Currently there is no method of restitution if a goat damages a person's property. And because more individuals are raising goats for various purposes, it is necessary to address this concern. Thank you. [LB925]

PRESIDENT SHEEHY: Thank you, Senator Fischer. You have heard the opening on LB925. Senator Erdman, you're recognized to open on the Agriculture Committee amendment. [LB925]

SENATOR ERDMAN: Thank you, Mr. President and members of the Legislature. The Ag Committee had a hearing on LB925. I believe it was well-attended. Unfortunately I was not there. I was attending another hearing on a bill that I introduced. But the action that the committee did take was unanimous and we present that before you in AM1607. As Senator Fischer succinctly explained the legislation before us, the committee amendment would simply strike Section 2 of the bill and omit the expansion of the Brand Committee's authority to goats. This section provides that the disposition of stray goats...excuse me, this section provides for the disposition of stray goats when the owner is unknown. Some of those responsibilities under that act would require that

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the impounding of those animals then report to the Brand Committee or the county sheriff. It would impose a duty on the county sheriffs or the Brand Committee to take custody of those animals. It would provide for those animals...provide for the sale of those animals if the Brand Committee or sheriff's office cannot determine the owner, among other things. Essentially what we have done with the committee amendment is strike all references to that section, which is Section 2. The purpose of the amendment is to impose the duties...excuse me, the purpose on the amendment is to bring in compliance goats with other livestock under the liability section in 54-401. We believe that that accomplishes at least part of what Senator Fischer was pointing out with her underlying bill without expanding the authority or the responsibility of the Brand Committee, which is working at this point in ensuring that their responsibilities are appropriately drafted for the existing livestock that they're responsible for. If LB925 is to go forward, the committee would encourage the adoption of the committee amendment to narrow the scope and we would encourage your adoption of AM1607. Thank you, Mr. President. [LB925]

PRESIDENT SHEEHY: Thank you, Senator Erdman. You have heard the opening on the Agriculture Committee amendment, AM1607. Members wishing to speak are Senator Chambers, followed by Senator Louden. Senator Chambers. [LB925]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, maybe I'm asking a question which Senator Louden is going to ask. Senator, why did this bill not go to Natural Resource instead of the Agriculture Committee? I'm asking Senator Fischer, if she will yield. [LB925]

PRESIDENT SHEEHY: Senator Fischer, would you yield? [LB925]

SENATOR FISCHER: Yes, I will. Why was the bill referenced to the Ag Committee? [LB925]

SENATOR CHAMBERS: Yes. I thought estuaries had to do with branches from a river or a lake or... [LB925]

SENATOR FISCHER: No, Senator Chambers, these are not estuaries, which deal with water. This dealt with estray goats, those ornery little critters that you can't keep fenced in and they do damage to other people's property. [LB925]

SENATOR CHAMBERS: Oh, estray. [LB925]

SENATOR FISCHER: Estrays, yes. [LB925]

SENATOR CHAMBERS: Never mind. [LB925]

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SENATOR FISCHER: Okay. (Laughter) [LB925]

PRESIDENT SHEEHY: Senator Louden. [LB925]

SENATOR LOUDEN: Thank you, Mr. President and members of the panel. Yeah, you probably had a little speck on your glasses there, Senator Chambers, but otherwise that's all right. I think, getting back to the committee amendment, I think it's a good amendment because when you look it over down here, for cattle, why, they have to be sold at a convenient livestock auction market where they would be bidding and that sort of thing. And with the goat part of it, if it's a goat it would be sold just in the most expedient manner, which means you could take it down the street and sell it to whoever would give them \$5 or \$1 or whatever it is. So I think the committee amendment improves the bill and I'll vote for the committee amendment and I will vote for the bill with the committee amendment attached. Thank you, Mr. President. [LB925]

PRESIDENT SHEEHY: Thank you, Senator Louden. Are there additional members wishing to speak? Seeing none, Senator Erdman, you're recognized to close. [LB925]

SENATOR ERDMAN: Thank you, Mr. President. Regardless to whether they're estuaries or estrays, those all go away with the adoption of this amendment. And we simply treat goat owners with the same liability of cattle, horses, mules, swine, and sheep in the state and they would be liable then under statute for the damage that they would cause to another individual's property. I would encourage the adoption of AM1607. [LB925]

PRESIDENT SHEEHY: Thank you, Senator Erdman. You have heard the closing. The question before the body is on the adoption of AM1607 to LB925. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB925]

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB925]

PRESIDENT SHEEHY: AM1607 is adopted. We'll move back to discussion on LB925. Senator White. Are there members wishing to speak on LB925? Seeing none, Senator Fischer, you're recognized to close. Senator Fischer waives closing. The question on the body is, shall LB925 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB925]

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of LB925. [LB925]

PRESIDENT SHEEHY: LB925 does advance. Next item under General File. [LB925]

CLERK: LB915, Mr. President. (Read title.) Introduced on January 14 of this year,

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referred to Revenue, advanced to General File. There are Revenue Committee amendments. (AM1622, Legislative Journal page 393.) [LB915]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Janssen, you're recognized to open on LB915. [LB915]

SENATOR JANSSEN: Thank you, Mr. Lieutenant Governor, members of the Legislature. LB915 would amend three sections of the income tax law to substitute the nonresident grantor of a grantor trust to the beneficiary for income tax withholding purposes. Under LB915, if the member, partner, or beneficiary of a pass-through entity is a grantor trust, the pass-through entity will withhold Nebraska income tax from the nonresident grantor rather than the beneficiary. Flow-through entities such as S corps, limited liability companies, or partnerships are required to withhold income tax from their nonresident individual owners with regard to the income earned in Nebraska. In other words, a company like Cargill which is a very large partnership operating in the state, or perhaps a pipeline master-limited partnership withhold Nebraska income tax on behalf of its out-of-state partners. This withholding is at the maximum individual income tax rate in Nebraska, which is 6.84 percent. These owners then must file a Nebraska return to obtain any refund that they might be due. This requirement doesn't apply to owners that are not individuals, like trusts. LB915 would do this, substitute a person that creates a trust from his or her individual assets, a grantor trust for purposes of this withholding. LB915 treats the grantor of a grantor trust as an individual for purposes of nonresident withholding of income tax through pass-through entities. The bill would also increase the under withholding threshold at which the quarterly estimates are required from \$300 to \$500. It would also amend the interest section to abate interest during a period covered by an agreement between the IRS and the taxpayer. Finally, LB915 would amend the income tax confidentiality section to allow disclosure of some information in the context of Medicaid eligible and child support enforcement. The provisions dealing with a grantor trust and the withholding threshold would be operative for tax years beginning on and after January 1, 2008. The interest abatement and confidentiality provisions would be operative on their effective date. This bill was brought to us by the Revenue Department and I would ask for your confirmation of the bill. Thank you. [LB915]

PRESIDENT SHEEHY: Thank you, Senator Janssen. You have heard the opening to LB915. We will now move to the Revenue Committee amendment, AM1622. Senator Janssen. [LB915]

SENATOR JANSSEN: Thank you, Mr. Lieutenant Governor. The committee amendments would amend the Nebraska Advantage Research and Development Act, Section 77-5803, to provide for the apportionment of the federal credit among states that the businesses operate for the purpose of the Nebraska credit. Last year the Legislature enacted LB223, which changes the calculation of the research and development tax credit from one based on increased expenditures in Nebraska to a

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simpler calculation of 15 percent of the federal credit. In making this change, the application of the calculation to multistate businesses was not properly harmonized. This amendment would apportion the federal credit to Nebraska based either on the total expenditures in Nebraska compared to the total expenditures by the company or on the basis of the property employed in the state compared to the total property employed by the company. This new section would be operative beginning with the 2008 tax year. With that, that's the committee amendment. Thank you. [LB915 LB223]

PRESIDENT SHEEHY: Thank you, Senator Janssen. You have heard the opening to AM1622. Are there members wishing to speak on this amendment? Seeing none, Senator Janssen, you're recognized to close. Senator Janssen waives closing. The question before the body is on the adoption of AM1622 to LB915. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB915]

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB915]

PRESIDENT SHEEHY: AM1622 is adopted. We'll return to discussion on LB915. Are there members wishing to speak? Seeing none, Senator Janssen, you're recognized to close. [LB915]

SENATOR JANSSEN: Thank you, Mr. Lieutenant Governor. This is a good bill. The Revenue Committee has made this a cleanup situation that needed to be done. With that, I ask for your support. [LB915]

PRESIDENT SHEEHY: Thank you, Senator Janssen. You have heard the closing. The question before the body is on the advancement of LB915. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB915]

CLERK: 32 ayes, 0 nays, Mr. President, on adoption of the motion to advance the bill. [LB915]

PRESIDENT SHEEHY: LB915 does advance. Next item, Mr. Clerk. [LB915]

CLERK: Mr. President, LB750. (Read title.) The bill was introduced on January 9 of this year, referred to the Government Committee, advanced to General File. At this time I have no amendments to the bill. [LB750]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Aguilar, you're recognized to open on LB750. [LB750]

SENATOR AGUILAR: Thank you, Mr. Lieutenant Governor, members of the body. LB750 was brought to me on behalf of the Secretary of State's Office. LB750 designates

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the Secretary of State's Office as a voter registration agency in order to comply with the federal National Voter Registration Act. As background, the National Voter Registration Act required states to implement procedures to allow citizens to register to vote when applying for a driver's license or certain public benefits, such as food stamps, Medicaid, or other services to persons with disabilities. Under LB750, the Secretary of State will accept completed voter registration applications and deliver them to the appropriate election commissioner or county clerk not later than ten days after receipt. If the application is returned to the office within five days prior to the third Friday preceding any election, it would be delivered not later than five days after the date it is returned. The deadline for returning a completed application to the office of the Secretary of State is close of business on the third Friday preceding an election in order to be registered to vote in the election. The Secretary of State already accepts voter registration applications and performs the duties as outlined in LB750, but this bill formalizes the process by putting it into statute. There was no opposition to the bill in committee and it advanced on a 7-0 vote. Thank you for consideration and I urge you to advance the bill to Select File. Thank you, Mr. President. [LB750]

PRESIDENT SHEEHY: Thank you, Senator Aguilar. You have heard the opening on LB750. Are there members wishing to speak? Seeing none, Senator Aguilar, you're recognized to close. Senator Aguilar waives closing. The question before the body is, shall LB750 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB750]

CLERK: 25 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB750]

PRESIDENT SHEEHY: LB750 does advance. Next item under General File? [LB750]

CLERK: LB752. (Read title.) Introduced on January 9 of this year, referred to the Government Committee, advanced to General File. I have no amendments, Mr. President. [LB752]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Flood, you're recognized to open on LB752. [LB752]

SPEAKER FLOOD: Thank you, Mr. President, members. This bill would authorize the Governor and the Speaker of the Legislature, both of whom serve as members of the Nebraska Capitol Commission, to send a representative to a meeting of that commission if they are unable to attend. The representative would then have the full voting privileges for the meeting that they attend. In the case of the Governor, he would be able to send the Lieutenant Governor, duly elected by the citizens of the state of Nebraska. And the Speaker of the Legislature would have the opportunity in the event that he or she could not attend the meeting to have the Executive Board Chairperson who is elected by a majority of the legislators, or the Clerk of the Legislature, which is

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also a position appointed by a majority of those legislators at the beginning of the biennium. This is technically a housekeeping bill. It does allow us to continue our representation, and I'll end with this: it's important that our branch of government have a representative at each meeting. I have no intention of shirking my responsibilities and have only missed one meeting in the short time that I've been Speaker, but do feel that it's important that we always have a representative at the Capitol Commission meetings which are held in Lincoln four times a year. With that, Mr. President, I would ask for your support of LB752. [LB752]

PRESIDENT SHEEHY: Thank you, Senator Flood. You have heard the opening on LB752. Members wishing to speak: Senator Schimek. [LB752]

SENATOR SCHIMEK: Yes, thank you. Mr. President and members, if it would be all right, I would like to ask Speaker Flood a question or two. [LB752]

PRESIDENT SHEEHY: Senator Flood, would you yield? [LB752]

SPEAKER FLOOD: Certainly. [LB752]

SENATOR SCHIMEK: Mr. Speaker, there have been...my interest in this commission is long-standing. In fact, it was my bill that got the commission back on the road after a long period of inactivity, if you will. Nobody called the meetings, nobody met, and I thought it was important that we have all three branches involved in this commission. And I'm a little late in coming to ask you this perhaps, but is it your intention that if we adopted this bill, that you would appoint the same person to fill your slot if you were unable to attend, if you would appoint that same person every time or would there be maybe instances in which another person would fill your slot? [LB752]

SPEAKER FLOOD: I'll tell you two things. First of all, I'd be inclined to appoint the Clerk of the Legislature because in our current situation our Clerk and I are at about every meeting together in the first place. And he...our current Clerk knows and has a very good understanding of what the issues are at the Capitol Commission. I want to make it clear, I have no intention of missing any meetings. It's only a rare circumstance. But I do believe that the Clerk is an appropriate one to have appointed, especially since the Clerk of the Legislature also serves on the Capitol Environs Committee that's been set up. And then I also think that the Exec Board Chairperson who deals routinely in matters affecting the building, the internal operations of the Legislature, would be qualified and has the staff to certainly advise him or her as to what the issues are. I wanted that as a backup option in the event that our Clerk was not here or unavailable. And those are the reasons I chose those two people, those two positions. [LB752]

SENATOR SCHIMEK: And I appreciate your answer, and I think it probably meets my concerns. I guess I think that the Clerk is a good first choice because presumably and

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hopefully the Clerk is ongoing whereas the Exec Board Chair can change every two years. And therefore, once one leaves then you don't have that understanding of the issues. So I appreciate your answer, I appreciate the fact that I think you're really trying to do the right thing here and make certain that somebody is representing you. So with that, I will be supporting the bill and I thank you for your answers. [LB752]

SPEAKER FLOOD: Thank you. [LB752]

PRESIDENT SHEEHY: Thank you, Senator Schimek. Are there additional members wishing to speak on LB752? Seeing none, Senator Flood, you're recognized to close. Senator Flood waives closing. The question before the body is, shall LB752 advance? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB752]

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB752. [LB752]

PRESIDENT SHEEHY: LB752 does advance. Next item under General File? [LB752]

CLERK: LB856. (Read title.) The bill was introduced on January 11 of this year, at that time referred to the Government, Military and Veterans Affairs Committee. The bill was advanced to General File. I have no amendments at this time, Mr. President. [LB856]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Lautenbaugh, you're recognized to open on LB856. [LB856]

SENATOR LAUTENBAUGH: Thank you, Mr. Lieutenant Governor, fellow members. I rise in support of LB856, introduced at the behest of the Secretary of State's Office. This bill was developed after 9-11 to allow Congress to continue to function should some catastrophe occur. Basically the bill provides for, upon proper notification from Washington that more than 100 vacancies exist, for the Governor to call an election which will take place within 49 days to fill the vacancy. I believe it's relatively straightforward. It allows for a process for the parties that have received 5 percent at the prior election to be involved in picking the candidates, if you will, for that. The reason--and I think this question will probably come up--the reason the bill provides for 49 days, having the election 49 days later, I should say, is because that is the maximum that was allowed under federal law. So we are bringing this simply to set up the mechanism that has been decided at the federal level to address the circumstance. With that, I'll yield the rest of my time. [LB856]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. You have heard the opening to LB856. Are there members wishing to speak on this item? Seeing none, Senator Lautenbaugh, you're recognized to close. Senator Lautenbaugh waives closing. The question before the body is on the advancement of LB856. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB856]

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CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of LB856. [LB856]

PRESIDENT SHEEHY: LB856 does advance. Next item, Mr. Clerk. [LB856]

CLERK: LB857. (Read title.) The bill was introduced on January 11 of this year, referred to the Government Committee. The bill was advanced to General File. I have no amendments at this time. [LB857]

PRESIDENT SHEEHY: Senator Lautenbaugh, you're recognized to open on LB857. [LB857]

SENATOR LAUTENBAUGH: Thank you, Mr. Lieutenant Governor and fellow members. Thank you for your eventual support on that last one. And this one, also brought at the behest of the Secretary of State's Office, if you will, deals with the problem that is arising this year due to the fact that the Republican convention is so late that they would not have the vice presidential nominee set before the existing deadline. This moves it back a little bit so that the ballots can be printed with the actual candidates on them. And the Secretary of State's Office has indicated this does give them ample time to get the ballots done. So I would ask for your support. [LB857]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. You have heard the opening to LB857. Are there members wishing to speak? Senator Chambers. [LB857]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I would like to ask Senator Lautenbaugh a question. [LB857]

PRESIDENT SHEEHY: Senator Lautenbaugh, would you yield? [LB857]

SENATOR LAUTENBAUGH: Yes, I would. [LB857]

SENATOR CHAMBERS: Senator Lautenbaugh, this refers only to the Republican activity? [LB857]

SENATOR LAUTENBAUGH: Yes, it does. [LB857]

SENATOR CHAMBERS: Senator Lautenbaugh, people thought I would never in life vote for anything that would benefit the "Replicans." After this vote that I cast, you'll be able to give the lie to that position that they have expressed erroneously without ever seeking my actual opinion. That's all I would have. Thank you, Senator Lautenbaugh. Thank you, Mr. President. [LB857]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Are there additional members

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wishing to speak? Seeing none, Senator Lautenbaugh, you're recognized to close. Senator Lautenbaugh waives closing. The question before the body is on the advancement of LB857. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB857]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB857. [LB857]

PRESIDENT SHEEHY: LB857 does advance. Next item under General File. [LB857]

CLERK: LB763, Mr. President, is a bill by Senator Avery. (Read title.) Bill was introduced on January 9; referred to the Government, Military and Veterans Affairs Committee. The bill was advanced to General File. There are committee amendments pending, Mr. President. (AM1625, Legislative Journal page 394.) [LB763]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Avery, you're recognized to open on LB763. [LB763]

SENATOR AVERY: Thank you, Mr. President. This bill creates a task force to study the Nebraska State Capitol Environs. I'm particularly interested here in the Centennial Mall. The mall serves as the scenic doorway to our State Capitol, stretches seven blocks north from the Capitol's front door. It's an important part of the original design of the Capitol by architect Bertram Goodhue. Its fountains are often featured on postcards and calendars, and these fountains have become part of the state's identity and should be a source of pride to all of us. However, the mall over the past 40 years is in bad condition. Two of the original six fountains remain in use; the other four, two of which have been filled in with dirt and converted to grass, two others are broken and sit empty. A casual walk through the mall will show that you have broken cement, planters, worn out benches, cracked sidewalks, overgrown bushes, a general appearance of serious repair...or disrepair. I would invite any one of you to take a stroll through that mall over the next several days, if you can. I often do take that route to lunch and it's appalling. These conditions did not develop overnight. They came about because of years of underfunding for maintenance and improvements. The task force that I am proposing would include the mayor of Lincoln, or his or her designee; a member of the State Capitol Environs Commission; a member of the Nebraska Capitol Commission; a representative of a downtown Lincoln development association, such as the Downtown Lincoln Association or the Downtown Neighborhood Association; a representative of the State Board of Landscape Architects; a representative of the State Historical Society; two at-large members; and two state senators. The task force would be responsible for reviewing the environs of other state capitols, as appropriate; considering and analyzing possible design options; considering funding strategies, and my emphasis here is on finding ways to fund this that would not require the expenditure of state money. I know there is a significant amount of interest in the private sector to fund this with private money. The Lincoln Parks and Recreation Foundation, I've talked with them, they are

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prepared to make a major push to raise private money for this. All of these activities would be committed to preserving the historic place of Centennial Mall and the environs of our Capitol. The findings of this task force would be submitted to the Governor and the Legislature in a final report. The Legislature has authorized and we are currently in the midst of a much-needed restoration of this grand building. Now I believe is the appropriate time to turn our attention to the environs of this magnificent structure. Do we want to leave them all alone and watch it decline further? Do we want merely to repair it? Perhaps the time has come for a new design. How will these repairs be done? Who will do them? These are some of the questions that the task force might want to look at. This proposal is designed to start this important discussion. I urge you to advance this bill to Select File. Thank you, Mr. President. [LB763]

PRESIDENT SHEEHY: Thank you, Senator Avery. You have heard the opening to LB763. Senator Aguilar, you're recognized to open on AM1625, the amendment from Government, Military and Veterans Affairs. [LB763]

SENATOR AGUILAR: Thank you, Mr. President and members. The committee amendment is very simple and makes only one change to the bill. It specifies that the Office of the Capitol Commission will reimburse the task force members for their expenses. The committee felt that office was a logical choice because a member of the Capitol Commission will sit on the committee and the commission is concerned about Capitol environs issues. The committee advanced the bill on a 7-0 vote. There was no opposition to the bill at the hearing. I urge you to support the committee amendment and the underlying legislation. Thank you, Mr. President. [LB763]

PRESIDENT SHEEHY: Thank you, Senator Aguilar. You have heard the opening to the committee amendment, AM1625. Members wishing to speak: Senator Pahls, followed by Senator Flood. Senator Pahls. [LB763]

SENATOR PAHLS: Thank you, Lieutenant Governor, members of the body. Would Senator Avery yield for a question or two? [LB763]

PRESIDENT SHEEHY: Senator Avery, would you yield? [LB763]

SENATOR AVERY: I will. [LB763]

SENATOR PAHLS: Thank you, Senator. If you can recall, not particularly on this bill but on another bill that was in our Government Committee, I had brought up the issue about the Capitol really being friendly for students and other constituents who come to this building. Can you recall that? And I also talked about the signs on the grass, saying please keep off the grass. Can you recall that in some of our discussion? [LB763]

SENATOR AVERY: I do. [LB763]

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SENATOR PAHLS: And I don't know if that bill will get to the floor so this is going to give me a little bit of time. I truly believe that the inner courts of this magnificent building do need to be taken a look at, and I do need...I believe we need to send the message that when you have keep off the grass signs surrounding the Capitol, that really sends a message I don't think we need to send. Would you concur with that? [LB763]

SENATOR AVERY: Actually, I do. And in fact, I think we had a conversation in committee about how many of us violate that admonition not to walk on the grass. [LB763]

SENATOR PAHLS: Thank you. I'm just trying to send a message to those keepers of what I call this castle to really think some of this through. Because if you have these signs up, to me, you're sending a message. And I think Senator Schimek said at one time many, many years ago there were people who actually slept on the lawn. That was during, I think, during the Depression, before some of our days on the floor here. But I do think...I'm just trying to bring this to light so people who are in charge do not ignore some of our concerns, because I think at times there is a cavalier idea when dealing with the people who this building does belong to. Thank you. [LB763]

PRESIDENT SHEEHY: Thank you, Senator Pahls. Senator Flood, followed by Senator Avery. Senator Flood. [LB763]

SPEAKER FLOOD: Thank you, Mr. President and members. Before I make comments, I'd like to ask Senator Avery a few questions. [LB763]

PRESIDENT SHEEHY: Senator Avery, would you yield to some questions? [LB763]

SENATOR AVERY: I will. [LB763]

SPEAKER FLOOD: Senator Avery, thank you for bringing this bill forward. It raises an issue that I have, not regarding the content, but the establishment of task forces and commissions, which seem to be a growing concern of mine and a few others in the Legislature. I guess I would have a few questions and they would start with, this bill doesn't have an A bill. Is that correct? [LB763]

SENATOR AVERY: It does not. [LB763]

SPEAKER FLOOD: Okay. Who or what branch of government do you foresee doing the legwork and minute taking and making sure all the administrative responsibilities of this task force are handled? [LB763]

SENATOR AVERY: I envision the Capitol Environs Commission would do that and

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the...whatever expenses are associated with this task force would be covered by the state agency representatives. It's not expected to have a significant fiscal impact at all. The city of Lincoln representatives would be paid for by the city of Lincoln. [LB763]

SPEAKER FLOOD: Okay. [LB763]

SENATOR AVERY: So the fiscal note indicates that they do not expect a fiscal impact. But the administrative function, I would envision, would be the Capitol Environs Commission. [LB763]

SPEAKER FLOOD: Okay. Thank you very much, Senator. I guess this is where I'm coming from: We have a lot of bills introduced this session that set up task forces and commissions, and at the end of the day, when you look at these task forces and commissions, you have the Legislature funding and providing the legwork for a commission or an agency that's run by citizen nonmembers or Governor appointees. In some cases, we have task forces and commissions that are funded by the Legislature and are chaired by the Governor. We have 49 elected members in this body, 49 elected members that are responsible for voting on very important topics. Let us not cede our responsibilities to nonelected members every time we want to push a certain mission or agenda. I think it's very...it's something that, you know, there's no surefire answer. This is certainly a very worthy cause and it's different than a lot of the other ones that have been introduced, but we have to be careful because we have set up a lot of task forces and commissions where, if you look at this last summer, my office dealt with a number of concerns related to different task forces and commissions that we had nonmembers of the Legislature using legislative resources, doing...using legislative rooms, making decisions that we had no oversight from any member of the Legislature in there. This is our branch of government. We were elected to do the work. We were elected to make the stands and take the input and ultimately decide what the best course of action is. It is our job to seek citizen input, but when we step back enough that we put other people in those seats, are we doing the right thing for the Legislature as an institution, or are we simply building speed for our next bill that we're going to introduce in January? These task forces and commissions are well thought of. I think there are a number of people in here that very much support the idea of this. This is different because I think this is an executive branch effort that the Capitol Environs Commission is going to be doing, together with the city of Lincoln. I only stand up on this because I think we have a lot of these issues coming this session and we've got to be careful that we don't create a bunch of new committees, without members of the Legislature, commingling in other branches of government that at the end of the day shirk our responsibilities to those that elected us. Thank you, Mr. President. [LB763]

PRESIDENT SHEEHY: Thank you, Senator Flood. Senator Avery, followed by Senator Pirsch. Senator Avery. [LB763]

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SENATOR AVERY: Thank you, Mr. President. I think the Speaker raises a valid point and I will be the first person in this body to line up behind him to protect the prerogatives of this institution. But he is right that this task force will not involve a serious erosion of our responsibilities. The reason that we set it up the way we did was to bring into the task force expertise of people who know something about a particular issue of restoring or reconstructing Centennial Mall. This is a grand building. In fact, it is one of the grandest that I have ever seen, and I've seen a lot of state capitols. I take great pride in this and I know you do, too, and the citizens of this state take pride in it as well. But we also need to be concerned about the environs and staying consistent with and true to the intent of the architect that created...helped create this grand...this building. I believe that this commission, if you look at it, we have two state senators who will be appointed and I believe that those two senators would be able to make sure that the prerogatives of this institution are protected in advance. So I would urge you to certainly not discard what the Speaker has said, because I think that does have an impact on what we do in the future--and, by the way, I've got another task force coming up later and this one will have an A bill--but nonetheless, I would ask you to advance this one and then we'll talk about the other one later. Thank you, Mr. President. [LB763]

PRESIDENT SHEEHY: Thank you, Senator Avery. Senator Pirsch, followed by Senator Chambers and Senator Nantkes. Senator Pirsch. [LB763]

SENATOR PIRSCH: Thank you, Mr. Lieutenant Governor, members of the body. I was, I guess, interested in just asking Senator Avery a series of questions as far as background to aid my understanding. [LB763]

PRESIDENT SHEEHY: Senator Avery, would you yield to some questions? [LB763]

SENATOR AVERY: I will. [LB763]

SENATOR PIRSCH: The Nebraska Capitol Commission that...is that what's referred to in this bill as Nebraska State Capitol Environs Commission? Is that... [LB763]

SENATOR AVERY: No, they're different institutions. I'm not entirely certain about how their function is different, except that I suspect the Nebraska Capitol Commission is concerned with the building, and the environs is concerned with the landscaping around the building. [LB763]

SENATOR PIRSCH: I see. And... [LB763]

SENATOR AVERY: And, by the way, I might say, Senator Pirsch, it's not just the landscaping on the grounds, but it involves a 15-block area around the Capitol. [LB763]

SENATOR PIRSCH: Oh, I see, in a concentric ring, so to speak, or is it mostly...?

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[LB763]

SENATOR AVERY: Yes, and the purpose of that Environs Committee is to maintain the aesthetic quality, historic value, and spiritual dignity--I like the words that they use in this...in the description here--spiritual dignity and physical dominance of the Capitol over the city scape. [LB763]

SENATOR PIRSCH: Okay. And the Nebraska State Capitol Environs Commission, how long has that been in effect, that commission? Do you know roughly? [LB763]

SENATOR AVERY: I believe 1987. [LB763]

SENATOR PIRSCH: 1987. And was it created for a specific purpose, do you know, or was it... [LB763]

SENATOR AVERY: Yes. It was to maintain the aesthetic quality, historic value, etcetera, of the environs. [LB763]

SENATOR PIRSCH: Okay. [LB763]

SENATOR AVERY: They deal with things like how high buildings can be within that 15-block radius. [LB763]

SENATOR PIRSCH: Uh-huh. Very good. Well, thanks for clarifying that for me, and I'll yield the balance of my time to Senator Avery, if he'd care to share some more remarks. [LB763]

PRESIDENT SHEEHY: Senator Avery, about 2 minutes, 50 seconds. [LB763]

SENATOR AVERY: I don't want to belabor the point, but I take great pride in this institution and I take great pride in this building, and I know all of you do, too, as well. The work that we are now doing to restore the exterior and the work we are planning to do to restore the interior is very important work. I would hope that we don't lose sight of the fact that there is more to this building than just bricks and mortar and beautiful woodwork and marble. We have an environs out there that also enhances the beauty of this place, and Centennial Mall is a seven-block entryway. It's the doorway to the Capitol and it is in terrible shape, and I think that we need to do something about it. And my...if I have any influence over this commission or this task force, I am going to insist that they come up with creative ways to finance it so that it will not cost the state any taxpayer money. Thank you. [LB763]

PRESIDENT SHEEHY: Thank you, Senator Avery. Senator Chambers. [LB763]

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SENATOR CHAMBERS: Mr. President, members of the Legislature, Senator Pahls had mentioned about keep off the grass signs and it made me think of a song, which I'm not going to sing, but this guy says: Signs, signs, everywhere signs, blocking out the scenery, breaking my mind; do this, don't do that; can you read the signs? Then he talks about how if you don't wear a necktie you can't come in here and eat. Then when you go to church they have all this stuff going on. Well, I want to focus on the sign that Senator Pahls mentioned, which is the keep off the grass sign. Stealing a word inappropriately used by the Governor, I find that sign appalling. I find Senator Pahls' comments appealing. But even with one of those signs that say keep off the grass in plain view, I have a little four-legged creature who can dictate to me in the way that no two-legged creature can. Her name is Nicole. If you see her today you'll see that she has ribbons that are exactly the same color as my shirt. We were out for her daily constitutional, and some of my nosey, meddlesome colleagues came along and they said, that sign says keep off the grass. I said yes. They said, well, what are you doing on the grass? I said, you can read the sign, I can read the sign, Nicole cannot read the sign. So whenever Nicole wants to walk on the grass, Nicole walks on the grass. And like Lola, whatever Nicole wants from me Nicole gets, and it's the least I can do to walk where she chooses to walk, and I don't think that any problem is created for the Capitol Building by people occasionally walking on that grass. It is very strong, and if it's not, they have groundskeepers who can maintain it, and I do not think there should be anything associated with this building that would tend to tell the public draw not nigh, this doesn't belong to you. It's like a museum--you look but you better not touch. And that reminds me of a song that the Coasters sang which I shall not sing: Poison ivy, poison ivy, late at night while you're sleeping poison ivy starts to creeping around. Now if we as the ones who really, in my view, have the primary responsibility for this building, its maintenance, the environs that fall within the jurisdiction that we would exercise, if we do not think deeply and seriously about these things, the building may not seem, in the minds of the public, to belong to them. They may think they come here only through our suffrage or as a privilege, rather than it being their right to be here. The building is not ours. If it is anybody's, it is the public's. And the public would include any person in shoe leather, whether a citizen of Nebraska or not, whether a citizen of this country or not. There are some things which are available just because an individual is a person. In the U.S. Constitution and the Nebraska Constitution there are certain provisions that specify you must be a citizen. There are others that refer to person, which means that if you're a member of the human family there are certain protections you have, certain privileges, certain prerogatives, certain rights. [LB763]

PRESIDENT SHEEHY: One minute. [LB763]

SENATOR CHAMBERS: And those accrue to you by virtue of your personhood, not citizenship. I'm going to listen to the discussion. I haven't completely made up my mind how I feel about this bill, but I had called Cindy in my office to tell her to be sure and have Nicole watch because I saw an opportunity for her to be included in the

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discussion. When I return to my humble abode in this building, I'll find out what Nicole's response is. If I come up here and I don't have any tears out of my britches, you'll know that she found everything all right. Thank you, Mr. President. [LB763]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Senator Nantkes. [LB763]

SENATOR NANTKES: Thank you, Mr. President. Good morning, colleagues. As I started to take a look at this legislation this morning as we worked through our agenda, I guess some initial thoughts that came to mind that I was hoping maybe Senator Avery could expand on maybe later in some of his opening on this bill is I'm quite concerned with duplication when it comes to issues that we have to look at within government. And I think that we all really want to ensure government efficiency at the end of the day. And so being a member of the Appropriations Committee, we get a firsthand knowledge of all the many different boards and commissions and state agencies that we have to deal with within the state budget and just off the top of my head I'm beginning to think, well, a lot of the ideas that Senator Avery is trying to address through this task force I think really have jurisdiction in other areas of government that already exist and are funded and require resources. For example, the Department of Administrative Services has a Building Division, they have...and, additionally, a Task Force for Building Renewal. We also have the Nebraska Capitol Commission. We have the Nebraska Capitol Restoration Fund, the Nebraska Capitol Foundation. These are just a few off the top of my head that I was thinking about that address some of these concerns, and so I guess I'm really wondering about the necessity of an additional task force to look at some of these important issues. Also, colleagues, as you know, we have a Building and Maintenance Committee right here within our own Legislature that addresses some of these issues, and that exists and has resources that it operates under. Senator Avery also mentions all of the good potential works that could be done by private interests in cooperation with the city of Lincoln and other interested parties in terms of the needs surrounding Centennial Mall, and I guess I think that those are wonderful ideas and I hope those partnerships move forward. But, colleagues, ask yourself, what's preventing those conversations and partnerships from happening today? They don't need a task force in order to come together and try and figure out a way to jointly leverage resources and find common ground. So I haven't made up my mind on the bill yet, but these are some questions that are kind of running through my head this morning and I'd appreciate anybody giving a response to it. Thank you, Mr. President. [LB763]

PRESIDENT SHEEHY: Thank you, Senator Nantkes. Senator Avery. [LB763]

SENATOR AVERY: Thank you, Mr. President. Let me address a couple of the points that Senator Nantkes raised. It is true we have a lot of different agencies and commissions with specific responsibilities, but I would point out that there is no agency that...or commission that is specifically authorized or charged with the responsibility for the mall. It's generally a part of the Capitol Environs Commission's responsibility to

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maintain it, but that job is actually done by the city Parks and Recreation Department. What we have is a lot of different commissions, different organizations, with scattered responsibilities. The Capitol Environs Commission is not specifically charged with making sure that Centennial Mall is maintained and improved. It has an interest in that, of course. It has some expertise, yes. What I envision is to take these various scattered groups and take the best that they have to offer, collect them and coordinate them into one concentrated effort to meet this need. The Building and Maintenance Committee that Senator Nantkes referred to deals with the building, and I think we have to be clear about the distinction between maintaining the building and maintaining the environs. Thank you, Mr. President. [LB763]

PRESIDENT SHEEHY: Thank you, Senator Avery. Senator Karpisek. [LB763]

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I did vote this bill out of committee because I thought maybe it needed the process on the floor, and I also thought that it may hit consent calendar and I didn't want my lone vote to spoil that for Senator Avery. But I did bring up my concern, pretty much what Senator Nantkes just brought up, is why do we need the state to get involved in something that I see as a local issue. Yes, this is a great building and, yes, the fountains are a part of it, but not owned, as I understand, by the state. There's a lot of things in the state that I'd like to see the state be involved in to help out, but we're not. So I just want to say that I did vote it out of committee. I probably will not vote for it on the floor because I just don't think that it's right that we have to help this process out. I will agree with Senator Pahls and thank him for bringing up the keep off the grass signs. I've thought that was ridiculous since I got here, but I figured it was so petty that I wouldn't even bring it up. But since it's brought up, I agree, who owns the grass? It's not us senators. It's not the Governor or anyone else. It's the people of the state. Think it looks tacky to have stay off the grass signs. I'd like to see them gone and invite people to come and enjoy their State Capitol. Thank you, Mr. President. [LB763]

PRESIDENT SHEEHY: Thank you, Senator Karpisek. Senator Langemeier, followed by Senator Avery. Senator Langemeier. [LB763]

SENATOR LANGEMEIER: Mr. President, members of the body, I do rise in opposition to forming another commission. As Senator Avery has mentioned earlier, the city parks department of Lincoln is taking on the responsibility of maintaining Centennial Mall. I think this group could be gathered together by the mayor of Lincoln, with his own staff and the city parks, as well as the 309 Commission which the Legislature has created to maintain our building. As we look upon that, I think it's crucial we take that into account, as the state of Nebraska maintains all the buildings along...almost all the way up along the Centennial Mall. I think the mayor could call the Capitol Commission in, they could call a member of the 309 Committee in, as well as their parks department. I think they could study it. And the final deal, as we...yes, this has no A bill, but we gather this group

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together to survive until December 31 of 2008 and what do they do? They submit a final report. What do we do with reports? I just went through a whole stack of reports on my desk that we got Friday when we were gone. What did I do with them? I filed them in an appropriate spot, whether that was on a book shelf or wherever you choose to file those reports. We get a lot of reports that we get overwhelmed with. I think this could be a role the city of Lincoln could take on and then they could still, as the city of Lincoln, could create this report. They still can mail it to all of us. And as we review it, if we feel there's some state involvement in it, which there probably is, and at that point we could react. We all react when constituents send us letters for bills to be introduced. There's no reason the city of Lincoln couldn't put this group together at their own will to study it, give us a report, just put it in the mail, we'll get the report and if it sparks an interest to somebody within this body then something could happen with it at that time. So at this time, I'm not going to support LB763. I think the creation of another commission doesn't need to be done in this instance. And with that, thank you, Mr. President. [LB763]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. Senator Avery, and this is your third time on the amendment. [LB763]

SENATOR AVERY: Thank you, Mr. Chair...or Mr. President. Let me make a couple points here about Lincoln. Lincoln is unique. We are the capital city. We need to be concerned about how we present ourselves to the public. We're unique because so many of our properties are off the property tax rolls. It is difficult for Lincoln to generate revenue that could be used to maintain some of the surrounding areas. I would also argue that we, in part because of this unique relationship or unique situation Lincoln is in, that we have a shared responsibility for Centennial Mall, and I am not asking this body to approve any appropriation. In fact, it would be my hope and my expectation that this task force would come up with proposals for funding this privately, and I said that in my opening comments. I believe they will and I think that they will do it in a manner that will be successful. There have been efforts on the part of private citizen groups to raise money privately to restore Centennial Mall. One of them was an art project, a public art project, that would have been coordinated around the theme of "The Sower." That issue is probably not completely dead. The reason it did not go forward is that there were divisions, I believe in the arts community, about what ought to be done next with public art. People were very happy with the success of Tour de Lincoln, the bicycle project; maybe "The Sower" would be a way in which we could raise private money for this. I do know, after having talked with Lynn Johnson, the director of Parks and Recreation for the city of Lincoln, that they intend to have their foundation work with this and it will be a priority. Will it be an immediate priority? I don't know, but I can tell you that my role, to the extent that I have a role in this after we pass this bill and the task force is established, I am going to insist that they focus on private funding. I think what we need, though, to get that effort going is some statement by this body that we are behind it and bring together these groups, people who have scattered responsibilities, bring them together in a collected and coordinated manner so that they can concentrate their

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efforts and ideas on this important need. So I urge you to advance this to...or to approve this amendment and then advance the bill to Select File. Thank you. [LB763]

PRESIDENT SHEEHY: Thank you, Senator Avery. Senator Janssen, followed by Senator Nelson. Senator Janssen. [LB763]

SENATOR JANSSEN: Thank you, Mr. Lieutenant Governor, members of the Legislature. The first committee that I was ever on when I got in the Legislature 16 years ago was the 309 Committee, the Building and Maintenance Committee. My predecessor, Senator Johnson, had told me that, you know, if there's one committee that you should get on, he said, it's that 309 Committee. Well, I didn't know the 309 Committee from the 806 committee, but I followed his advice and did request to be put on that committee. We've...during this tenure of mine, I've seen the way we construct buildings anymore and the types of roofs especially that we put on most of the state-owned buildings. We went from the laminated roofing, shingles and so on and so forth, to generally the steel roofs on most of our Game and Parks buildings. That is probably one of the best roofs that have ever been devised. In the beginning, starting putting the steel roofs on, they used a type of roof that was quite flat and was hooked down with lag screws and so on, so forth, and then the advent of the deeper dished steel that they now use on most of the buildings, they're anchored down very securely and it has saved this state a tremendous amount of money. Of course, they are expensive to put down, but the life expectancy of those types of roofs are 60-70 years in most cases. I wanted to bring that up while the 309 Committee was being discussed and I will give the remainder of my time to Senator Avery, if he would like the rest of my time. Thank you. [LB763]

PRESIDENT SHEEHY: Senator Avery, 2 minutes, 50 seconds. [LB763]

SENATOR AVERY: Thank you, Mr. Chair, and thank you, Senator Janssen. One question that was raised by Senator Langemeier was who owns the mall. Well, the mall is actually owned by the city of Lincoln. But I will go back to what I said before. Lincoln is unique. We do have a lot of property that is not on the tax rolls because it's public property, because it's owned by the state--the parking garages along the mall, the State Office Building, this building. It is a fact of life today in Lincoln that we have a tremendous shortfall in revenue. We're having to scramble like crazy to raise funds for street building and maintenance. Parks, while they're important to the city of Lincoln, parks simply cannot and have not taken precedence over roads and sewers. Parks are an amenity. And I am suggesting to you that this commission, because of the makeup--talented people from various organizations that have an interest in and responsibility for this building and its environs--they will, I believe, come up with creative ways to do this, perhaps even creating an endowment that could be used for the long-term maintenance of that mall. I think this is important for us to at least start the discussion and get the ideas on the table and look at some of the proposals that would

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come forward. I know that when it was first built in 1968 the city employed a local...
[LB763]

PRESIDENT SHEEHY: One minute. [LB763]

SENATOR AVERY: ...but nationally renown landscape architect by the name of Larry Enersen and his design was beautiful and it looked great for a long time. But I've observed this now for more than 30 years and I've watched it slowly deteriorate. It's at a point now where it is becoming more...less of an asset and more of an eyesore, and I would hope that we will pass this legislation so we can do something about it. Thank you, Mr. President. [LB763]

PRESIDENT SHEEHY: Thank you, Senator Avery. Senator Nelson. [LB763]

SENATOR NELSON: Thank you, Mr. President, colleagues. I'd like to address a couple of questions to Senator Avery, if he will yield. [LB763]

PRESIDENT SHEEHY: Senator Avery, would you yield to some questions? [LB763]

SENATOR AVERY: I will. [LB763]

SENATOR NELSON: Thank you, Senator Avery. I think there was a question asked earlier about the amount of area that would be covered by the environs here under this task force, and did I hear something about a circle or a diameter? Could you just review that for me? [LB763]

SENATOR AVERY: I believe it is a 15-block area around the Capitol. [LB763]

SENATOR NELSON: Fifteen square blocks? [LB763]

SENATOR AVERY: Yes. [LB763]

SENATOR NELSON: Okay. The reference in the bill there on page 3, (3)(8) there, it refers to the history of the area described in (1)(d) of Section 90-303, and I believe that, if I've got that right, it would be 14th Street on the west and 16th Street on the east, and it would go south to L Street and up to R where the Historical Society is situated right now. That seems to be, to me, to be more than 15 square blocks. [LB763]

SENATOR AVERY: Well, I think what it is, is 15 blocks in each direction, all four directions. [LB763]

SENATOR NELSON: All right. Okay. Fine. There have been a series of articles in the Lincoln Journal Star about the area immediately south of the Capitol here and its

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desperate situation. Do you envision that perhaps this task force is going to take a look at that area down there because of its close proximity to the Capitol? [LB763]

SENATOR AVERY: That is not in this task force's charge. I do know that the city of Lincoln put together some federal grant money, through the Department of Urban Development, to put in new street lighting along 15th going south. They also put in underground sprinklers for the medians. That area of town is in need of more than just a face lift. We already have in the police department a major concentration on the crime that's in that area. But there needs to be a lot more done than that, and that would involve moving beyond the public right of way to help the homeowners along that avenue improve their properties. Many of them are low income. Many of them are rentals. But that is not a part of this task force. This would be to the north. [LB763]

SENATOR NELSON: Is the charge to the task force, is that set out here in the bill? [LB763]

SENATOR AVERY: Yes, it is. [LB763]

SENATOR NELSON: Okay. Could you point that out to me where that is? [LB763]

SENATOR AVERY: I'm sorry, Senator. I apparently do not have a copy of the bill right now. [LB763]

SENATOR NELSON: All right. Well, we're talking about the Centennial Mall, or you are, which goes north from the Capitol up to the Historical State (sic) Society Building. Is that correct? [LB763]

SENATOR AVERY: I'm sorry. Would you repeat that? [LB763]

SENATOR NELSON: You are basically...your references are to the Capitol mall. Are you talking about the boulevard and the mall that goes north from the Capitol up to the... [LB763]

SENATOR AVERY: Yes. [LB763]

SENATOR NELSON: All right. [LB763]

SENATOR AVERY: It's a seven-block mall. [LB763]

SENATOR NELSON: All right. [LB763]

SENATOR AVERY: It starts at the doorway on the north here and goes all the way to the State Historical Society. [LB763]

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SENATOR NELSON: Uh-huh. Part of the original design, as I understand it, was also the boulevard to the south of the Capitol that goes along the east side of the Governor's Residence. Is that included in this? [LB763]

PRESIDENT SHEEHY: One minute. [LB763]

SENATOR AVERY: No, it is not. [LB763]

SENATOR NELSON: Okay. [LB763]

SENATOR AVERY: But I do recognize the need for more improvement along that avenue and, as I indicated, the city of Lincoln did invest money in underground sprinklers for the medians and for more traditional street lighting. And if you notice it, it's improved, but there is a greater need now to do something about the properties along that avenue. [LB763]

SENATOR NELSON: All right. Well, one final...I haven't made up my mind on the bill, but wouldn't it be better to refer to it as the Mall Commission, Centennial Mall Commission, rather than the environs, so we know what the scope of the work really is here for the commission? [LB763]

SENATOR AVERY: That is how it's referred to, sir. It is the...if you go to Section 1, subsection (1), the Nebraska State Capitol Environs District Revitalization Task Force is created. You're right, it does say environs, but it is specifically designed to deal with Centennial Mall. [LB763]

SENATOR NELSON: All right. Thank you, Senator Avery. Thank you, Mr. President. [LB763]

PRESIDENT SHEEHY: Thank you, Senator Nelson. Are there additional members wishing to speak on AM1625? Seeing none, Senator Aguilar, you're recognized to close. [LB763]

SENATOR AGUILAR: Thank you, Mr. President. Only to say that I've been listening to the discussion and I've been listening to comments about the 309 Fund and Capitol Environs Commission, and what Senator Avery is trying to accomplish here is to create and generate some interest in doing something that those two entities haven't done, and that's to stop the disrepair that's going on and the deterioration of the mall area, and I applaud him for that. With that, I encourage everyone to support this amendment, as well as the underlying legislation. Thank you, Mr. President. [LB763]

PRESIDENT SHEEHY: Thank you, Senator Aguilar. You have heard the closing to

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AM1625 to LB763. The question before the body is on the adoption of the amendment. All those in favor vote yea; opposed, nay. Have all voted who wish? Senator Avery. There is a request for the 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. [LB763]

CLERK: 31 ayes, 0 nays, Mr. President, to place the house under call. [LB763]

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. Members, please record your presence. Senator Cornett, the house is under call. Senator Aguilar, you have wished for call-ins? [LB763]

SENATOR AGUILAR: We can proceed now, take call-in votes. [LB763]

PRESIDENT SHEEHY: Thank you. And the question before the body is on the adoption of AM1625 to LB763. [LB763]

CLERK: Senator McDonald voting yes. Senator Fulton voting yes. Senator Harms voting yes. Senator Pankonin voting yes. Senator Wightman voting yes. Senator Loudon voting yes. [LB763]

PRESIDENT SHEEHY: Please record, Mr. Clerk. [LB763]

CLERK: 26 ayes, 2 nays, Mr. President, on adoption of committee amendments. [LB763]

PRESIDENT SHEEHY: AM1625 is adopted. The call is raised. We'll return to discussion on LB763. Are there members wishing to speak? Senator Chambers. [LB763]

SENATOR CHAMBERS: Mr. President, members of the Legislature, we do seem to be having a torrent of task forces being presented to us this session and I don't know whether it's a good thing to encourage their proliferation. But dealing specifically with this one, having listened to what Senator Nantkes gave us in terms of specific entities which can do exactly what this task force is charged to do, I will not be able to support advancing this bill. The task force, if it's created, would go out of existence December of this year, so whatever its work is, it is not envisioned as being difficult, requiring a great amount of analysis, study, research or anything else that could be time-consuming. If Lincoln is genuinely concerned about the cost of being the city which is the capital of the state, they should think of all the agencies, institutions, other activities growing out of that status which brings jobs and money and other benefits to Lincoln which are not available to any other city in this state. So I have never been impressed when Lincoln puts up what we call the poor mouth about how tough it is being the capital city. I cannot

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fault Senator Avery at all for bringing his bill. I don't think I would ever bring a bill like this, but there are numerous bills and types of bills which I would not bring. That does not mean somebody is not justified in bringing them. This one I think is unnecessary. Nothing that is mentioned in this bill that the task force will be charged with doing cannot be done by an existing entity. There are more "Repelicans" in this body than any other group, from what I've read in the newspaper, and as Will Rogers said, when it comes to things like that, about all I know is what I read in the newspaper. Where are those people who are concerned about big government when campaigns are undertaken, government is too big? I never accept that as face value. I want to have it pointed out to me precisely what government is doing that it ought not to be doing. In this case, I don't see anything illegitimate about creating this task force or the work the task force would do. I just see it as being unnecessary. It is not essential. I'm not going to launch an effort to try to prevent the bill from moving, other than speaking against it and voting against it. But I would suggest that you think deeply about it. And now I'm going to pull what would be called rank if it dealt with anybody other than me. I've been here a great long time. In gray hair there can often be found wisdom, but in gray hair there can also be found a lot of foolishness too. [LB763]

PRESIDENT SHEEHY: One minute. [LB763]

SENATOR CHAMBERS: In this instance I think I am reflecting what would be a wise course to follow. Without this task force, everything envisioned in it can be accomplished, everything, but there will not be the additional cost of reimbursing these people for whatever their expenses are, so you save a nickel here, a dime there, a quarter the other place. So I'm going to see how my fiscal conservative colleagues view this one. They can't sway me to their side if they support it. I will just stand by and abide events. Thank you, Mr. President. [LB763]

PRESIDENT SHEEHY: Thank you, Senator Chambers. Mr. Clerk, do you have items for the record? [LB763]

CLERK: I do, Mr. President. Business and Labor offers notice of hearing. Banking Committee, chaired by Senator Pahls, reports LB855 to General File with amendments. Priority bill designation: LB851 is one of the two Banking Committee priority bills for this session. Motions and amendments to be printed: Senator Stuthman to LB280A; Senator Janssen, LB914; Senator Carlson, LB1094; Senator Erdman to LB763 and to LB395. I have explanation of vote from Senator Pedersen (re LB157, LB465, LB621). Name adds: Senator Aguilar would like to add his name to LR223. (Legislative Journal pages 570-574.) [LB855 LB851 LB280A LB914 LB1094 LB763 LB395 LB157 LB465 LB621 LR223]

And, Mr. President, a priority motion: Senator Flood would move to adjourn until Tuesday morning, February 12, at 9:00 a.m. []

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PRESIDENT SHEEHY: You have heard the motion to adjourn until Tuesday, February 12, 2008, at 9:00 a.m. All those in favor say aye. Opposed, nay. We are adjourned. []