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Floor Debate
February 19, 2008

[LB39 LB296 LB395 LB395A LB712 LB713 LB749 LB755 LB756 LB766 LB818 LB823
LB827 LB834 LB835 LB836 LB841 LB870 LB874 LB885 LB892 LB904 LB906 LB912
LB917 LB919 LB962 LB973 LB983 LB1055 LB1087 LB1096 LR237 LR240 LR241]

SENATOR LANGEMEIER PRESIDING

SENATOR LANGEMEIER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for this, the twenty-sixth day of the One Hundredth Legislature, Second Session. Our chaplain for today is Pastor Jane Boeschen, from Emmanuel Lutheran Church, Tekamah, Nebraska, Senator Rogert's district. Please rise.

PASTOR BOESCHEN: (Prayer offered.)

SENATOR LANGEMEIER: Thank you. I call to order the twenty-sixth day of the One Hundredth Legislature, Second Session. Senators, please record your presence. Mr. Clerk, please record.

ASSISTANT CLERK: There is a quorum present, Mr. President.

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Are there any corrections for the Journal?

ASSISTANT CLERK: I have no corrections this morning.

SENATOR LANGEMEIER: Thank you. Are there any messages, reports, or announcements?

ASSISTANT CLERK: There are, Mr. President. Your Committee on Enrollment and Review reports LB395 as correctly reengrossed, and LB823 as correctly engrossed. I have a priority bill designation from Senator Avery for LB912, and Senator McDonald for LB1055. Notice of hearing from the Transportation Committee. Your Committee on Transportation reports LB756 to General File, with amendments, and LB712, LB827, LB834, LB841, LB874, LB917, LB919, and LB1087 as indefinitely postponed. Your Committee on Health and Human Services reports LB892 to General File; LB906 to General File; and LB749 to General File, with amendments; and LB713, LB818, LB835, LB836, and LB885, all as indefinitely postponed. New resolution: LR240 by Senator Pahls, relating to Lymphedema Awareness Month. That will be laid over. And that's all I have at this time. (Legislative Journal pages 603-606.) [LB395 LB823 LB912 LB1055 LB756 LB712 LB827 LB834 LB841 LB874 LB917 LB919 LB1087 LB892 LB906 LB749 LB713 LB818 LB835 LB836 LB885 LR240]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. (Doctor of the day and visitors

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introduced.) We will now proceed to the first item on the agenda for today, legislative confirmation reports. Mr. Clerk.

ASSISTANT CLERK: Mr. President, the first report is offered by the Health and Human Services Committee. That report is found in the Journal on page 446. (Legislative Journal page 446.) []

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Johnson, you are recognized to open on the confirmation report. []

SENATOR JOHNSON: Thank you, Mr. President. This is a confirmation report of the gubernatorial appointments for the Health and Human Services Committee. The Health and Human Services Committee desires to report favorably upon the following seven appointments to the Department of Health and Human Services. The committee held public hearings on the 23rd, 24th, and 25th of January to consider these appointments. All of the appointees appeared in person before the committee and answered questions posed by the committee. These appointments were required by the passage of LB296 in 2007, which created a recognized Department of Health and Human Services. Number one on this list is Christine Peterson, appointed by Governor Heineman as the chief executive officer of the Department of Health and Human Services. Number two, Scot Adams, appointed by Governor Heineman as the director for the Division of Behavioral Health of the Department of Health and Human Services. Vivianne Chaumont, appointed by Governor Heineman as director of the Division of Medicaid and Long-Term Care of the Department of Health and Human Services. John Hilgert, appointed by Governor Heineman as the director of the Division of Veterans Affairs for the Department of Health and Human Services. Number five, Todd Landry, appointed by Governor Heineman as the director for the Division of Children and Family Services for the Department of Health and Human Services. Number six, Joann Schaefer, again, appointed by Governor Heineman as the chief medical officer and director of the Division of Public Health for the Department of Health and Human Services. And finally, number 7, John Wyvill, appointed by Governor Heineman as the director for the Division of Developmental Disabilities for the Department of Health and Human Services. Mr. President, the Health and Human Services Committee, on January 28, 2008, voted to approve the nominations and recommend their confirmation to the full Legislature. Thank you, Mr. President. [LB296]

SENATOR LANGEMEIER: Thank you, Senator Johnson. You have heard the opening on the confirmation report offered by the Health and Human Services Committee. The floor is now open for discussion. Senator Kruse, you are recognized. []

SENATOR KRUSE: Mr. President and colleagues, thank you. I stand in support of these nominees. Since they get mentioned so often within the public, I think it's good for us to mention them here and give support. I have known some of these persons in other

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phases of life, and I truly respect and admire what they do. They work in a very complex arena. It is extremely difficult, and you're never going to please everybody. They take a lot of heat, I feel, on our behalf. They do a lot of good, I feel, on our behalf, and I'm grateful for them and do support the recommendation of the committee. []

SENATOR LANGEMEIER: Thank you, Senator Kruse. Are there any others wishing to speak? Seeing no lights on, Senator Johnson, you're recognized to close. []

SENATOR JOHNSON: Mr. President, I only ask for the support of the body for the confirmations of these seven people for the Department of Health and Human Services. Thank you. []

SENATOR LANGEMEIER: Thank you. You have heard the closing on the adoption of the report offered by the Health and Human Services Committee. All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. []

ASSISTANT CLERK: (Record vote, Legislative Journal page 606.) 37 ayes, 0 nays on the adoption of the report. []

SENATOR LANGEMEIER: The report is adopted. Mr. Clerk. []

ASSISTANT CLERK: Next report, Mr. President, is offered by the Education Committee, relating to Clark Anderson to the Coordinating Commission for Postsecondary Education. (Legislative Journal page 588.) []

SENATOR LANGEMEIER: Senator Raikes, you're recognized to open on the confirmation report. []

SENATOR RAIKES: Thank you, Mr. President, members of the Legislature. The Education Committee encourages the confirmation of the appointment of Mr. Clark Anderson to the Coordinating Commission for Postsecondary Education. Mr. Anderson is a new appointment to the commission. If confirmed, his term of service would extend through January 1, 2014. Mr. Anderson hails from Ogallala, where he has owned a drugstore since 1973. He's also the owner and managing partner of Paradise Properties, a hospitality industry investment group with hotels in Nebraska and Iowa. Mr. Anderson earned a bachelor of science degree in pharmacy from the University of Nebraska Medical Center, in addition to a high school diploma from Paxton High School. He's a member of the University of Nebraska President's Advisory Council, the University of Nebraska Alumni Association, the University of Nebraska Foundation, the Ogallala Hospital Board, the Ogallala Revitalization Committee, and Keith County Community Foundation, and is also active in a number of other state and local organizations. I'll remind you that the Coordinating Commission is the constitutional entity charged with the responsibility of coordinating the state's higher education

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system. The three general duties of the commission are 1) to develop an ongoing, comprehensive statewide plan for the operation of an educationally and economically sound system of postsecondary education; 2) to identify and enact policies to meet the educational, research, and public service needs of the state; and 3) to effect the best use of available resources through the elimination of unnecessary duplication of programs and facilities among Nebraska's public institutions. The Coordinating Commission consists of 11 members; 6 of the members are chosen from evenly populated districts across the state, with the other 5 members being selected from the state at large. Mr. Anderson has been appointed to serve as an at-large member of the commission. With that, I'll close and encourage the confirmation. Thank you. []

SENATOR LANGEMEIER: Thank you, Senator Raikes. You have heard the opening on the confirmation report offered by the Education Committee. The floor is now open for discussion. Senator Erdman, you are recognized. []

SENATOR ERDMAN: Thank you, Mr. President and members. I rise in support of Clark Anderson's appointment to the commission. I believe that his experience and his interest has been well noted by Senator Raikes. I've had a chance to meet Clark and work with him over the years and appreciate his willingness to serve and believe he would be a valuable asset on the commission. Thank you, Mr. President. []

SENATOR LANGEMEIER: Thank you, Senator Erdman. Is there anyone else wishing to speak? Seeing no lights on, Senator Raikes is recognized to close. He waives closing. The question before the body is, shall the confirmation report offered by the Education Committee be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. []

ASSISTANT CLERK: (Record vote, Legislative Journal page 607.) 38 ayes, 0 nays on the adoption of the report. []

SENATOR LANGEMEIER: The report is adopted. Mr. Clerk, next item. []

ASSISTANT CLERK: Mr. President, Committee on Agriculture reports on Mike Hayes to the Climate Assessment Response Committee. (Legislative Journal page 596.) []

SENATOR LANGEMEIER: Thank you. Senator Erdman, you are recognized to open on the confirmation report. []

SENATOR ERDMAN: Thank you, Mr. President, members of the Legislature. The Agriculture Committee recommends for your approval the appointment of Dr. Mike Hayes to the Climate Assessment Response Committee. The Nebraska Climate Assessment Response Committee was established by LB274 in 1991. The committee serves as a lead planning entity for adverse climatic events, particularly drought

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response and mitigation. It also serves to collect and assess data regarding damages and losses from severe and extreme weather events and to evaluate vulnerability of economic sectors to adverse weather and climate developments. The Climate Assessment Response Committee collected data utilized in declarations of emergency and determining the threshold measures of damage and loss qualifies for federal disaster assistance programs. The specific duties assigned to this committee are outlined in Section 2-4902. The commission is administratively housed in the Department of Ag, and the Deputy Director of Agriculture serves as the chair of this committee. The committee consists of a combination of state agency representatives and other members appointed by the Governor and confirmed by the Legislature, such as Nebraska Livestock Producers, Conservation Survey Division of UNL, Nebraska Crop Producers, among others. Dr. Hayes will fill the role of the Conservation and Survey Division appointment from the University of Nebraska-Lincoln. He is replacing Dr. Don Wilhite and will be serving in that capacity. Dr. Hayes is an associate professor and director of the National Drought Mitigation Center within the Conservation and Survey Division of UNL, with additional appointments in Extension and Research. He holds a master's and Ph.D. in atmospheric science from the University of Missouri, completed his undergraduate work in meteorology at the University of Wisconsin, and he lists research interests such as drought mitigation, vulnerability assessments, and other areas as well in relating to measuring drought impacts. He has numerous projects that he has worked on, including research projects regarding the impact and assessment of drought and other mitigation-related projects. The hearing was held on February 5. Dr. Hayes appeared before the committee. He was recommended by the committee on a vote of 5-0; three members were absent during the confirmation hearing and did not vote. I would encourage the adoption of this confirmation report and his recommendation to serve as a member of the Climate Assessment Response Committee. Thank you, Mr. President. []

SENATOR LANGEMEIER: Thank you, Senator Erdman. The floor is now open for discussion. Seeing no lights on, Senator Erdman, you're recognized to close. He waives closing. The question before the body is, shall the confirmation report offered by the Agriculture Committee be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. []

ASSISTANT CLERK: (Record vote, Legislative Journal pages 607-608.) 39 ayes, 0 nays on the adoption of the report, Mr. President. []

SENATOR LANGEMEIER: The report is adopted. Mr. Clerk, next item on the agenda, Natural Resources Committee. []

ASSISTANT CLERK: Mr. President, Natural Resources would report favorably on Douglas Anderson to the Environmental Quality Council. (Legislative Journal page 596.) []

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SENATOR LANGEMEIER: Senator Louden, you are recognized to open on the confirmation report. []

SENATOR LOUDEN: Thank you, Mr. President and members of the Legislature. The Natural Resources Committee conducted a confirmation hearing on February 13, 2008, for Douglas Anderson, a new appointee to the 17-member Environmental Quality Council. Mr. Anderson appeared before the committee for his confirmation hearing. Doug is from Aurora and represents ag processing interests on the council. He earned a bachelor's degree in animal science from the University of Nebraska-Lincoln. Mr. Anderson has worked for several years in ethanol management, including work as general manager of Platte Valley Fuel Ethanol in Central City, and his current position is vice president of operations for US BioEnergy. He served on the board of directors for the Aurora Development Corporation and the Aurora Chamber of Commerce. Doug currently serves on the board of directors for the Merrick County Development Corporation and the local hospital foundation. The committee recommended unanimous approval of Douglas Anderson to the Environmental Quality Council. I ask for your affirmative vote on this. Thank you. []

SENATOR LANGEMEIER: Thank you, Senator Louden. You have heard the opening on the committee report offered by the Natural Resources Committee. The floor is now open for discussion. Seeing no lights on, Senator Louden, you're recognized to close. Senator Louden waives closing. The question before the body is, shall the confirmation report offered by the Natural Resources Committee be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. []

ASSISTANT CLERK: (Record vote, Legislative Journal page 608.) 32 ayes, 0 nays on the adoption of the report. []

SENATOR LANGEMEIER: The report is adopted. Mr. Clerk, next item. []

ASSISTANT CLERK: Mr. President, the Retirement Systems Committee would report favorably on Norm Riffel to the Nebraska Investment Council. (Legislative Journal page 596.) []

SENATOR LANGEMEIER: Thank you. Senator Synowiecki, you are recognized to open on the confirmation report. []

SENATOR SYNOWIECKI: Thank you. Good morning, members. Good morning, Senator Langemeier. The Nebraska Retirement Systems Committee held a confirmation hearing last Wednesday, February 13. Norman Riffel has been appointed by the Governor to serve a five-year term on the Nebraska Investment Council. The Nebraska Investment Council manages the investments of 30 different entities for the

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state, including our state's pension funds and endowment funds. Mr. Riffel has been a successful business owner for more than three decades. He has also served honorably in many civic organizations and in the United States Navy. Mr. Riffel will bring serious, real-world business and investment experience to the Nebraska Investment Council, and he is qualified to make decisions regarding the investment of public funds. The Retirement Committee unanimously voted to move Mr. Riffel's appointment to the Legislature for confirmation. I would ask for your support in confirming this appointment to the Nebraska Investment Council. Thank you. []

SENATOR LANGEMEIER: Thank you. You have heard the opening on the confirmation report offered by the Nebraska Retirement Systems Committee. The floor is now open for discussion. Seeing no lights on, Senator Synowiecki, you're recognized to close. Senator Synowiecki waives closing. The question before the body is, shall the confirmation report offered by the Nebraska Retirement Systems Committee be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. []

ASSISTANT CLERK: (Record vote, Legislative Journal pages 608-609.) 35 ayes, 0 nays on the adoption of the Retirement Committee report, Mr. President. []

SENATOR LANGEMEIER: The report is adopted. Mr. Clerk. []

ASSISTANT CLERK: Mr. President, we have a series of reports from the Transportation and Telecommunications Committee. The first relates to Ronald Books to the State Highway Commission. (Legislative Journal page 600.) []

SENATOR LANGEMEIER: Thank you. Senator Fischer, you are recognized to open on your first confirmation report. []

SENATOR FISCHER: Thank you, Mr. President and members of the body. The Transportation and Telecommunications Committee held a confirmation hearing on Monday, February 11, for the reappointment of members to the State Highway Commission. The Nebraska Highway Commission is composed of eight members, each of whom represents one of the eight field districts. They are appointed by the Governor for six-year terms, with approval of the Legislature. The commission, which serves in an advisory capacity, normally holds meetings on the fourth Friday of each month. At these meetings and various other hearings on proposed projects, the commission serves as a channel for citizens to voice their opinions concerning the state highway system. We have three appointees. The first one we will be voting on is Ronald Books. Mr. Books is from North Platte and was reappointed to serve District 6 for a term from September 17, 2007, to September 13, 2013. Mr. Books is a graduate of Phillips University in Oklahoma and has served on many local committees. Mr. Books did attend the confirmation hearing. The Transportation and Telecommunications Committee

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recommends this confirmation with seven members voting in favor of the appointment and one member not voting. []

SENATOR LANGEMEIER: Thank you, Senator Fischer. You have heard the opening on the first confirmation report offered by the Transportation and Telecommunications Committee. The floor is now open for discussion. Seeing no lights on, Senator Fischer, you are recognized to close. Senator Fischer waives closing. The question before the body is, shall the confirmation report offered by the Transportation and Telecommunications Committee be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. []

ASSISTANT CLERK: (Record vote, Legislative Journal pages 609-610.) 36 ayes, 0 nays on the report from the Transportation Committee, Mr. President. []

SENATOR LANGEMEIER: The report is adopted. Mr. Clerk. []

ASSISTANT CLERK: Mr. President, Transportation and Telecommunications would report favorably on Jerome Fagerland to the State Highway Commission. (Legislative Journal page 600.) []

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Fischer, you're recognized to open on the report. []

SENATOR FISCHER: Thank you, Mr. President and members. This is the second member of the Highway Commission that we had a hearing on. Mr. Jerome Fagerland is from Atkinson and was reappointed to serve District 8 for a term from September 17, 2007, to September 13, 2013. Mr. Fagerland is a graduate of Northern State University, Aberdeen, South Dakota, and holds a business administration degree. He has served on many boards and committees in the Atkinson area, and Mr. Fagerland did attend the confirmation hearing. The Transportation and Telecommunications Committee recommends this confirmation with a record vote. []

SENATOR LANGEMEIER: Thank you, Senator Fischer. You have heard the opening on the second confirmation report offered by the Transportation and Telecommunications Committee. The floor is now open for discussion. Seeing no lights on, Senator Fischer, you are recognized to close. Senator Fischer waives closing. The question before the body is, shall the confirmation report offered by the Transportation and Telecommunications Committee be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. []

ASSISTANT CLERK: (Record vote, Legislative Journal page 610.) 32 ayes, 0 nays on the adoption of the report, Mr. President. []

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SENATOR LANGEMEIER: The report is adopted. Mr. Clerk. []

ASSISTANT CLERK: Mr. President, next report from the Transportation and Telecommunications Committee is on Richard Reiser to the State Highway Commission. (Legislative Journal page 601.) []

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Fischer, you are recognized to open on your confirmation report. []

SENATOR FISCHER: Thank you, Mr. President and members. Richard Reiser is from Omaha and was reappointed to serve District 2 for a term from September 17, 2007, to September 13, 2013. Mr. Reiser is a graduate of the University of Nebraska with a B.S./B.A. degree, as well as a J.D. degree. He is affiliated with the Nebraska State Bar Association, the Iowa State Bar Association, Transportation Lawyers Association, the American Corporate Counsel Association, the Omaha Bar Association, and serves on various boards and committees. The Transportation and Telecommunications Committee recommends this confirmation with seven members voting in favor of the appointment and one member opposing the appointment. []

SENATOR LANGEMEIER: Thank you, Senator Fischer. You have heard the opening on the third confirmation report offered by the Transportation and Telecommunications Committee. The floor is now open for discussion. Seeing no lights on, Senator Fischer is recognized to close. Senator Fischer waives closing. The question before the body is, shall the confirmation report offered by the Transportation and Telecommunications Committee be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. []

ASSISTANT CLERK: (Record vote, Legislative Journal pages 610-611.) 31 ayes, 1 nay on the adoption of the report, Mr. President. []

SENATOR LANGEMEIER: Thank you, Mr. Clerk. The report is adopted. Mr. Clerk, final report. []

ASSISTANT CLERK: Mr. President, Committee on Transportation would report on Gary Rasmussen, John Rebensdorf, and Frank Landis to the Nebraska Railway Council. (Legislative Journal page 601.) []

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Fischer, you are recognized to open on the fourth confirmation report. []

SENATOR FISCHER: Thank you, Mr. President and members of the body. The Transportation and Telecommunications Committee held a confirmation hearing on Monday, February 11, for three reappointments to the Nebraska Railway Council. The

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Nebraska Railway Council administers programs and funds for the acquisition, rehabilitation, and operation of light density rail lines pursuant to state law and the federal Rail Revitalization Act. All planning functions for participation in the federal act must be performed by a state agency designated by the Governor. Although the council is an independent body, the Department of Roads provides planning functions and staff support. Eight council members are appointed to four-year terms by the Governor and approved by this body. The Department of Roads' director serves as an ex-officio member. Council members consist of a light density rail shipper, a railroad management employee, a Public Service Commissioner, a railroad maintenance way employee, a Department of Economic Development representative, a Department of Agriculture representative, and two members of the public, one with private or public finance experience, and one with marketing experience. The reappointments are Gary Rasmussen of Elba, John Rebensdorf of Omaha, and Frank Landis of Lincoln. Mr. Rasmussen is a graduate of Kearney State College and has served on numerous boards in his community, and he did attend the hearing. Mr. Rebensdorf is a graduate of the University of Nebraska, as well as Harvard University. He submitted a letter stating his desire to serve another term, as he was unable to attend the hearing, and Ellis Tompkins appeared on his behalf. Mr. Landis, a graduate of the University of Nebraska, also submitted a letter, as he was also unable to attend. The Transportation and Telecommunications Committee recommends this confirmation with a record vote. Thank you, Mr. President. []

SENATOR LANGEMEIER: Thank you, Senator Fischer. You have heard the opening on the fourth confirmation report offered by the Transportation and Telecommunications Committee. The floor is now open for discussion. Seeing no lights on, Senator Fischer is recognized to close. Senator Fischer waives closing. The question is, shall the confirmation report offered by the Transportation and Telecommunications Committee be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. []

ASSISTANT CLERK: (Record vote, Legislative Journal pages 611-612.) 32 ayes, 0 nays on the adoption of the Transportation Committee report, Mr. President. []

SENATOR LANGEMEIER: The report is adopted. Mr. Clerk, items? []

ASSISTANT CLERK: Mr. President, I do. A series of items. Your Committee on Urban Affairs reports LB1096 to General File, with amendments. Notice of hearing from the Education Committee. New resolution, LR241, by Senator Raikes, congratulating the Lincoln East High School "We the People" team. An announcement: The Business and Labor Committee will hold an Executive Session at 11 a.m. in Room 2022; that's Business and Labor at 11 a.m. today. Amendment to be printed from Senator Fischer to LB755. And finally, a unanimous consent request from Senator Erdman and Raikes that the Agriculture Committee conduct its hearing on Tuesday, February 26, in Room 1525,

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and the Education Committee in Room 1524. (Legislative Journal pages 612-616.)
[LB1096 LR241 LB755]

SENATOR LANGEMEIER: Are there any objections? Seeing no objections,...Mr. Clerk, next item.

ASSISTANT CLERK: Mr. President, the next item on the agenda is a motion by Senator Schimek that LB39 become law, notwithstanding the objection of the Governor. That motion is found in the Journal on page 589. (Legislative Journal page 589.) [LB39]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Schimek, you are recognized to open on your motion. [LB39]

SENATOR SCHIMEK: Yes. Thank you, Mr. President and members of the body. I trust that you all had a nice weekend and you are ready to return to the fray and balance and measure the arguments on the override motion this morning. First of all, I would like to say that there are basically three provisions of LB39, and just to refresh your memory a little bit, the first one would require any circulator circulating petitions in this state to be an elector...to be qualified, I'm sorry, to be qualified to be an elector, and that's a very important distinction. If they were an elector, they would be a registered voter. This simply asks them to be qualified to be an elector, and we can talk about what that really does at a later time. Secondly, it restricts the pay per signature that was so evident in the petition drives two years ago. And thirdly, the provision that I don't think anybody has any problem with, and those are the reporting requirements which simply say that the people doing the petitions have to report how much they've paid to individuals, but they are not required to give their name or their address or their telephone number. In other words, that information should be able to be kept confidential, should be available only, only in cases of suspected fraud or abuse, and that is when you would have your law enforcement step in. The Governor vetoed the bill on Tuesday, and I filed the motion on Wednesday, and I want to tell you why I filed the motion. I don't particularly want to pick a fight with the Governor, even though it seems that we have had disagreement on bills before. But I don't think the Governor made a very good case, and if you'll look at his veto message, in the first paragraph he just states what the provisions of the bill are. In the second paragraph he says that he thinks that the restrictions proposed in LB39, when coupled with the signature threshold requirements that exist in current law, would unfairly inhibit the ability of citizens to petition their government. Now what he doesn't tell you in that veto message is that we can't change the law on the number of signatures. That's in the constitution, and if somebody wants to offer a constitutional amendment to put on the ballot, that could certainly be done. But that wasn't anything that this bill could address. He mentions that the initiative and referendum are reserved for the people in Article III of the Nebraska Constitution, and that's where you will find the provision about signature numbers. The second thing that I would like to remind you, beyond the Governor's message is, what do other states do?

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And you'll probably hear arguments today about why we can't do some of these things, like, for instance, requiring people to be qualified to be an elector. But if you look at that handout sheet that I gave you several times during the course of the debate, you will see that there are 4 states among the 24 who actually have initiative and referendum, there are 4 states that actually require voters to be qualified to register. There are an additional seven states that--in fact, maybe a few more...nine states--that require a petition circulator to be 18 years of age. There are a number of other states, six of them I believe, that require state residency. So what this bill is providing is something that has already been done in other states; and, in fact, there are several court decisions that have said, yes, it's okay to require that people are qualified to be an elector. I'd like to call your attention to the language of the Oklahoma decision, which came recently. There have been two recent decisions, in North Dakota and Oklahoma, that allow it. The Oklahoma decision said by limiting petition circulators to residents only, Oklahoma has restricted the available pool of circulators, particularly professional circulators. The court thus finds the residency requirement is subject to strict scrutiny. Under strict scrutiny, defendants bear the burden of proving that the residency requirement is substantially related to a compelling government interest and that it is narrowly tailored to achieve that interest. I want you to think back to the time when the public was in an uproar about what happened during the last petition process. I want you to think back to the debate on the floor that showed that petitions were being left on tables for anybody to sign, that talked about the hearings in which people testified that petition circulators were carrying multiple petitions on clipboards, and they were fooling people into believing that they had to sign more than one of those on their particular issue. I want you to think back to the fact that people were actually avoiding going into some of our retail stores because they didn't want to have to deal with petitioners who were often of an accosting kind of demeanor. The court in Oklahoma said that the defendants had produced overwhelming evidence that calls into question the integrity of the petition process. It also talked about a Montana court decision that also concluded that if you're destroying the petition process, in the process you have an absolute ability to regulate. The court concluded in the Oklahoma decision that the residency requirement does not violate either the privileges and immunities clause or the dormant commerce clause. I could probably go on and on ad infinitum and you may or may not care about some of these decisions. But I would say to you that this has been a long and deliberative process. It was one that started several years ago. It was actually...the bill was actually put together by my office and the Office of the Secretary of State, who came in and testified that he believed that the problems that were experienced in the petition drive two years ago were problems that had to do with people being too young,... [LB39]

SENATOR LANGEMEIER: One minute. [LB39]

SENATOR SCHIMEK: ...people not being residents of Nebraska, and people who were not...who did not really care about the petition drive itself. They were only concerned with getting signatures, multiple signatures, because they were being paid by the

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signature. And he brought forth in his testimony court decisions that said basically we could do the things that are in this bill. Now one never knows, in the long run, whether the evidence of fraud and abuse will convince the court, but I believe it will, and I think that others who voted for the bill on Final Reading believe it will. And I would just ask for you to listen closely to the debate. [LB39]

SENATOR LANGEMEIER: Time. [LB39]

SENATOR SCHIMEK: Thank you. [LB39]

SENATOR LANGEMEIER: Thank you, Senator Schimek. You have heard the opening on the motion to override the Governor's veto on LB39. The floor is now open for discussion. Those wishing to speak, we have Senators Schimek, Dierks, Kruse, Avery, Lautenbaugh, Aguilar, and White. Senator Schimek has waived. Senator Dierks, you are recognized. [LB39]

SENATOR DIERKS: Thank you, Mr. President and members of the Legislature. I intend to be supportive of the veto and not support the override. I have been involved with the petition process for 22 years. Off and on during those 22 years I've watched this occur. Ever since we started doing that, we've been tinkering with the petition process, and each time we tinker with it we make it a little more difficult. We had a petition drive for our last election, a referendum, where people got the right signatures, they did all the right things, they conducted themselves right, and yet the referendum wasn't even honored. Now I guess I'd like to see us correct that sort of a thing, rather than try to make it more difficult for these people to get the petition drive done. We are going to hear, every time we talk about these issues, little infractions like how old the petition circulator was, how many people he got to help sign signatures, where he did it, and these things are going to come up all the time. It doesn't matter much how strict you make it. I wish that we could go back to the origin of this thing and make sure that when we do a petition drive or a referendum--initiative or a referendum--that it would be honored. That's what I wish, so I will not support the veto override. I'll support the Governor's veto. Thank you. [LB39]

SENATOR LANGEMEIER: Thank you, Senator Dierks. Senator Kruse, you are recognized, followed by Senator Avery. [LB39]

SENATOR KRUSE: Mr. President and colleagues, thank you. I consider it quite proper for us to be asked to review a decision, and so welcome that and welcome the discussion as we reflect upon what we did. I have reviewed and do confirm more strongly than before my support of this bill. The main reason for it is the payment by signature chaos that was created in my district and many of yours. On its face, payment by signature cannot work well. It's just never going to work well. The solicitors are not going to voluntarily explain the petition to somebody who's inclined to sign it, perhaps

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simply to get rid of the solicitor. They are ready to sign, you're not going to tell them what it's about, and you're really not motivated to find out what it's about. You're looking for signatures. And persons like that are going to leave clipboards in public places, as we had documented for us in the time. Some have responded to this over the weekend that we do have to pay for free speech, and we should be allowed to do that. Well, fine. This does not remove payment for free speech; it just says you can't pay them by the piece. An editorial praised several features of the bill this weekend but hesitated about an endorsement, saying in a very intriguing way...and I also find the Governor's response kind of intriguing; it makes me think about the bill more, which is the whole point of this. The editorial said this would hamper us at some future date in getting help from outside the state. Well, I hope so. (Laugh) I believe that is the point of the petition process. The petition process is strictly Nebraskan; it is to allow citizens, our Nebraska citizens, to initiate a certain action, and the fact that it kind of puts us into that driver's seat seems to me to be a stronger point. So therefore, I find myself more confirmed in the action. I believe this bill makes the process better and makes the process more our own and makes the process clearer for those that are doing it, and really doesn't hold back anybody who's from Nebraska. Thank you. [LB39]

SENATOR LANGEMEIER: Thank you, Senator Kruse. Senator Avery, you are recognized. [LB39]

SENATOR AVERY: Thank you, Mr. President. I am going to vote to override this veto, and I have three reasons for making that decision. First, we thought well enough of this bill to give it 31 votes on Final Reading. We did so because we considered it to be good policy. It was good policy then, and I believe it still is. It is not unreasonable to put some restrictions on the petition process, and these restrictions are not unreasonable restrictions. There's a second reason and this is, in my mind, a bigger one, and that has to do with protecting the prerogatives of this Legislature. We have to jealously guard and protect the power of the executive branch. And I'm sure we have all heard concerns expressed about the possible effect of term limits leading to greater empowerment of the executive branch. Last year we voted to uphold every veto but one. We must believe...we must, I think, be very careful that we don't allow ourselves to become marginalized in the policymaking process. Let's not cede too much power to the executive. I think we should expect an assertive executive, and I think we ought to respect the executive when the executive is being assertive. But the Legislature also must assert itself, and the executive should expect us to do so and should respect us when we do. And this is not likely to happen when we easily acquiesce to the desires of the executive. There is a third reason. The prohibition on paying petitioners by the signature, as my colleague, Senator Kruse, pointed out, puts a larger burden on the outside groups that have unlimited resources. You know of my concern about this, because of the two-day debate we had last year on this issue. They use their resources to buy their way onto our ballot, to get constitutional amendments and laws that suit them, then they leave town and we have to deal with the consequences. This bill can

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serve to balance the petition environment so that outsiders with deep pockets don't have such an enormous advantage. I think it's time that we help return the petition process to the citizens of this state. I urge you to join me in voting to override the veto of LB39. Thank you. [LB39]

SENATOR LANGEMEIER: Thank you, Senator Avery. Those wishing to speak, we have Senators Lautenbaugh, Aguilar, White, Schimek, Adams, Carlson, Loudon, and others. Senator Lautenbaugh. [LB39]

SENATOR LAUTENBAUGH: Thank you, Mr. President, members of the body. I rise in opposition to the motion to override the veto, for the very same reasons that I voted against the bill in the first place on Final Reading. Senator Schimek, I just respectfully disagree with your argument that the Governor's veto message doesn't set forth the problem correctly, because this is the same problem I saw before. We are limiting the pool of circulators--that much is certain. We do have a very high signature threshold in this state, and while it is correct to say we can't deal with this in this bill by saying, if we're going to limit the number of circulators we then correspondingly lower the number of signatures required, that's correct. That's a constitutional thing we cannot do here. But that doesn't mean that we should be doing what is in the underlying bill. We're targeting out-of-state petition drives. Everyone says that's the thing we should be looking out for, making people use homegrown circulators. I don't see it as an impossibility that a homegrown petition drive wouldn't want to hire circulators from South Dakota, Kansas, Missouri, Iowa, wherever. We are limiting the pool available for our own homegrown petition drives, and I don't think you have to be terribly imaginative to see a circumstance where that's going to come about. There could be a locally homegrown, if you will, but well financed petition drive, and they want to pay circulators. Fine, we allow that. We are in effect limiting the pool, and I think limiting it unwisely. So for that reason I voted against the bill previously, and I do not intend to support the motion to override. Thank you. [LB39]

SENATOR LANGEMEIER: Thank you, Senator Lautenbaugh. Senator Aguilar, you are recognized. [LB39]

SENATOR AGUILAR: Thank you, Mr. President and members. I rise in support of the override motion. As the Chair of the Government Committee, we heard this bill. It come out of our committee with no negative votes at all. You know, we believed in what Senator Schimek was trying to accomplish here. I don't believe personally that this infringes on any Nebraskan's rights whatsoever, and that's the only restriction in there, is it restricts it to Nebraskan petition carriers, rather than New York or California deep pockets. I think this is something we need in Nebraska. I totally support this override, and I think it's going to be a good bill when it's done. I'd yield the rest of my time to Senator Schimek, if she'd like it. [LB39]

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SENATOR LANGEMEIER: Senator Schimek, 4:10. [LB39]

SENATOR SCHIMEK: Yes, thank you, Mr. President, and thank you, Senator Aguilar and members of the body. I would like to second what Senator Aguilar just said, and I would like to call your attention to the handout that you got that says Legislative Research Library at the top of it. I knew I had read in some article somewhere that people were boasting about the fact that Nebraska is an easy mark, and they were able to find the article for me. You'll see it in the shaded area down at the bottom. It said Connerly's group indicated earlier this year that Nebraska was in contention in part because it is relatively easy to get initiatives on the ballot here. There are about a half a dozen states that are looked at as easy marks. You could look at Oregon, you can look at California, you could once look at Oklahoma, although Oklahoma did what is being proposed in this bill and says that you have to be qualified to be an elector in Oklahoma. So I don't think Oklahoma is going to be one of those real easy marks anymore. I think that the courts there felt that Oklahoma was entitled to do this in order to make the process more secure and more trustworthy to the voters in their state. And that's what I want to emphasize, I guess, is that by and large the voters of this state want the petition process to be trustworthy, and I think that the original framers of our constitution and the original people who passed the initiative and referendum really meant it to be for the people of Nebraska. Never, ever, in their wildest imaginations did they envision something like goes on today. They...I don't know if they envisioned paid circulators or not, but I'll bet they didn't envision circulators paid by the signature, and I'm quite sure that they didn't envision all these out-of-state groups coming into the state. They wanted the petition process to be for Nebraskans, because that was going to be the way that Nebraskans would have kind of a safety valve, if they didn't like what the Legislature was doing. And I submit to you that that safety valve will still be there, and it will be for the people who are affected by what we in the Legislature do from time to time. It will still give Nebraskans the ability to go to the people and say, we want to put this on the ballot. We don't think that the Legislature did the right thing, or we think the Legislature has been negligent... [LB39]

SENATOR LANGEMEIER: One minute. [LB39]

SENATOR SCHIMEK: ...in not addressing this issue. This really protects the petition process for Nebraskans, no matter how you try to frame it, and it is about the integrity of the petition process. And I don't think we want to let it deteriorate any further. I don't think we want to let people be accosted at retail stores and supermarkets and what have you, all over the state. I think we want to give them some confidence in the process. Thank you. [LB39]

SENATOR LANGEMEIER: Thank you, Senator Schimek and Senator Aguilar. Those wishing to speak: We have White, Schimek, Adams, Carlson, Loudon, Pedersen, Chambers, Engel, and others. Senator White, you're recognized. [LB39]

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SENATOR WHITE: Thank you, Mr. President. Once in a while we're called on to do something to protect the institutions of the state, more than try to get an agenda passed or try to oppose a proposition from someone else. I personally have watched behavior on the petition-gathering process that would properly get that person arrested and thrown in jail if it occurred in a ballot box. I have personally seen fraud, I have personally seen intimidation, I have seen the people's house so abused by paid hired guns who parachute in and then run away. I cannot square a decent respect for the people's house meaningfully and this veto. If we are serious that this state is different, if we are serious that this state honors activist citizens and residents, welcomes their voice in a streamlined process that is truly unique in the country, and indeed, probably the world, then you cannot turn away from what has to be described as the overt fraud for pay that arises out of paying nonresidents, noncitizens, nonvoters to obtain signatures. The next time you see that 80-year-old couple that have voted in every election in faith of the process intimidated on a street corner by some thug with a pen and four pads of paper, demanding they sign each of them so he can make \$8 and spit on the law that requires a meaningful reading of the purpose of the signatures, if you vote to sustain this veto, you have voted to sustain an overt, cynical practice of abuse of the people's house. Therefore, I will vote to override, and I thank you, Mr. President. [LB39]

SENATOR LANGEMEIER: Thank you, Senator White. Senator Adams, you're recognized. [LB39]

SENATOR ADAMS: Thank you, Mr. President, members of the body. Early this morning when I saw on the agenda that we would have this motion today, and it was time to consider how I would vote on the motion, I pulled out my file on LB39 and I kept in it notes from not only the debate on the floor last year but also, given that the bill was heard before the Government Committee, which I'm a member of, I looked at all of the notes that I had there. And you know what I did? I started making a list, a list of all the arguments why we should not be doing what we're doing in LB39--arguments that I heard in committee hearing, arguments that I heard on the floor, and quite frankly, arguments that I heard yesterday and phone calls that I received, and I'm sure some of you received some of those same phone calls. And I started looking at that long list and I said to myself, you know what I really see in this list? I see two things that stand out at me. One, the argument was made that if we do what we're doing in LB39, we are going to make the petition process too difficult. We're going to make it too difficult. And you know what? I thought about that. And my response to that is this: There is nothing about democracy that is meant to be efficient. There is nothing about democracy that is meant to be convenient. There is nothing about democracy that doesn't require effort. If I thought that LB39 built too big a barriers, I wouldn't support it either. The other thing that I heard, and I put the most credence in this argument, the other thing that I heard over and over again is that the people are the second house. Given that argument and that one, and that one alone, that weighed heavier on my mind than anything else I heard,

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because the people are the second house, and dare I or anyone else violate that. But you know what LB39 does? It protects the very sanctity of the people of Nebraska being the second house. It protects the very sanctity of that. It says that Nebraska electors will carry the petitions, not Colorado, not Arizona, not Florida--the list goes on--but Nebraska electors. It says that we, in effect, are concerned about the integrity of our system, our second house. And you know what? In the final analysis, if saying that the electors or the petition carriers have to be Nebraska electors, if saying that they can't be paid by the signature, if all of that does make the petition process a bit more inconvenient, a little less efficient, a little less simple, but if it protects the integrity of the second house, then it's what we ought to be doing. And for that reason, I will support the motion to override. Thank you, Mr. President. [LB39]

SENATOR LANGEMEIER: Thank you, Senator Adams. Senator Carlson, you are recognized. [LB39]

SENATOR CARLSON: Mr. President and members of the Legislature, I'd like to direct a couple of questions to Senator Schimek, if she would yield. [LB39]

SENATOR LANGEMEIER: Senator Schimek, would you yield? [LB39]

SENATOR SCHIMEK: Yes, thank you. [LB39]

SENATOR CARLSON: Senator Schimek, as I'm looking at this, I'm a little bit confused. I looked through the amendment and then looked through the original bill. But we've got a Class III misdemeanor mentioned on page 9, and then on the amendment we've got Class I misdemeanor and a Class IV felony. Would you review, if you can, what the range of penalties are for those three violations? [LB39]

SENATOR SCHIMEK: Can you tell me which page you're looking at, Senator Carlson? And I may need a bit of time to go back and look at that, but I'd be happy to do that. [LB39]

SENATOR CARLSON: Okay, I'm going to go to another question. [LB39]

SENATOR SCHIMEK: Okay. [LB39]

SENATOR CARLSON: Then I'll come back and give you a note on this. But it reads any person could be guilty of a Class III misdemeanor--that's on page 9. But "any person"--is that the circulator or is that the group that sponsors the petition? [LB39]

SENATOR SCHIMEK: "Person" can be an individual or a committee, as defined in law, I believe, Senator. [LB39]

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SENATOR CARLSON: Well, who is the intent to be guilty on this, the petitioner or the group that hired the petitioner? [LB39]

SENATOR SCHIMEK: And you're looking at Section 32-1404, under Section 5? Are you looking at the green copy or the final copy? [LB39]

SENATOR CARLSON: I'm looking at the green copy, and I'm trying to coordinate the two here. The green copy didn't totally disappear, did it? [LB39]

SENATOR SCHIMEK: Senator, in looking back at the green copy and even the yellow copy, those are accountability and disclosure statutes, and that refers back to the people who pays the circulators. [LB39]

SENATOR CARLSON: Who pays the circulators. [LB39]

SENATOR SCHIMEK: Yes. [LB39]

SENATOR CARLSON: Okay. Another question: In your discussion you mentioned the possibility of a circulator handling multiple petitions, and you've seen that and I've seen that. But this bill really doesn't address that, does it? [LB39]

SENATOR SCHIMEK: No, it doesn't, but it does indirectly, maybe even directly, because the main concern that I think drove the fashioning of this bill was the fact that we are aware of people violating the law when they circulate petitions. The law says you must explain the object of the petition; you must explain what the petition is all about. And we know from testimony after testimony that people are not doing that. Rather, they are stacking these in stacks of two or three or four or five petitions and tricking, if you will, people into signing all five, not realizing they're all different petitions. What the big problem has been in the past, of trying to enforce the law as it is already is that people coming into the state couldn't be located afterwards, and so there was no way to prosecute. And in fact we had one person who was...or who they brought charges against who fled the state and he's never been found. So... [LB39]

SENATOR LANGEMEIER: One minute. [LB39]

SENATOR SCHIMEK: ...we think by the overall purpose of this bill, limiting it to Nebraskans, we will be able to find people who don't abide by the law. [LB39]

SENATOR CARLSON: Okay, thank you for your answers, Senator Schimek, and I'll continue to listen to the debate. [LB39]

SENATOR SCHIMEK: And I will try to come back on my time with the answer to your question about the penalties. Thank you. [LB39]

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SENATOR LANGEMEIER: Thank you, Senator Carlson. (Visitors introduced.) Returning back to discussion on the motion of LB39, those wishing to speak, we have Senators Louden, Pedersen, Chambers, Engel, Lautenbaugh, Erdman, and others. Senator Louden, you are recognized. [LB39]

SENATOR LOUDEN: Thank you, Mr. President and members of the Legislature. I rise that I won't support overriding the Governor's veto, mostly because I think the petition process we have in place in Nebraska is probably one that has served us quite well. I don't know how many of you here in the body have circulated petitions. I circulated petitions, and on each one of those pages you have to sign down at the bottom that that...you put a signature on there that you were the one that collected those signatures. Also you have to make sure that the signatures on there are elected voters or else the petition isn't any good. Whether they throw the whole petition out or if they throw that signature out is sometimes up to the county clerk that goes ahead and counts them. It's not a process where you leave them lay out for somebody to walk by and sign them, because you have to sign at the bottom of the sheet that you saw that person sign that signature. Also, I think there's rules against that at the present time about leaving them laying around for the signatures, and when you have like...you get out in the western end of Nebraska, if you're trying to circulate a petition, you have multiple counties, so you will have several clipboards of different counties, and you have to find out which county that person is from, because that petition has to go to that county to verify the signature before it goes down to the Secretary of State. So it's an elaborate process, and anything that happens to make it harder to do will make it more difficult for people to circulate petitions and get a petition drive going. Now whether you pay somebody by the signature or...they'll find ways to get around it if they have to have paid circulators. Most generally the petition circulations that are successful are those that people have the volunteers. You have many volunteers all over an area so that each circulator doesn't have to get that many petitions if you're going to have a successful petition campaign. So I think probably what we have in place now is probably...has worked quite well, seems to be sufficient. And where they have...you worry about people coming from out of state or something like that and you won't be able to find them once they circulate the petitions leave, that can happen with the people that you have in Nebraska. If they're trying to do it for a business, then they'll probably be over in another state trying to get petitions circulated while those are being counted in Nebraska. So I don't have any problem with the way it was done before. I've had to circulate petitions. I've been around petitions that were circulated on school deals, also to get people on the ballot. In fact, that's how I got on the ballot the first time was to circulate petitions because no one was...had run in any of the primary elections. So it's a process that has to be carefully done, and I think the way it's been done in Nebraska has been sufficient. So I will not vote to override the Governor's veto. Thank you, Mr. President. [LB39]

SENATOR LANGEMEIER: Thank you, Senator Louden. Senator Pedersen, you are

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recognized. [LB39]

SENATOR PEDERSEN: Thank you, Mr. President, members of the Legislature. I don't know about the rest of you, but late yesterday afternoon and through late last night, I got more phone calls than I have on any other bill this year. All of the phone calls I got were, are you going to support the Governor's veto? And the more phone calls I got, the more information I got about why I'm not going to support the Governor's veto. AARP is for this bill. A lot of people belong to AARP, including my wife and I. So I looked them up, and yes, they support it. Teachers, the teachers' union, who supports most of the teachers in the state of Nebraska, which is a lot of teachers--that's a lot of people--obviously, they support it. The one I really caught the dickens on, that I was catching the dickens, but who was catching the dickens was the League of Municipalities. These people do not want this...they want this bill. How many people does the League of Municipalities support or represent in this state? I got to looking at that, and there's lots of people. All of our small communities, towns--thousands of people. The construction trades support this bill. How many hundreds of thousands of people do we have in them people? It came down to it that I find more people that are in support of it than against it. And what's wrong with asking people to be 18 before they carry a petition? What's wrong with asking them to be from Nebraska? Our state, our issues that are being brought up. There should be a groundswell of people any time we have a petition initiative, and it should be our people. The groundswell should be from us, those that these laws and constitution of ours serves, not people from other states. For those reasons, I am not going to support the Governor's veto, and I'm going to support the override. Thank you. [LB39]

SENATOR LANGEMEIER: Thank you, Senator Pedersen. Senator Chambers, you are recognized. [LB39]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, sometimes we are presented with an object lesson that will bear directly on the issue before us which we are going to vote on. First of all, this bill does not make it more difficult for people who are circulating a petition. You don't have to do a lot of things or jump through a lot of hoops. You present the petition, you explain what it's about, you receive the signature. When you've gotten the petition filled or enough signatures that you feel you've done all you can, then you sign it in the presence of a notary, at least that's the way it was supposed to be done. There have been people who did not circulate petitions because the person who circulated it did not want that to be known, so an individual would sign all the petitions as having circulated them. No matter what system is in place, there will be people who will find a way around it. But when a governmental policy is being established, you have to look at what is prudent, what is reasonable, what accomplishes the goal intended. Now what is the object lesson? I have seen examples, as has each person in here who has paid attention to circulating petitions by outsiders. They have money, they obtain the services of people who need

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money, who don't understand the petition. Sometimes they cannot even read, and I know this for a fact. I know that there are people circulating petitions in Omaha who cannot read. The object lesson inheres in what the Governor has done. He has demonstrated how somebody with power can bludgeon and intimidate people to do what he wants, and then they find all kind of rationalizations to justify what they did. But the only reason they switch is because of pressure from the Governor, and if they were honest they would admit it. Admit you're weak, which is a flaw that can be worked on. But a person should not also be a dissembler and a liar and pretend that all of a sudden he or she has gotten religion, has studied the petition process, and sees this law somehow weakening the rights of the citizens to circulate petitions. LB39 does not do that. The Legislature is operating within its province, within its prerogatives, and I think the 31 people who voted for this bill on Final Reading did the correct thing. I would not have voted for the bill if I thought it was going to inhibit people from participating in the government. I'm always encouraging people to do that, but I want there to be some information, which you don't have to have in order to vote. I'm aware of all of that. But when we have a process such as this, which goes beyond marking a piece of paper, but trying to influence others to participate in a process that could result in the modification of the state's constitution, there should be safeguards built into the law. I don't know whether somebody who's serving time in prison can sign a petition or circulate a petition. There might be people here who would say inmates should not be allowed to do either. Well, maybe they should. They don't cease to be citizens. But the point I'm trying to get to is that a bill such as this, in my view, places reasonable limitations on... [LB39]

SENATOR LANGEMEIER: One minute. [LB39]

SENATOR CHAMBERS: ...certain activities which, if they're engaged in, will undermine the integrity of the system itself. Not just anybody can be a member of the Legislature. As a matter of fact, I consider myself to be highly qualified to be here, but I cannot be a member of the Legislature again. I can sit out four years, but I mean right now, I cannot. That's a restriction that has been placed on the right of people to select the representative of their choice. What we're doing with LB39 does not go that far. People who want to circulate petitions will simply have to comply with the law. They have to be a certain age, they should be able to explain what the petition is, obtain the signature, and stay with that petition--don't leave it laying someplace, don't sign a petition as a circulator when you were not the circulator. [LB39]

SENATOR LANGEMEIER: Time. [LB39]

SENATOR CHAMBERS: Those are all reasonable things. Thank you, Mr. President. I will vote for the override, by the way. [LB39]

SENATOR LANGEMEIER: Thank you, Senator Chambers. (Visitors introduced.)

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Returning to discussion on LB39, those wishing to speak, we have Senators Engel, Erdman, Howard, Hansen, Schimek, and Harms. Senator Engel. [LB39]

SENATOR ENGEL: Mr. President, members of the body, I too support the override, and I'll tell you what. I very seldom vote against the Governor when he vetoes something, because in most cases, I think it deserves it. Last year I had a bill of my own that was vetoed by the Governor, and I did not try to get support to override it, because in its final form, it was flawed from what my original intentions were. But in this particular case, I do believe we need to override this particular veto because I think there's been a lot of abuses. You've already heard that from other people here. Last year I was in Grand Island, or a couple of years ago, whenever the...before the last election, and approached by a petitioner, and he happened to be from California. And I had to ask him, aren't you supposed to read something to me? Oh, yes, yes. I said, well then...and I kept asking questions. I said, well, I'll tell you what, forget about it, because I don't believe that your petition you've got out--I think it was for the Club for Growth or one of those, I don't recall. But Club for Growth, there's an example. Same way with the people on term limits. It's always out-of-state money coming in, and it's petitioners coming in from out of state, so really, as far as I'm concerned, grass roots should be grass roots. And I believe grass roots is that you are a member of the...you reside and live in the state of Nebraska, and I totally believe in the petition process because that is the second house, and I think we should respect it and encourage it, in fact. When people aren't satisfied with what we're doing here, they should have another recourse. But I do believe it should be Nebraska citizens and they should be eligible to vote, and I don't believe it's that difficult. If it's something really worthwhile, I think they can get the signatures. If the signatures are too onerous for them, then perhaps we should change the constitution where you don't need so many signatures, but it should be a grass roots effort, not from out of state. And the same thing happened up where I live. The petitioners were out, and actually, it's the same thing. They didn't read anything to me, and I asked them the same thing--aren't you supposed to do this, this, and this? Well, yes, we are. But they are in a hurry because they're getting paid by the signature. And so I think that's totally wrong. That's why I support the override in this particular case. Thank you. [LB39]

SENATOR LANGEMEIER: Thank you, Senator Engel. Senator Erdman, you are recognized. [LB39]

SENATOR ERDMAN: Thank you, Mr. President, members of the Legislature. I appreciate the discussion. I guess we won't call it a debate, but it's been a healthy discussion this morning. It appears that we're trying to solve one problem with a different solution. As has been pointed out by Senator Engel and others, there are current violations of the petition process that should be remedied under current law, or that the remedy is currently available under existing law. Senator Schimek brings up the point that you have out-of-state residents that may be violating the law now, and at least

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in one example that she gave, was an individual that came from another state with their interests, and as I understand it, their interest was to be paid to help get the petition on the ballot. So the argument is pretty clear to me that we need Nebraskans running the process, and we need Nebraskans only to be a part of that process. Ultimately, as you all know, Nebraskans are the only ones that get to vote. But at the same point, it is somewhat interesting or at least instructive to me that certain supporters of this bill have gone to other states to help them put ballot initiatives on the ballot that were financed by out-of-state interests, to that state. So the irony, I guess, is that either we learned our lesson when we traveled to other states to help with deep pockets to help change somebody else's law, that we don't want that to happen here. You know, maybe the point was learned, but it's not lost on me, because of the information or the news sources that I receive in western Nebraska are substantially different than a lot of the news sources that you receive in eastern Nebraska. We get our news primarily out of Denver and Rapid City and Cheyenne. We have no locally based television stations out there. So I'm always interested in what happens in those other states, because that's, candidly, most of the news that we receive, and it's especially interesting to me when I see my colleagues in those other states helping to push ballot initiatives to change other states' laws that then show up on the floor of the Legislature trying to limit the process in Nebraska. And again, maybe it's the reality that we've learned our lesson and we shouldn't allow that in Nebraska. The reality is, is that all Nebraskans, all citizens, can go to other states and play their part in any process. What we're dealing with here is who can actually collect the signatures. So while I'm somewhat mixing, the principle is generally the same, as Senator Adams has pointed out. We want Nebraskans to be a part of this process. We want it to be Nebraska driven, grass roots. We want that to all be true. I wish it was the practice of the members of the body, in all candor. I see some value in this discussion. I do think that this makes it somewhat harder for petitions to be on the ballot, and maybe that's good, maybe that's bad. But it's not the Governor's letter that has driven my position. In fact, this Governor generally doesn't let us know their position until late in the game, and we've been debating this issue last year long before we got his motion to veto. So it is an interesting process. I appreciate the discussion. I wanted to point out some observations that I had from some of us that are meddling in other states' business, as a part of this discussion. Thank you, Mr. President. [LB39]

SENATOR LANGEMEIER: Thank you, Senator Erdman. Senator Howard, you are recognized, followed by Senator Hansen. [LB39]

SENATOR HOWARD: Thank you, Mr. President and members of the body. I too had a number of concerns during the last petition process, and I continue to be very concerned about both the commitment and the knowledge of the individual who circulates a petition. When individuals travel to Nebraska to make money by collecting names on Nebraska issues, they are working for profit, not commitment to Nebraska. I'm also and just as equally concerned about adolescents working the petition process. These individuals, these adolescents, oftentimes have a commitment to earning gas

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money rather than to advance an issue that they feel strongly about. I believe this to be a compromise to the process that we all have a very deep commitment to. This process, which I feel we should never consider compromising, gives voice to the citizens of Nebraska. Eighteen years old is a reasonable age to expect an individual to educate themselves on the issue put forth on the petition they are working. Circulating petitions should be a respected process, not merely a money-making proposition. I offer the remainder of my time to Senato Schimek. [LB39]

SENATOR LANGEMEIER: Senator Schimek, 3:20. [LB39]

SENATOR SCHIMEK: Thank you, Mr. President and members. I appreciate the discussion this morning, as well. I think it has been a good discussion, and I'm hoping that the results will be good, as well. But I wanted to take you back to the interim hearing that we held on this issue in 2006, and I want to tell you what the Secretary of State said to us. The Secretary of State is the one who's in charge of our elections, he's the one who is in charge of our petition process, and here's what he said, and I'm taking bits and pieces, because I don't want to read the whole thing--it's lengthy. He says the public protest, the public concern, the public dissatisfaction I think does require some attention and does require some potential action. A little bit later he says that clearly in Nebraska the initiative process is self-executing, that the constitutional amendment in 1912 said that. But, he said, nevertheless, the constitution does also say that you may facilitate the process. He says the U.S. Supreme Court in the case of Buckley v. American Constitutional Law Foundation, which is a very famous case, in 1999 said this: States allowing ballot initiatives--and there are only 24 of them, I might remind you--have considerable leeway to protect the integrity and reliability of the initiative process as they have, with respect to election processes generally. He goes on to say, as a Legislature you can consider reasonable restraints that would fall within the broad definition of "facilitate." Also you have the ability to propose constitutional amendments to the people, and since the people have reserved that right to the initiative process, they can likewise limit their right, as they have done with a single-subject issue,... [LB39]

SENATOR LANGEMEIER: One minute. [LB39]

SENATOR SCHIMEK: ...and as they have done with the three-year resubmission rule. He goes on to say there are some really basic things that I think thread the needle, in terms of what the constitutional rights of free speech and what the state's initiative process allow. And I may not get done, but I'll start. He says, I think an age limitation is perfectly appropriate and is allowed under the law as it exists, and I think 17 is the most appropriate, in my opinion, because they have the right to vote and register to vote at that age. At a later time he says residency is a requirement that we think the law allows. During that hearing I said, well then, couldn't we just say you have to be qualified to be an elector? And the Secretary of State agreed that that would handle some of these things that he thought we should do. [LB39]

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SENATOR LANGEMEIER: Time. [LB39]

SENATOR SCHIMEK: Thank you. [LB39]

SENATOR LANGEMEIER: Thank you, Senator Schimek and Senator Howard. Senator Hansen, you are recognized. [LB39]

SENATOR HANSEN: Thank you, Mr. President, members of the Legislature. It has been an interesting discussion again this morning, whether or not to override the Governor's veto. We are bringing up things that we've all heard before, and that's what I plan to do, too. Last...in 2006, and I think we need to get away from 2006, but if you look at the final score, the final outcome, there were 13 petitions, 1 passed. Senator Raikes said that didn't matter anyway, so the score was 13-zip. How many millions of dollars did that cost? It cost a lot of money. I...one of the first things I did after that election of 2006 was go to a meeting of KRVN Radio and their board of directors, and they were all smiling. They were saying to each other, this has been a good year--this has been a real good year. So I think the media enjoyed 2006, if no one else. But the circulators, I think that every one of us could come up with a story about 2006. It's not about 2006. It's about the future. Is there going to be a topic, is there going to be a need to have every possibility out there to pass a petition, to get something on the ballot? Should we make it unlawful to pay petitioners? Should we make it unlawful to have professional petitioners come to Nebraska to have those petitions signed? I don't think we ought to make that illegal. Is it illegal if a...if someone wanted to carry a petition that was left-handed? But that's probably not...for all you left-handed people out there, anyway. But you talk about the difference between professional circulators and the grandma on the corner that was asked to carry this petition, I don't know which one knows the most about the petition. But if you have questions, like Senator Engel was saying, if you have questions and the petition carrier can't answer, it doesn't matter whether they're professional or not, whether they're getting paid per signature or not. They're still... neither one of them are qualified to carry the petition. But we don't want to take that right away from people to carry their petitions. I think I disagree with Senator Chambers' analogy that we're not making this process harder, we're not taking part of the process away from the people. I think that's very dangerous to do. I think that this has been a good discussion this morning, and I will not vote for the override. Thank you, Mr. President. [LB39]

SENATOR LANGEMEIER: Thank you, Senator Hansen. Senator Harms, you're recognized. [LB39]

SENATOR HARMS: Thank you, Mr. President, colleagues. I rise in support of the override and for two reasons. I've had a lot of comments in discussion with people, and there's two points the people are really upset. One is they do not want people from out

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of state coming in telling Nebraskans how to vote, and that's the biggest issue for a lot of people in their own thoughts and their own views. They're offended by the fact that these people don't pay taxes, they don't care about Nebraska. It's a cause for them, they finance that cause to turn the state of Nebraska around to go the direction they would like to see. I think that's wrong. I agree with what Senator Adams said. I think he was right on target with what he brought out. I believe that the people need to have the opportunity to be heard, and the majority of the folks that I have spoken to, where I live and throughout parts of the state that I have traveled, are offended by the fact that they do not want other people telling us what to do. Secondly, you encourage fraud by paying by the signature. Why not cheat, by some of the people who come in here from out of state? They don't care, they don't understand our values, they don't understand our principles, and they could care less. So if they get paid by the signature, let's do it and then disappear. I don't think we want that in our system. I do not support this. I think it's the wrong thing to do, and I think we need to do the right thing here. We need to tighten this up, and we need to make sure that we take the fraud away as much as possible, and secondly, we should not let people outside of this great state tell us how to do our business. Thank you, Mr. President. [LB39]

SENATOR LANGEMEIER: Thank you, Senator Harms. Senator Nelson, you are recognized. [LB39]

SENATOR NELSON: Thank you, Mr. President, colleagues. With due respect to Senator Harms, I question his statement telling us how to vote, telling us what to do. When does anyone ever tell us, as Nebraskans, what to do, whether they are outside the state of Nebraska or here? Folks, we are not being told what to do. We have the right to vote. I hear words about "buy their will upon the people," "easy marks," "intimidated." Are members of the AARP ever intimidated? I don't think so. Are teachers ever intimidated? I don't think so. When a circulator comes around and asks you to sign, are you being forced and intimidated into doing that? I don't really think so. We Nebraskans can think for ourselves. We can ask questions for ourselves. We can read the petition for ourselves and then we can vote. What guarantee do we have that a resident of Nebraska is going to be any better able to explain what's in a petition or what it's all about than a circulator from outside the state? We don't have any guarantee. What guarantee do we have that either one of them can read? We really don't. The important thing is, if you're interested in signing a petition, to get an idea of what it's about. Certainly any circulator can tell you what it's about. They may not be able to go into detail, but at least you can get a feeling for whether or not it's something you want to support. If you don't know whether you want to support it, certainly you don't sign the petition. Are Nebraskans a bunch of sheep? I don't think so. Colleagues, the important thing here is the matter of restriction. I've opposed any restriction. I consistently opposed restrictions on the petition and initiative process. I think we need to keep it as simple as we can. I don't think we need to "facilitate it" by adding additional things which are going to make it more restrictive. I'm going to support the Governor's veto. I think

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that he's doing the right thing there. I think he's looking out for the citizens of Nebraska and the members of the second house. We have a unique position here in Nebraska. We are a unicameral. We don't have two houses that are going to guard against what the other might do. I don't think we should be swayed at all about what other states have done, because they have two houses there, and that's a big difference. We have one house here. We need to protect the initiative and the petition process and keep it as simple and nonrestrictive as we can. Are the people from AARP and the teachers, are they going to get out and circulate ballots? Are they going to have the time, whether they do it as a volunteer or as a paid petitioner? I don't think so. I think the only way we're ever going to get petitions on the ballot and get enough voters there is to pay people to go out and do it. Can we find enough residents that are willing to do that? I'm not sure about that. If it means we have to go outside the state and bring people in to work on a paid basis, then I'm for it. Yes, there may be abuses, but we can handle those. Even with residents of the state of Nebraska, I think there are going to be abuses. Are they going to be prosecuted? Maybe. But I think this is an unwise move to pass this bill, LB39, and I would encourage you as my colleagues... [LB39]

SENATOR LANGEMEIER: One minute. [LB39]

SENATOR NELSON: ...not to vote to override. Thank you. [LB39]

SENATOR LANGEMEIER: Thank you, Senator Nelson. Senator Lautenbaugh, you are recognized. [LB39]

SENATOR LAUTENBAUGH: Thank you, Mr. President, members of the body. Once again, I'm not going to replot all the same ground twice, but I've heard a lot of good comments from a lot of colleagues who I respect very much, and I particularly took to heart Senator Adams' comments, where he talked about how this process in a democracy should require effort. The voters should meet us halfway. There should be some requirements for citizenship, and I think we all agree on that. The problem I have here is that we're adding an additional burden to people in the petition process. Now we've heard a lot of comments about the people here who don't want to pay by signature. I understand those comments. That's part of this bill. That would be taken out, and I understand that. But once again, we are telling homegrown petitions--and they do exist--that you cannot use circulators from Iowa, South Dakota, Kansas, Wyoming, and I think that is just unwarranted, that it's a limitation of the pool of labor available to petition circulators...or to petition proponents, be they homegrown or from outside the state. Now I could see a scenario, and once again, this would probably take an amendment not a bill, where if we were going to put this restriction on the circulators you could use, perhaps we lower the signature requirement. But that would be something that's beyond the scope of this bill, obviously. So once again, I don't support the override. I stand by my prior vote. I hope you will not vote for the override, either. Thank you. [LB39]

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SENATOR LANGEMEIER: Thank you, Senator Lautenbaugh. Seeing no other lights on, Senator Schimek, you are recognized to close. [LB39]

SENATOR SCHIMEK: Thank you, Mr. President and members. And thank you, members, for the thoughtful discussion. I want to respond to something Senator Nelson said about Nebraska voters shouldn't be intimidated. Senator Nelson, during the interim hearing on this particular subject, we had a senator admit to being somewhat intimidated by these petitioners, and she would go out of her way to go around them or not go in a store at all, because they were so persistent and so, in some cases, obnoxious. I had a 64-year-old grandmother call me last night at 9:45, and she said to me, surely the Legislature will override this veto. She said, I was just at Super Saver two weeks ago, and I had an encounter with people circulating petitions and it wasn't pleasant. She said, I asked them if they were from Nebraska, and they didn't respond to my question. She asked them other questions about the petition and eventually, one of the two petition circulators really kind of flew off the handle at her, until the older petition circulator calmed him down. And she was very offended by the way she was treated. She assumes that they were not from Nebraska, or they would have said they were from Nebraska. I think people are intimidated, and I think the retailers in the state are very concerned about having people who are accosting people outside of their places of business. I'd like to say to you that this has been a very deliberative process. If you remember, not only did we have the interim hearing, but we had the bill and the hearing, and then we brought it to the floor. And there was a committee amendment which deleted part of the original bill, and then we talked about discussion of other kinds of possibilities, and we did that all on General File. Then I asked the Speaker to keep the bill off the agenda for awhile, because I thought that further discussion was warranted and worked with the Government Committee Chair and members who were interested, in trying to decide what would be the best way to go on this. And the upshot was the bill that we finally did adopt on Final Reading. So I think that we put a lot of time and energy and thought into this, and if we do not override this veto, it will be awhile before we can address this particular subject again, and I can almost guarantee you that you will hear from your constituents again this year about the petition process. I think what this bill does is it preserves the process for Nebraskans. It helps to ensure the integrity of the process for Nebraskans. It doesn't make it more difficult for them at all. I want to reiterate what I said in the beginning, that this is about protecting Nebraskans and Nebraska from being an easy mark. I'd also like to say... [LB39]

SENATOR LANGEMEIER: One minute. [LB39]

SENATOR SCHIMEK: ...to you that this is as much about the legislative process as it is about the petition process, and I want to quote, maybe not exactly, but essentially what Jerry Warner said one time--if it's good enough to vote on Final, it's good enough to override. I would ask for your help in sustaining...in not sustaining (laugh)...in overriding

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the Governor's veto. Thank you very much. [LB39]

SENATOR LANGEMEIER: Thank you, Senator Schimek. You have heard the closing...Senator Schimek, for what purpose do you rise? [LB39]

SENATOR SCHIMEK: (Microphone malfunction)...may need a call of the house. [LB39]

SENATOR LANGEMEIER: There has been a request to put the house under call. All those in favor of putting the house under call please vote yea; all those opposed vote nay. Record, Mr. Clerk. [LB39]

ASSISTANT CLERK: 32 ayes, 0 nays to go under call, Mr. President. [LB39]

SENATOR LANGEMEIER: The house is under call. Senators, please record your presence. Senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator White, the house is under call. Please return to the Chamber. Senator Schimek, how do you wish to proceed? [LB39]

SENATOR SCHIMEK: Machine vote. [LB39]

SENATOR LANGEMEIER: There has been a request for a machine vote. All senators are present or accounted for. The question is, shall LB39 become law, notwithstanding the objection of the Governor? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Senator Schimek, for what purpose do you rise? [LB39]

SENATOR SCHIMEK: I'd like to ask for a roll call vote. [LB39]

SENATOR LANGEMEIER: In regular order? [LB39]

SENATOR SCHIMEK: In regular order. [LB39]

SENATOR LANGEMEIER: Thank you, Senator Schimek. There has been a request for a roll call vote in regular order. Mr. Clerk, please call the roll. [LB39]

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal pages 616-617.) The vote is 30 ayes, 17 nays, Mr. President. [LB39]

SENATOR LANGEMEIER: LB39 passes, notwithstanding the objection of the Governor. Mr. Clerk, next item on the agenda, Final Reading, LB395A. [LB39 LB395A]

ASSISTANT CLERK: Mr. President, with respect to LB395A... [LB395A]

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SENATOR LANGEMEIER: With that, I raise the call. [LB395A]

ASSISTANT CLERK: ...Senator Johnson would move to return the bill to Select File for a specific amendment. (AM1915, Legislative Journal page 617.) [LB395A]

SPEAKER FLOOD PRESIDING

SENATOR FLOOD: Members, we are on Final Reading. Please find your seats. Senator Johnson, you're recognized to open on LB395A, on your motion to return it to Select for a specific amendment. [LB395A]

SENATOR JOHNSON: Thank you, Mr. Speaker. Hopefully, this will just take just a minute or two, because what we are trying to do is to catch the A bill up with the bill itself. Mr. President or Mr. Speaker, members of the Legislature, I'd ask for your approval of LB395A to Select File for the adoption of an amendment, AM1915. This amendment is a technical amendment drafted by the Legislative Fiscal Office to change the fiscal year dates on the bill, since the bill was originally introduced last year. The amendment appropriates \$5,000 for FY 2009, \$25,000 for FY 2010, because of the delayed operative date with LB395, adopted by the Legislature last week. The amendment increases the appropriation from \$20,000 to \$25,000 to account for additional costs by local health departments for necessary inspections. The funds, interestingly enough, come from the Tobacco Prevention and Control Cash Fund--no General Funds are in the A bill. With this, I would ask for your approval to return the bill to Select File for adoption of AM1915. Mr. Speaker, thank you. [LB395A LB395]

SPEAKER FLOOD: Senator Johnson, thank you for your opening. There are no other lights on. Senator Johnson, you're recognized to close. [LB395A]

SENATOR JOHNSON: Waive. [LB395A]

SPEAKER FLOOD: Senator Johnson waives closing. The question before the body is, should LB395A be returned to Select File for a specific amendment? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB395A]

ASSISTANT CLERK: 39 ayes, 0 nays on the motion to return, Mr. President. [LB395A]

SPEAKER FLOOD: LB395A is returned to Select File for a specific amendment. Mr. Clerk. [LB395A]

ASSISTANT CLERK: Mr. President, Senator Johnson would offer AM1915. [LB395A]

SPEAKER FLOOD: Senator Johnson, you're recognized to open on AM1915. [LB395A]

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SENATOR JOHNSON: Just to repeat myself to the point, what this is, is it catches the A bill up to where the bill is, so that the two can proceed together. There are small changes in the amounts, and the funds actually come from the Tobacco Prevention and Control Fund, not from General Funds. With that, I would ask your approval. [LB395A]

SPEAKER FLOOD: You've heard the opening on AM1915. There are no other lights on at this time. Senator Johnson, you're recognized to close. Senator Johnson waives closing. The question before the body is, should AM1915 be adopted to LB395A? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB395A]

ASSISTANT CLERK: 40 ayes, 0 nays on the adoption of Senator Johnson's amendment. [LB395A]

SPEAKER FLOOD: AM1915 is adopted. Mr. Clerk. [LB395A]

ASSISTANT CLERK: Mr. President, I have nothing further at this time. [LB395A]

SPEAKER FLOOD: Senator McGill for a motion. [LB395A]

SENATOR MCGILL: Mr. President, I move LB395A to E&R for engrossing. [LB395A]

SPEAKER FLOOD: You've heard the motion. The question is, should LB395A advance to E&R for engrossing? All those in favor say aye. All those opposed say nay. LB395A is advanced to E&R for engrossing. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR237. I also propose to sign a certificate to be delivered to Nebraska Secretary of State stating that LB39, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law effective this 19th day of February, 2008. Mr. Clerk. [LB395A LR237 LB39]

ASSISTANT CLERK: Mr. President, a series of items for the record. Committee on Government reports LB904 to General File, LB962 to General File, LB870 as indefinitely postponed. I have a series of reports from the Government, Military and Veterans Affairs Committee. Committee on Education reports LB973 to General File, with amendments. Committee on Judiciary reports LB766 to General File, with amendments, and LB1055, as well. Amendments to be printed: Senator Erdman to LB395. I have a communication addressed to the Secretary of State that will accompany LB39, which was passed, notwithstanding the objections of the Governor. An announcement: Education Committee will meet in Executive Session in Room 1126 upon adjournment today. Name adds: Senator Pahls to LB983. (Legislative Journal pages 618-625.) [LB904 LB962 LB870 LB973 LB766 LB1055 LB395 LB39 LB983]

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And I do have a priority motion. Senator Cornett would move to adjourn until Wednesday, February 20, 2008, at 9:00 a.m. []

SPEAKER FLOOD: You've heard the motion to adjourn offered by Senator Cornett. All those in favor say aye. All those opposed say nay. The ayes have it. We stand adjourned. (Gavel.)