

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

Floor Debate  
April 16, 2008

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[LB151 LB195 LB245A LB245 LB280 LB710 LB724 LB726A LB726 LB727 LB728  
LB736A LB736 LB745 LB754 LB764 LB775 LB789 LB798 LB805 LB806 LB821  
LB830A LB830 LB838 LB844 LB845 LB848 LB850 LB865 LB893 LB902 LB904 LB907  
LB947 LB953 LB956 LB972 LB993 LB995 LB1001 LB1001A LB1004 LB1011 LB1014A  
LB1014 LB1045 LB1048A LB1048 LB1067 LB1072 LB1100 LB1103 LB1108 LB1116  
LB1116A LB1145 LB1153 LB1162 LB1165 LR223 LR238 LR376 LR387 LR402 LR403  
LR404]

PRESIDENT SHEEHY PRESIDING []

PRESIDENT SHEEHY: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifty-ninth day of the One Hundredth Legislature, Second Session. Our chaplain for this afternoon is Senator Hudkins. Would you all please rise. []

SENATOR HUDKINS: (Prayer offered.) []

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

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

PRESIDENT SHEEHY: Corrections for the Journal? []

CLERK: I have no corrections, Mr. President. []

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

CLERK: Mr. President, bills read on Final Reading last evening were presented to the Governor at 8:05 p.m. (Re: LB151, LB195, LB710, LB724, LB726, LB726A, LB727, LB728, LB754, LB764, LB775, LB789, LB798, LB805, LB821, LB838, LB845, LB848, LB850, LB865, LB893, LB902, LB904, LB947, LB972, LB993, LB1004, LB1011, LB1045, LB1048, LB1048A, LB1067, LB1103, LB1108, LB1145, LB1162.)

Communication from the Governor to the Clerk. (Read re LB151, LB195, LB280, LB710, LB724, LB726, LB726A, LB727, LB728, LB736, LB736A, LB754, LB764, LB775, LB789, LB798, LB805, LB821, LB838, LB844, LB845, LB848, LB850, LB865, LB893, LB902, LB904, LB947, LB972, LB993, LB1001, LB1001A, LB1004, LB1011, LB1014, LB1014A, LB1045, LB1048, LB1048A, LB1067, LB1103, LB1108, LB1145, and LB1162.) And that's all that I have at this time, Mr. President. (Legislative Journal pages 1513-1514.)

[LB151 LB195 LB280 LB710 LB724 LB726 LB726A LB727 LB728 LB736 LB736A  
LB754 LB764 LB775 LB789 LB798 LB805 LB821 LB838 LB844 LB845 LB848 LB850  
LB865 LB893 LB902 LB904 LB947 LB972 LB993 LB1001 LB1001A LB1004 LB1011

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LB1014 LB1014A LB1045 LB1048 LB1048A LB1067 LB1103 LB1108 LB1145 LB1162]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. (Doctor of the day introduced.) Mr. Clerk, we'll move to the first legislative confirmation report. []

CLERK: Mr. President, Natural Resources Committee reports on the appointment of James Gohl to the Oil and Gas Conservation Commission. (Legislative Journal page 1182.) []

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

SENATOR LOUDEN: Thank you, Mr. President and members of the body. The Natural Resources Committee conducted a confirmation hearing on March 31, 2008, for James Gohl of Culbertson, a reappointee to the three-member Oil and Gas Conservation Commission. Mr. Gohl appeared before the committee for his confirmation hearing. Mr. Gohl has served on the Oil and Gas Conservation Commission since 2001 when he was appointed to complete a vacancy on the commission and he was appointed later to a four-year term. Jim Gohl began ranching and farming in 1970 and continues to operate the ranch. In 1979 he started in the oil business, working for R.D. Brew who later formed Central Operating Incorporated. He currently holds the position of vice president in charge of operations. Central Operating Incorporated operates over 200 wells in southwest Nebraska, including Sleepy Hollow field, the largest field in Nebraska. Mr. Gohl has served as president of the McCook Public Power District board of directors, a director of the Nebraska Rural Electric Association, and served as a member of the McCook Chamber of Commerce agricultural task force, the Hitchcock County Zoning Board of Adjustments, the Hitchcock County Fair Board, and the Southwest Nebraska Cattlemen's Association. The committee recommended approval of James Gohl to the Oil and Gas Conservation Commission with six members voting for and two members absent. With that, I would ask for the favorable vote for the confirmation of Jim Gohl to the Oil and Gas Conservation Commission. Thank you, Mr. President. []

PRESIDENT SHEEHY: Thank you, Senator Louden. You've heard the opening of the Natural Resources Committee legislative confirmation report. The floor is open for discussion. Seeing no requests to speak, Senator Louden, you're recognized to close. Senator Louden waives closing. The question before the body is on the adoption of the legislative confirmation report from the Natural Resources Committee. All those in favor vote yea; opposed, nay. Please record, Madam Clerk. []

ASSISTANT CLERK: (Record vote, Legislative Journal pages 1514-1515.) 39 ayes, 0 nays on adoption of the confirmation report, Mr. President. []

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PRESIDENT SHEEHY: The confirmation report is adopted. Madam Clerk, we'll move to the next legislative confirmation report. []

ASSISTANT CLERK: Mr. President, the next confirmation report is from the Transportation and Telecommunications Committee and it regards Trev Peterson and Janie Park to the Nebraska Information Technology Commission. (Legislative Journal page 1253.) []

PRESIDENT SHEEHY: Thank you, Madam Clerk. Senator Fischer, you're recognized to open on your legislative confirmation report. []

SENATOR FISCHER: Thank you, Mr. President and members of the body. The Transportation and Telecommunications Committee held a confirmation hearing on Tuesday, April 1, for two reappointments to the Nebraska Information Technology Commission. The NITC's mission is to make the state of Nebraska's information technology infrastructure more accessible and responsive to the needs of its citizens, regardless of location, while making investments in government, education, healthcare, and other services more efficient and cost-effective. The NITC is a nine-member, Governor-appointed commission. The members of the commission are to be approved by the majority of the Legislature. The membership consists of one member representing elementary-secondary education, one member representing postsecondary education, one member representing communities, five members with strategic planning experience representing the general public, and the Governor or his or her designee. Members serve four-year terms and are limited to two consecutive terms. The reappointees, Trev Peterson and Dr. Janie Park, both represent the general public and were appointed for a term to run from April 2, 2008, to April 2, 2012. Trev Peterson is from Lincoln and is a graduate of UNL with a B.A. in political science and is also a graduate of the University of Nebraska Law School. He has served his community and church and many areas. He lists his areas of interest as economic development, environment, legal, law enforcement, roads, and transportation. Mr. Peterson attended the confirmation hearing. Dr. Janie Park is from Chadron and is president of Chadron State College. Dr. Park holds a bachelor of science in nursing from Baylor University, Waco, Texas, and a master of science and a doctorate of philosophy in cell and molecular biology from Florida Institute of Technology, Melbourne, Florida. She provided a lengthy resume' which contained her experiences, background, boards she has served on, publications, and many honors and awards she has received. Dr. Park listed her areas of interest as economic development, education, and health. Dr. Park was unable to attend the confirmation hearing. The Transportation and Telecommunications Committee recommends both of these confirmations with seven members being in favor and one member was absent. Thank you, Mr. President. []

PRESIDENT SHEEHY: Thank you, Senator Fischer. You have heard the opening of the

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Transportation and Telecommunications Committee legislative confirmation report. The floor is open for discussion. Seeing no members requesting to speak, Senator Fischer, you're recognized to close. Senator Fischer waives closing. The question before the body is on the adoption of the legislative confirmation report. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal page 1515.) 38 ayes, 0 nays, Mr. President, on the adoption of the confirmation report. []

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

CLERK: Mr. President, Health and Human Services offers a report with regards to three appointees to the Commission for the Deaf and Hard of Hearing. (Legislative Journal page 1389.) []

PRESIDENT SHEEHY: Senator Johnson, you're recognized to open on your first Health and Human Services Committee legislative confirmation report. []

SENATOR JOHNSON: Thank you, Mr. Lieutenant Governor. Health and Human Services Committee reports favorably on the appointment of three persons to the Commission for the Deaf and Hard of Hearing. The committee held a public hearing on the first of April to consider these appointments. All appointees were approved by the committee. Mary Ann Burke is a reappointment to a three-year term from Bellevue. She is a lab assistant in sign language classes at Metro Community College. She is deaf but is a graduate of the Iowa School for the Deaf. David Rutledge is a reappointment for a three-year term. He is from Lincoln. He is a real estate agent, has been deaf for 7 years and hard of hearing for more than 20 years. He now uses two cochlear implants and, I might comment, hears quite well. Dillard Delts is a new appointment for a three-year term from Papillion. He is deaf and he works as an airport terminal agent in Omaha. Mr. Lieutenant Governor, I would ask for your confirmation appointment of these three individuals to the Commission for the Deaf and Hard of Hearing. Thank you. []

PRESIDENT SHEEHY: Thank you, Senator Johnson. You have heard the opening of the Health and Human Services Committee confirmation report. The floor is open for discussion. Seeing no members requesting to speak, Senator Johnson waives closing. The question before the body is on the adoption of the first confirmation report. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal pages 1515-1516.) 41 ayes, 0 nays, Mr. President, on the adoption of the confirmation report. []

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

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CLERK: Mr. President, the next report is by the Health and Human Services Committee involving an appointment to the Commission for the Blind and Visually Impaired. (Legislative Journal page 1389.) []

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

SENATOR JOHNSON: Thank you, Mr. Lieutenant Governor. This should be noted that the committee reports favorably on the appointment of James Jirak, J-i-r-a-k, for the Commission for the Blind and Visually Impaired. Public hearing was held on the first of April, 2008. James Jirak is a new appointment to a four-year term. He serves at the Hyatt Reservation Center in Omaha. He is a member of the American Council for the Blind of Nebraska and the American Council of the Blind of the Greater Omaha Chapter. He has held various leadership positions in these and other organizations and is also an active community volunteer. Pearl Van Zandt, the current executive director for the commission, spoke in favor of Mr. Jirak's appointment. Therefore, Mr. Lieutenant Governor, I would ask for the confirmation of James Jirak to the Commission for the Blind and Visually Impaired. Thank you. []

PRESIDENT SHEEHY: Thank you, Senator Johnson. You have heard the opening of the confirmation report from Health and Human Services Committee. The floor is open for discussion. Seeing no members requesting to speak, Senator Johnson waives closing. The question before the body is on the adoption of the confirmation report. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal pages 1516-1517.) 41 ayes, 0 nays, Mr. President, on the adoption of the report. []

PRESIDENT SHEEHY: The confirmation report is adopted. We'll move to the next legislative confirmation report. []

CLERK: Mr. President, the next report involves the General Affairs Committee reporting on the appointment of Helen Feller to the State Racing Commission. (Legislative Journal page 1410.) []

PRESIDENT SHEEHY: Senator McDonald, you're recognized to open on the General Affairs Committee confirmation report. []

SENATOR McDONALD: Mr. President and members of the body, the Committee on General Affairs supports the appointment of Helen Abbott Feller to serve on the Nebraska State Racing Commission. Ms. Feller of Wisner, Nebraska, has been in thoroughbred business since 1980, serving on the Thoroughbred of Nebraska Board

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and on the Nebraska Thoroughbred Breeders Association. She currently is involved with the TeamMates program and also serves on numerous other boards in her community. In addition, she has served on the Lower Elkhorn Natural Resource District for the last 14 years. Ms. Feller received her education from the University of Nebraska in Lincoln, where she obtained a bachelor's of science degree in animal science. Her confirmation passed unanimously in our committee and she has proven herself to be a highly qualified appointment to the Nebraska State Racing Commission. And I urge your support. Thank you. []

PRESIDENT SHEEHY: Thank you, Senator McDonald. You've heard the opening of the General Affairs Committee confirmation report. The floor is open for discussion. Seeing no requests to speak, Senator McDonald, you're recognized to close. Senator McDonald waives closing. The question before the body is on the adoption of the confirmation report. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal page 1517.) 38 ayes, 0 nays, Mr. President, on the adoption of the confirmation report. []

PRESIDENT SHEEHY: The confirmation report is adopted. We'll move to the next General Affairs confirmation report. []

CLERK: Mr. President, General Affairs Committee would report on the appointment of Robert Culver to the Arts Council. (Legislative Journal page 1411.) []

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

SENATOR McDONALD: Mr. President, members of the body, the Committee on General Affairs supports the appointment of Robert Culver to serve on the Nebraska Arts Council. Mr. Culver of Omaha has served on and currently serves on numerous art-related boards, including the Bemis Center of Contemporary Arts board of directors, the governing board of Omaha Symphony, and he currently serves as vice chairman of the Omaha Public Arts Commission. Mr. Culver obtained his bachelor of fine arts from the University of Nebraska. In addition, he received a full scholarship twice to the Blossom Center program of Kent University and also graduated from the Aspen School of Development. His confirmation passed unanimously in our committee and I believe Mr. Culver has proven he is a highly qualified appointment to the Nebraska Arts Council and I would urge your support. Thank you. []

PRESIDENT SHEEHY: Thank you, Senator McDonald. You have heard the opening of the General Affairs Committee confirmation report. The floor is open for discussion. Member requesting to speak: Senator Schimek. []

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SENATOR SCHIMEK: Yes, thank you, Mr. President and members. My comments really have nothing to do with the qualifications or appropriateness of this particular nominee or any of the nominees that you have just confirmed. But this message is really for the chief of staff for the Governor. You all know who he is. He came to me the day after we'd had the discussion on the floor about boards and commissions and the need for considering gender when making these appointments. And he very proudly told me that they'd actually appointed 1 more woman than man out of their 11 appointees that day. Well, I confess, I haven't been keeping track every time we've done confirmation reports. But, Larry, I want you to know that today we approved six men and three women. Your record is going downhill fast. Thank you. []

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

CLERK: (Record vote, Legislative Journal pages 1517-1518.) 44 ayes, 0 nays, Mr. President, on adoption of the confirmation report. []

PRESIDENT SHEEHY: The confirmation report is adopted. Mr. Clerk, we will move to Final Reading. Members should return to their seats in preparation for Final Reading. Mr. Clerk, we will proceed. First legislative bill is LB245. [LB245]

CLERK: Mr. President, I have a motion on the desk. Senator Preister would move to return LB245 to Select File for purposes of striking the enacting clause. (FA276, Legislative Journal page 1518.) [LB245]

PRESIDENT SHEEHY: Senator Preister, you're recognized to open on your motion to return. [LB245]

SENATOR PREISTER: Thank you, Honorable President, friends all. My staff has a poster in the office. It shows a frog in the mouth of an aquatic bird, a large bird. And the frog is reaching both of its arms out from the beak of the bird and coming around to the throat of the bird and squeezing for dear life, trying to keep that bird from swallowing it. I feel a little bit like that bird on this bill. I have raised issues, I have given you information, I have cited concerns of studies, given information about dentists. You have seen many e-mails from concerned individuals, both in Nebraska and outside of Nebraska. This does have the E clause on it. It will take additional votes in order for that to go into effect. I would hope that at least we did not have the E clause. We would then have a second vote if it got more than 25 votes. If it got less, it would not even move forward. That would be my first preference. I let Senator Johnson know that I was going to be

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doing this. Sometimes when we work in here we don't always give people notice or keep people informed. I think it's better when we work together and work with people. I am going to withdraw this motion. I'm going to give Dr. Johnson an opportunity to respond and then I will wrap up my remarks and withdraw the amendment. I'm hoping that you will at least consider not voting for the bill. You may not want to vote no, but given the information that you've received, I hope you would consider not voting for it. And, Senator Johnson, if you would like to have some time, I would certainly yield some time to you and then you can yield what's remaining back to me. [LB245]

PRESIDENT SHEEHY: Senator Johnson, 7 minutes, 50 seconds. [LB245]

SENATOR JOHNSON: Thank you, Senator Preister. A perfect example of how things should be done in this Chamber. Senator Preister and I have been friends from day one and we may see differently on occasion but certainly he knows how to be a gentleman. What I want to do is just take a few minutes and go over what is in the bill because there were questions, there were statements towards the end of the discussion that led me to believe that people still did not quite understand what we're talking about. First of all, there was a bill similar to this in 1973, 35 years ago. It said that all villages and cities, regardless of size, would have to fluoridate their water. There was an opt-out clause in that but once you made that decision, that was your decision for the full length of the time. If you decided that 35 years ago, it still stands. You cannot say we've changed our mind and now choose to fluoridate our water. In 2008, what we did is say this affects only those communities greater than 1,000. We also put in the bill that they could opt out by a vote of the people and that this could be put on the ballot by either the city councils or petition by a group of people. The two standard ways that are done are both in this bill. This was done for a very practical reason. Senator Hansen pointed out that there may be a reason such as thought to be in North Platte where it would be very, very expensive to put in this system. The price ordinarily is about \$6,000 per injection site. But if your community was such that you had a small population and a large number of injection sites, the cost could be quite large per person and therefore not be a reasonable thing to do. Now safety, the source...what we're talking about here is this: as you look at not only this bill but everything brought before us, look for the documentation of the source. One of the things that you are now seeing with the Internet is there is no source. Everybody just sends you everything, makes it look glamorous and factual. The fact of the matter is many, many times it is not. The other thing is look for duplication of the source. In other words, can anyone else duplicate the results that the first person said? On to the next subjects, who do we quote? Let me read this to you. The findings of the National Research Council report are consistent with the CDC's assessment that the water is safe and healthy at the levels used for water fluoridation. CDC's recommendation remains the same, that community water fluoridation is safe and effective for preventing tooth decay. Water fluoridation should be continued in communities currently fluoridating and extending the fluoridation to others. The Surgeon General was here these last two days. For those of you that had a

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question about the safety, I would presume that you went to the Surgeon General and expressed your concerns. He was readily available and very easy and pleasant to visit with. I presume those of you with the safety concerns were there. In fact, if the Governor has any safety concerns about this, I hope he brought it up at dinner the other night. What we're really talking about is this: fluoridation is safe, it's inexpensive, and it is effective. If you want to save money, whether it's on Medicare that this state is responsible for or the private patient taking the bill home to his family, this is your answer. I hope that you will sustain the vote that we had on Final Reading before. This is the thing to do. With that, Senator Preister, let me return the rest of the time to you and thank you very much. [LB245]

PRESIDENT SHEEHY: Senator Preister, you have just over 2 minutes remaining. [LB245]

SENATOR PREISTER: Thank you, Mr. President. Thank you, Senator Johnson. Senator Johnson's words are words that he believes are true, that many doctors and dentists believe are true. You got an e-mail from another dentist who would give you different information. The first part of it says, for the last 25 years as a dentist I've promoted fluoridation; however, I have become strongly opposed to fluoridation because the current scientific literature is opposed to fluoridation. The American Dental Association and the CDC are simply not looking at current scientific evidence. I think that if you know what fluoride is, it might help you to understand that better. Dr. Heinz, an EPA senior scientist, testified in 2000 to the U.S. Senate: Fluoride is slightly less toxic than arsenic and more toxic than lead. Fluoride leaches lead out of pipes, so in older houses where they have lead pipes... [LB245]

PRESIDENT SHEEHY: One minute. [LB245]

SENATOR PREISTER: ...it leaches the lead out, puts it in with the drinking water. And those of us that represent children who already have lead contamination are putting those children at greater risks. Fluoride is a waste product, a by-product of the phosphorous fertilizer and aluminum industry. It requires costly disposal at a toxic waste site. Fluoride is an insidious, corrosive, cumulative poison producing serious effects on a large-range basis. And I'll stop there because my time is about out. Organizations no longer endorsing fluoridation: the American Cancer Society, the American Heart Association--no longer supporting, remember--National Kidney Foundation, National Association of Allergy and Immunology, American Dietetic Association, Society of Toxicology, Chromium Fatigue Syndrome Activation Network, the American Psychiatric Association... [LB245]

PRESIDENT SHEEHY: Time, Senator. [LB245]

SENATOR PREISTER: ...and the American Civil Liberties Association. Mr. President, I

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would withdraw that motion. [LB245]

PRESIDENT SHEEHY: The motion to return is withdrawn. (Visitors introduced.) Mr. Clerk, we will proceed with LB245. [LB245]

ASSISTANT CLERK: (Read LB245 on Final Reading.) [LB245]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB245 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB245]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1518-1519.) Vote is 34 ayes, 8 nays, 6 present and not voting, 1 excused and not voting, Mr. President. [LB245]

PRESIDENT SHEEHY: LB245 passes with the emergency clause attached. We will now proceed to LB245A. [LB245 LB245A]

ASSISTANT CLERK: (Read LB245A on Final Reading.) [LB245A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB245A pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB245A]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1519-1520.) Vote is 33 ayes, 6 nays, 9 present and not voting, 1 excused and not voting, Mr. President. [LB245A]

PRESIDENT SHEEHY: LB245A passes with the emergency clause attached. We will now proceed to LB745. [LB245A LB745]

ASSISTANT CLERK: Mr. President, with respect to LB745, Senator Chambers would move to return the bill to Select File for a specific amendment, that being strike the enacting clause. (FA277, Legislative Journal page 1520.) [LB745]

PRESIDENT SHEEHY: Senator Chambers, you're recognized to open on your motion to return to Select File. [LB745]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, obviously I do not intend to take this motion to a vote. I have no problems with the bill. I've supported it. I intend to support it. But something is troubling me. To use the word or the phraseology from Star Wars, I read the World-Herald yesterday and felt a profound disturbance in the Force. I come from a family which includes many women and girls. I

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had three sisters, I have a daughter, I have a host of nieces. I was reared to respect women. I've never lost that. I don't think it has diminished me in the least. Toward my sisters and other women that I knew, I felt a sense of protectiveness which may have been overdone on occasion, a profound respect which can never be overdone on any occasion or in any circumstances. When I read in the World-Herald yesterday that one of my colleagues was referred to as a little girl, and in the headline the term was in quotation marks, I thought it was to make a point. But as I read on, I saw the term outside of quotation marks and the reference was one that I could not allow to stand without saying something. During my early years here, female senators were referred to by the honorific "Mrs." rather than "Senator." And every time I had an opportunity when I saw that appear in an article, I would comment about it on the floor and object to it and point out that the senators were not referred to as "Mr." So in the context of our being in the Legislature and a reference being made, the title ought to be extended to the women the same way it was to the men. And I haven't seen that "Mrs." attached to a senator's name when speaking of her in the context of the Legislature. I do not get the impression from the overall thrust of the article that it was designed to be insulting, demeaning, or down-putting. So my reaction is not based on having talked to my colleague--Senator McGill, if people don't know it, who I'm referring to. This that I'm talking about transcends her, her interests, or whether she would be offended or even noticed it. I'm looking again at the dignity and integrity of the Legislature as an institution. I have not seen the wife of a President referred to as the "little girl." I don't have any more respect for the wife of the President than I have for my colleague, than I have for my sisters, my nieces, or my daughter. So I had to say this to get it out of my craw. And for those who may not understand why I would do this at a time like this, look at me. You see these wrinkles across my forehead? You see these deep gouges running from my nostrils down around the corners of my mouth? You see this white hair on my head and under my head on my beard? All of that bespeaks age. Senator Harms, I am old. And as I've stated, old people are entitled to have moods. And, Senator Carlson, I felt a mood coming on this morning. And had I not spoken and vented, no telling what I, at my advanced stage of age and diminishing control over my emotions, might have resulted in. Now I feel purged. I feel cleansed. I feel at myself again. And with that, I withdraw that motion and thank Senator Aguilar for his courtliness in allowing me to do this on his bill. [LB745]

PRESIDENT SHEEHY: Thank you, Senator Chambers. The motion to return is withdrawn. Mr. Clerk, we'll continue with the Final Reading of LB745. [LB745]

ASSISTANT CLERK: (Read LB745 on Final Reading.) [LB745]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB745 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB745]

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ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1520-1521.) Vote is 48 ayes, 0 nays, 1 excused and not voting. [LB745]

PRESIDENT SHEEHY: LB745 passes. We will now proceed to LB806. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB745 LB806]

ASSISTANT CLERK: 37 ayes, 2 nays to dispense with the at-large reading. [LB806]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB806]

ASSISTANT CLERK: (Read title of LB806.) [LB806]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB806 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB806]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1521-1522.) Vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB806]

PRESIDENT SHEEHY: LB806 passes. We will now proceed to LB830. [LB806 LB830]

ASSISTANT CLERK: (Read LB830 on Final Reading.) [LB830]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB830 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB830]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1522.) Vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB830]

PRESIDENT SHEEHY: LB830 passes. We'll now proceed to LB830A. [LB830 LB830A]

ASSISTANT CLERK: (Read LB830A on Final Reading.) [LB830A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB830A pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB830A]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1523.) Vote is 47

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ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President.  
[LB830A]

PRESIDENT SHEEHY: LB830A passes. We will now proceed to LB907. [LB830A  
LB907]

ASSISTANT CLERK: (Read LB907 on Final Reading.) [LB907]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB907 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB907]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1523-1524.) Vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB907]

PRESIDENT SHEEHY: LB907 passes. We will now proceed to LB953. [LB907 LB953]

ASSISTANT CLERK: (Read LB953 on Final Reading.) [LB953]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB953 pass? All those in favor vote yea; opposed, nay. Please record, Madam Clerk. [LB953]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1524-1525.) Vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB953]

PRESIDENT SHEEHY: LB953 passes. We will now proceed to LB956. [LB953 LB956]

ASSISTANT CLERK: (Read LB956 on Final Reading.) [LB956]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB956 pass? All those in favor vote yea; opposed, nay. Please record, Madam Clerk. [LB956]

ASSISTANT CLERK: (Record vote read, Legislative Journal 1525.) Vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB956]

PRESIDENT SHEEHY: LB956 passes. We'll now proceed to LB995. [LB956 LB995]

ASSISTANT CLERK: (Read LB995 on Final Reading.) [LB995]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied

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with, the question is, shall LB995 pass? All those in favor vote yea; opposed, nay. Please record, Madam Clerk. [LB995]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1526.) The vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB995]

PRESIDENT SHEEHY: LB995 passes. (Visitors introduced.) We will now proceed to LB1072. [LB995 LB1072]

ASSISTANT CLERK: (Read LB1072 on Final Reading.) [LB1072]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1072 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Madam Clerk. [LB1072]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1526-1527.) Vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB1072]

PRESIDENT SHEEHY: LB1072 passes with the emergency clause attached. (Visitors introduced.) We will now proceed to LB1116. Madam Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Please record, Madam Clerk. [LB1072 LB1116]

ASSISTANT CLERK: 34 ayes, 6 nays on the motion to dispense with the at-large reading, Mr. President. [LB1116]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Madam Clerk, please read the title. [LB1116]

ASSISTANT CLERK: (Read title of LB1116.) [LB1116]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1116 pass? All those in favor vote yea; opposed, nay. Please record, Madam Clerk. [LB1116]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1527-1528.) The vote is 44 ayes, 3 nays, 1 present and not voting, one excused and not voting, Mr. President. [LB1116]

PRESIDENT SHEEHY: LB1116 passes. We will now proceed to LB1116A. [LB1116 LB1116A]

ASSISTANT CLERK: (Read LB1116A on Final Reading.) [LB1116A]

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PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1116A pass? All those in favor vote yea; opposed, nay. Please record, Madam Clerk. [LB1116A]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1528-1529.) Vote is 45 ayes, 2 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB1116A]

PRESIDENT SHEEHY: LB1116A passes. We will now proceed to LB1153. Madam Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1116A LB1153]

CLERK: 33 ayes, 4 nays, Mr. President, to dispense with the at-large reading. [LB1153]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB1153]

CLERK: (Read title of LB1153.) [LB1153]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1153 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1153]

CLERK: (Record vote read, Legislative Journal pages 1529-1530.) 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB1153]

PRESIDENT SHEEHY: LB1153 passes with the emergency clause attached. We will now proceed to LB1165. [LB1153 LB1165]

CLERK: (Read LB1165 on Final Reading.) [LB1165]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1165 pass? All those in favor vote aye; opposed, nay. Please record, Mr. Clerk. [LB1165]

CLERK: (Record vote read, Legislative Journal pages 1530-1531.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB1165]

PRESIDENT SHEEHY: LB1165 passes. Mr. Clerk, you have items for the record? [LB1165]

CLERK: Mr. President, your Committee on Education, chaired by Senator Raikes,

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reports LB1100 to General File with committee amendments attached. Two new resolutions: LR402 by the Appropriations Committee, calling for an interim study, and LR403 by the Retirement Systems Committee, again, calling for an interim study; both will be referred to the Executive Board. That's all that I had, Mr. President. (Legislative Journal pages 1531-1539.) [LB1100 LR402 LR403]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Speaker Flood, you're recognized for an announcement.

SPEAKER FLOOD: Thank you, Mr. President, members. We'll be getting the agenda out here shortly. Tomorrow morning we are going to start at 9:00 a.m. There will be a lot of families of legislators and members in the building tomorrow. We will be breaking for lunch at noon, to give families a chance to spend the lunch hour together, and returning at 1:30. But we will start tomorrow morning at 9:00 a.m. with some Final Reading, and I want to make clear: The Final Reading that's on tomorrow was placed on the agenda because today was its layover day, as required by law. We'll take up any motions to override that are available following Final Reading, and then a number of resolutions after that, and then we'll begin our descent as we finish the unfinished business of the Legislature and prepare for a sine die adjournment motion. So tomorrow at 9:00 a.m. we'll start. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Speaker Flood. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB245, LB245A, LB745, LB806, LB830, LB830A, LB907, LB953, LB956, LB995, LB1072, LB1116, LB1116A, LB1153, and LB1165. Mr. Clerk, we'll move to the items under Legislative Resolutions. [LB245 LB245A LB745 LB806 LB830 LB830A LB907 LB953 LB956 LB995 LB1072 LB1116 LB1116A LB1153 LB1165]

CLERK: Mr. President, LR223 was originally introduced by Senator Avery. Pursuant to its introduction it was referred to the Government, Military and Veterans Affairs Committee for purposes of conducting a public hearing. The resolution has been reported back to the floor. The resolution calls and urges the Secretary of the Treasury to select Standing Bear as one of the designs for the reverse of the Native American dollar coin to commemorate Standing Bear's important contribution. At this time I have no amendments pending to the resolution, Mr. President. [LR223]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Avery, you are recognized to open on LR223. [LR223]

SENATOR AVERY: Mr. President, distinguished colleagues, I bring before you today a resolution that expresses the desire and support of the Nebraska Legislature for placing Chief Standing Bear on the reverse of the redesigned Sacagawea dollar coin. The U.S. Treasury and the U.S. Mint are currently in the process of selecting designs for the

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reverse of this coin that depicts images in commemoration of Native Americans and important contributions made by Indian tribes and individual Native Americans to the development and history of this country. This year marks the one hundredth anniversary of Chief Standing Bear's death. The role that Chief Standing Bear played in advancing civil rights in this country deserves our utmost respect, appreciation, and recognition. Chief Standing Bear was born in Nebraska around 1834. In January, 1879, Chief Standing Bear and a group of about 30 Native Americans left Indian territory in Oklahoma where they had been forced against their will to reside. They sought to return to Nebraska to honor the wish of Chief Standing Bear's dying son, which was to be buried on the Ponca ancestral homeland along the Niobrara River. Chief Standing Bear was consequently arrested and imprisoned at Fort Omaha which resulted in the trial of Standing Bear v. Crook. The case of Standing Bear v. Crook, you probably all are aware, was an important development in the history of Indian/white relations, and was a catalyst for far-reaching changes in federal policy affecting thousands of Native Americans throughout the United States. This case established the important fact that an Indian is a person within the meaning of the laws of this country. During the trial, when Standing Bear addressed the court, he held out his hand and he spoke these famous words, "This hand is not the color of yours, but if I pierce it, I shall feel pain. If you pierce your hand, you also feel pain. The blood that will flow from my mine will be the same color as yours. God made us both." The state of Nebraska has honored the legacy of Chief Standing Bear on numerous occasions. On February 29, 1980, Chief Standing Bear was honored by the dedication of his bust in the Nebraska Hall of Fame. Nebraska also declared on...May 12, 2005, they declared that day to be Chief Standing Bear day and we celebrate it annually. An image depicting Chief Standing Bear also was a finalist for placement on the 2006 Nebraska quarter. If not for the determination and achievement of Standing Bear, many of the basic legal assumptions of the United States may not have been changed. Chief Standing Bear's legacy deserves national recognition and appreciation for his contributions to human rights and civil rights to Nebraska and to this country. Governor Heineman already has sent a letter to the U.S. Treasurer making a similar request, and Representative Jeff Fortenberry has sponsored a resolution in the U.S. House of Representatives making a similar request. Therefore, this resolution expresses this Legislature's support for the selection of Chief Standing Bear as one of the Native Americans to be depicted on the reverse of the redesigned Sacagawea dollar coin. If approved, the resolution will be forwarded to the U.S. Treasury. Thank you very much. [LR223]

PRESIDENT SHEEHY: Thank you, Senator Avery. You have heard the opening of LR223. The floor is open for discussion. Are there members requesting to speak? Seeing none, Senator Avery, you're recognized to close. Senator Avery waives closing. The question before the body is on the adoption of LR223. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR223]

CLERK: 33 ayes, 0 nays, Mr. President, on adoption of LR223. [LR223]

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PRESIDENT SHEEHY: LR223 is adopted. We'll move to the next legislative resolution. [LR223]

CLERK: Mr. President, LR238, originally introduced by Senator Kruse. Introduced in early February, at that time it was referred to the Health and Human Services Committee for purposes of conducting a public hearing. The resolution was reported back to the floor for further consideration by the full Legislature. I do have an amendment to the resolution, Mr. President. (AM2780, Legislative Journal page 1473.) [LR238]

PRESIDENT SHEEHY: Senator Johnson, you're recognized to open on LR238. [LR238]

SENATOR JOHNSON: Thank you, Mr. Lieutenant Governor. Just a few minutes ago I received a call from Senator Kruse saying that he had a family emergency and needed to depart immediately, and his staff brought up his notes that he was going to use, so I will read those notes to you. I have nothing further on the family emergency and therefore cannot comment further about that. Senator Kruse was impressed with a coalition of four groups as they involve Nebraska citizens in the discussion of healthcare and related matters. These groups were the American Association of Retired Persons, the Business Roundtable, the National Federation of Independent Business, and the Service Employees International Union. He felt that these were strictly nonpartisan in both selection issues and their discussions. The resolution is to commend them for their educational efforts on important subjects. One of the things that I understand is this, is that these are to be noncongratulatory but policy. I might say that there was no opposition to this. There is a technical amendment, Mr. Lieutenant Governor. [LR238]

PRESIDENT SHEEHY: Thank you, Senator Johnson. You have heard the opening to LR238. Mr. Clerk, you have an amendment on your desk. [LR238]

CLERK: Mr. President, Senator Kruse would offer AM2780. [LR238]

PRESIDENT SHEEHY: Senator Johnson, on behalf of Senator Kruse, you're recognized to open on AM2780. [LR238]

SENATOR JOHNSON: Thank you. The amendment is very brief, and in the last "Whereas," strike "businesses" and insert "business." That's the extent of the amendment. Thank you. [LR238]

PRESIDENT SHEEHY: Thank you, Senator Johnson. You have heard the opening of the amendment, AM2780, to LR238. The floor is open for discussion. Are there members requesting to speak? Seeing none, Senator Johnson, you're recognized to close. Senator Johnson waives closing. The question before the body is on the adoption

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of AM2780. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR238]

CLERK: 35 ayes, 0 nays, Mr. President, on adoption of Senator Kruse's amendment. [LR238]

PRESIDENT SHEEHY: AM2780 is adopted. We'll return to floor discussion on LR238. Are there members requesting to speak? Seeing none, Senator Johnson, you're recognized to close. Senator Johnson waives closing. The question before the body is on the adoption of LR238. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR238]

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of the legislative resolution. [LR238]

PRESIDENT SHEEHY: LR238 is adopted. Next resolution, Mr. Clerk. [LR238]

CLERK: Mr. President, Senator Preister would offer LR376. The resolution asks for the Legislature to urge the President of the United States, United States Congress to continue efforts to account for all of the missing people from the Vietnam War. [LR376]

PRESIDENT SHEEHY: Senator Preister, you're recognized to open on LR376. [LR376]

SENATOR PREISTER: Thank you, Honorable President, friends all. This is a resolution that also commemorates the thirty-fifth anniversary of the ending of the Vietnam War and the twenty-fifth anniversary of the healing Vietnam Veterans Memorial that's in Washington, D.C. It recognizes the dates of August 5, 1964, to January 27, 1973, as the official years of that war, recognizes that over 3,403 American service people served in Southeast Asia, that over 2,594,000 American service people served in the military in South Vietnam, and that over 58,209 people serving in the U.S. military died as a result of the war in Southeast Asia. It recognizes that over 396 Nebraskans died in that war. It recognizes and names 94 Omaha residents who died as the result of being in the Vietnam War. It recognizes that at least 1,763 United States military service personnel still remain unaccounted for these years later. It lists by name the 19 who are still unaccounted for from Nebraska. It then goes on and requests that those remains continue to be searched for and wherever possible, returned to their families. It encourages that we continue efforts to provide for the homeless, for the injured who were never treated, for those who were serving and who served honorably but are now, as a result of that, needing assistance. It encourages our congressional delegation to continue the efforts to identify those that are missing and to provide and continue the services for those who may yet to receive those services. Some of the estimates of our homeless people put it at up to 50 percent of the homeless in the United States are veterans, and many of those served in Vietnam. It also extends to those Vietnam veterans a welcome home. Many never received a welcome at all. Those who did were

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frequently belittled, called names, and were almost to the point of being ashamed of having served their country. It recognizes their service and sacrifice. I appreciate your attention to this, and I thank you for any support that you will provide. Thank you. [LR376]

PRESIDENT SHEEHY: Thank you, Senator Preister. You have heard the opening to LR376. The floor is open for discussion. Members requesting to speak: Senator Dierks. [LR376]

SENATOR DIERKS: Thank you, Mr. President. I simply wanted to stand and offer a strong second to Senator Preister's resolution today. I remember very well the treatment or lack of treatment or the lack of respect that the Vietnam War veterans received as they were coming back from that war. They were there to protect our nation, they were there to protect our families, to protect us, and they were treated somewhat shabbily. And I just want to be on record at least in saying I support fully what Senator Preister has brought to us today. Thank you very much, Mr. President. [LR376]

PRESIDENT SHEEHY: Thank you, Senator Dierks. Senator Wallman. [LR376]

SENATOR WALLMAN: Thank you, Mr. President, members of the body. I, too, would thank Senator Preister for bringing this forth. And I talked to a veteran the other night. His son had been over three times over in the Middle East, and we're going to deal with these problems again, and we should do everything we can to support our troops, even when they come back not perfect, because it's a wonderful thing to see veterans serve our country, and we should support them. Thank you, Mr. President. [LR376]

PRESIDENT SHEEHY: Thank you, Senator Wallman. Senator Nelson. [LR376]

SENATOR NELSON: Thank you, Mr. President, members of the body. I, too, want to stand in support of this resolution. This has come home to our family, because my brother-in-law was a pilot in the Air Force during the Vietnam era, was shot down over Vietnam, and his remains have never been found. I think it's important that we continue the search, and I encourage the body to pass this resolution. Thank you, Mr. President. [LR376]

PRESIDENT SHEEHY: Thank you, Senator Nelson. Are there additional members requesting to speak? Seeing none, Senator Preister, you're recognized to close. Senator Preister waives closing. The question before the body is on the adoption of LR376. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR376]

CLERK: 41 ayes, 0 nays, Mr. President, on the adoption of LR376. [LR376]

PRESIDENT SHEEHY: LR376 is adopted. While the Legislature is in session and

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capable of transacting business, I propose to sign and to hereby sign LR223, LR376, and LR387. (Also signed LR238.) Items for the record, Mr. Clerk. [LR376 LR223 LR387 LR238]

CLERK: Mr. President, bills read on Final Reading this afternoon were presented to the Governor at 3:23. (Re: LB245, LB245A, LB745, LB806, LB830, LB830A, LB907, LB953, LB956, LB995, LB1072, LB1116, LB1116A, LB1153, and LB1165.) New resolution, Mr. President, LR404, introduced by the Judiciary Committee, and that will be laid over. (Legislative Journal pages 1540-1541.) [LB245 LB245A LB745 LB806 LB830 LB830A LB907 LB953 LB956 LB995 LB1072 LB1116 LB1116A LB1153 LB1165 LR404]

And I do have a priority motion, Mr. President. Senator Dwite Pedersen would move to adjourn until Thursday morning, April 17, at 9:00 a.m. []

PRESIDENT SHEEHY: You have heard the motion to adjourn until Thursday, April 17, 2008, at 9:00 a.m. All those in favor say aye. Opposed, nay. We are adjourned. []