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Floor Debate  
January 27, 2010

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[LB139 LB190 LB190A LB197 LB200 LB210 LB226 LB279 LB307 LB475 LB550 LB626  
LB635 LB638 LB650 LB705 LB709 LB725 LB749 LB778 LB788 LB800 LB816 LB850  
LB961 LB986 LB987 LB1074 LB1103 LR294]

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fourteenth day of the One Hundred First Legislature, Second Session. Our chaplain for today is Senator Hansen. Would you all please rise.

SENATOR HANSEN: (Prayer offered.)

PRESIDENT SHEEHY: Thank you, Senator Hansen. I call to order the fourteenth day of the One Hundred First Legislature, Second Session. Senators, please record your presence. Please record, Mr. Clerk.

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

PRESIDENT SHEEHY: Are there corrections for the Journal?

CLERK: Mr. President, your Committee on Enrollment and Review reports they've examined and engrossed LB139, LB197, LB210, LB279, LB475, and LB550, all reported correctly engrossed. Your Committee on Transportation, chaired by Senator Fischer, reports LB749, LB816 to General File with amendments. General Affairs, chaired by Senator Karpisek, reports LB788 to General File. I have an appointment letter from the Governor, an appointment to the Nebraska Board of Emergency Medical Services. That will be referred to Reference. That's all that I have, Mr. President. (Legislative Journal pages 369-372.) [LB139 LB197 LB210 LB279 LB475 LB550 LB749 LB816 LB788]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR294. Mr. Clerk, we will move to the first item under legislative confirmation reports. [LR294]

CLERK: Mr. President, the Revenue Committee reports on an appointment to the Tax Equalization and Review Commission. (Legislative Journal page 332.)

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

SENATOR CORNETT: Good morning, Lieutenant Governor and members of the body. The Revenue Committee would offer Robert Hotz's appointment to the TERC board. He

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

Floor Debate  
January 27, 2010

---

has served on TERC since 2007, is a University of Nebraska college law graduate, and has served in the private sector for a number of years. I would ask the body to look favorably upon his appointment. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Cornett. You've heard opening of the Revenue Committee confirmation report. Senator Council, you are in the queue to speak. Did you want to speak to this report or on the upcoming bill? Thank you, Senator Council. Seeing no request to speak, Senator Cornett, you're recognized to close. Senator Cornett waives closing. The question before the body is on the adoption of the Revenue Committee confirmation report. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 372.) 36 ayes, 0 nays on adoption of the confirmation report.

PRESIDENT SHEEHY: Revenue Committee confirmation report is adopted. We will now proceed to first item under General File, LB226. [LB226]

CLERK: Mr. President, LB226 introduced by Senator Rogert. (Read title.) Introduced last year, referred to Judiciary, advanced to General File, discussed yesterday. And when the Legislature left the issue, pending to the bill were committee amendments and an amendment to the committee amendments by Senator Rogert, specifically AM1633. (Legislative Journal page 362.) [LB226]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Rogert, would you like to give us a brief summary on the discussion on the amendment to committee amendment. [LB226]

SENATOR ROBERT: Yes, sir. Thank you, Mr. President. Good morning, members. I don't see Senator Ashford here...here he comes, but I'll give you a good...bring us up to date where we were yesterday. LB226 is, in the green copy, is a bill that brings the age of majority in Nebraska from age 19 to age 18. Due to the extensive process and ramifications of the green copy, I have proposed an amendment through the Judiciary Committee, AM1590, and then a second amendment, AM1633, to narrow the scope of what this bill does. Basically, today what we are doing, we are giving contractual abilities to 18-year-olds with consent from a parent, by power of attorney, for binding contracts, medical care, and the such. The final amendment basically wipes the issue of state wards out of the ability to do this due to concerns by the Department of Health and Human Services in terms of conflicting guardianships and their responsibilities to pay for certain items. So that's where we are today and I'll answer any questions we get to. Thank you. [LB226]

PRESIDENT SHEEHY: Thank you, Senator Rogert. Are there members requesting to

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

Floor Debate  
January 27, 2010

---

speak to AM1633, amendment to committee amendment? Senator Wightman, you're recognized. [LB226]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. I would like to ask a question or two of Senator Rogert, if he would yield. [LB226]

PRESIDENT SHEEHY: Senator Rogert, would you yield to questions? [LB226]

SENATOR ROGERT: Yes, sir. [LB226]

SENATOR WIGHTMAN: Senator Rogert, as I understand it under the current amendment, and maybe I'm wrong, correct me if I am, you need a power of attorney if you're going to give medical consents as an 18-year-old, is that correct? You need a power of attorney by your parent or guardian. [LB226]

SENATOR ROGERT: Under the committee amendment, yes. [LB226]

SENATOR WIGHTMAN: Now, with regard to entering into contracts, the way I read it, you don't need a power of attorney from anybody. You can enter into contracts or leases at 18 under the amendment, is that right, or would you need a power of attorney there as well? [LB226]

SENATOR ROGERT: You are correct. You would not need a power of attorney to enter into those types of contracts. [LB226]

SENATOR WIGHTMAN: So one of the problems I have with the bill is, so many 18-year-olds are living under the same roof as their parents, where 19-year-olds, typically, are more likely to be in college or holding a job. A lot of 18-year-olds are still in high school, is that correct? [LB226]

SENATOR ROGERT: Several...yeah, I think a good portion of them would be. [LB226]

SENATOR WIGHTMAN: So while they're living under their parent's roof, 18 and in high school, they could go out and sign a contract to buy a new automobile without the parent's consent. And it would be valid if they signed it, is that correct? [LB226]

SENATOR ROGERT: Yes. [LB226]

SENATOR WIGHTMAN: And so...the two items... [LB226]

SENATOR ROGERT: Senator Wightman, I don't mean to interrupt except I think they would have to...if you're going to go do that, you're going to have to prove earning capacity to be able to sign those contracts. They're going to give the credit check.

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

Floor Debate  
January 27, 2010

---

They're going to make you show support of earnings and the ability to repay, and if you can't do that, they're obviously not going to approve your financing contract. [LB226]

SENATOR WIGHTMAN: Now, that has nothing to do with the provisions of LB226 as it would be amended under the amendment. You're just saying that that's what would be required by a car dealer. [LB226]

SENATOR ROBERT: Exactly. I think that there are kids that they have the capacity to do so, but they're not able to do so because the contract isn't enforceable so people aren't willing to go ahead and enter into that. If they had the capacity and they show that they can provide security for any note they want to get ahold of, then this would give them the ability to sign that contract. [LB226]

SENATOR WIGHTMAN: Now, a lot of 18-year-olds, Senator Robert, I assume would be in college or quite a few of them or starting college at least. While they're still 18 they would be able to sign a lease without their parent's consent. And I don't have a problem particularly with that because they are kind of out from under their parent's roof. That answers my question. Thank you, Senator Robert. Thank you, Mr. President. [LB226]

PRESIDENT SHEEHY: Thank you, Senator Wightman. Members requesting to speak on AM1633, we have Senator Gay, followed by Senator Nelson and Senator Conrad. Senator Gay, you're recognized. [LB226]

SENATOR GAY: Thank you, Mr. President. Senator Robert, would you yield to a question or two? [LB226]

PRESIDENT SHEEHY: Senator Robert, would you yield to Senator Gay? [LB226]

SENATOR ROBERT: Yes, I will. [LB226]

SENATOR GAY: Senator Robert, I had questions on the...yesterday I was looking at the fiscal note on this and it's lengthy and there's several different components to it. But this fiscal note was written...the one I'm looking at in my file, unless I'm wrong, and I'd have to go on a computer, but is the fiscal note we're working off March 24, 2009? [LB226]

SENATOR ROBERT: Well, the fiscal note is to the green copy only. The amendment that...from the committee amendment, we strike the entire green copy and come forward with this just page-and-a-half bill that basically removes all fiscal implications. [LB226]

SENATOR GAY: Okay, then I guess on this then that's the thing, because there was savings... [LB226]

Floor Debate  
January 27, 2010

---

SENATOR ROBERT: Huge. [LB226]

SENATOR GAY: There are huge savings, but now won't that savings be gone? [LB226]

SENATOR ROBERT: Yes. [LB226]

SENATOR GAY: So if we're going to do this, and I'm torn, I'm leaning more towards it than against it, but if you're going to do this with the amendments in, pretty much there's no fiscal savings at all. We're saying that you can do this at 18 and I assume the power of attorney is on medical only, though. You can enter into any contract, but if you need medical you need to have the power of attorney. [LB226]

SENATOR ROBERT: Correct. [LB226]

SENATOR GAY: So if I'm a college student at a university and I'm only 18, I need emergency medical services, would I have to...is there a power of attorney I sign when I go there. [LB226]

SENATOR ROBERT: No. Necessity of life is always provided for in the statutes in case law we have today and so emergency care would be covered in that instance. [LB226]

SENATOR GAY: Okay. But I guess at this point then, if we're going to treat an 18-year-old, then that discussion was made. Senator Price discussed about, you know, you can sign up for the military, do a lot of other things at 18, but here we're the only state that it's 19. But yet we have the amendments on here that says, unless you're a ward of the state, you're exempted. So that basically got rid of all the savings, correct? [LB226]

SENATOR ROBERT: Yeah. And the reason we went with the amendment and I mentioned this yesterday, if you allow me a couple of seconds, there's so many...the savings come from removing those children who were 18 from all...we'll just use a general term, welfare services, meaning these groups: juvenile courts, CASA, Boys Town, behavioral health, hospitals, children and family coalitions, Catholic Conference. They were all very, very concerned about doing that. And I'm willing to concede that that's another issue we can look to further down the road. This is the first step in getting those 18-year-olds into adulthood. [LB226]

SENATOR GAY: Okay. And that's the point I was getting at. I go...what is the...because I notice they were neutral on this bill and usually I would think they would be opposed to something... [LB226]

SENATOR ROBERT: Quite opposed. (Laugh) [LB226]

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

Floor Debate  
January 27, 2010

---

SENATOR GAY: ...but when the...yeah, when the amendments were put on, then they pretty much said, well, I guess we can support it at that point. But, you know, what goes through my mind is, what we're saying is, if you're old enough and wise enough to sign into a contract, enter into contracts, then you can do that, except...and then it's a big exception. It's a big exemption out of this bill and, I guess, I'm torn, and say, well, then why are we doing it at that point? If they're not able to make a decision at 18, why so much on 19? And I've heard arguments and you have too that, you know, they're just getting through there. And I brought that up even yesterday. But I just wanted to clarify that this fiscal note we're looking at on any savings would not be realized if these amendments are passed. So thank you for clarifying that for me. Thank you, Mr. President. [LB226]

PRESIDENT SHEEHY: Thank you, Senator Gay. (Visitors and doctor of the day introduced.) Continuing with floor discussion on AM1633, members requesting to speak are Senator Nelson, followed by Senator Conrad, Senator Howard, and Senator Sullivan. Senator Nelson, you're recognized. [LB226]

SENATOR NELSON: Thank you, Mr. President and members of the body. I'd like to ask a question or two of Senator Rogert, if he will yield. [LB226]

PRESIDENT SHEEHY: Senator Rogert, would you yield to Senator Nelson? [LB226]

SENATOR ROGERT: Yes, I will. [LB226]

SENATOR NELSON: Thank you, Mr. President. Thank you, Senator. I was going to ask a couple questions yesterday before we adjourned and so recalling what they are now, and I think this is maybe along the same line that Senator Wightman asked. Current...and I'm looking at your AM1590. Current law is that a parent can delegate or can execute a power of attorney giving another person permission to make medical decisions for their minor child, is that correct,... [LB226]

SENATOR ROGERT: Actually it's... [LB226]

SENATOR NELSON: ...for six, for six, up to six months. [LB226]

SENATOR ROGERT: Well, it's giving them the ability to go out and seek medical treatment such as contracting for health insurance or going to a clinic and getting treated. [LB226]

SENATOR NELSON: Well, I'm talking about the situation where we...parents have a young person who is going away to camp or they're going to go live with a relative for awhile and so, I've done this before as an attorney, you give them a power of attorney to make medical decisions and things and authorize especially medical care for that child

Floor Debate  
January 27, 2010

---

while they're in the care of that other person. [LB226]

SENATOR ROBERT: Yes. [LB226]

SENATOR NELSON: So now we're doing a power of attorney under your bill, permitting the minor, himself or herself, to make those decisions and authorize those, that medical treatment and healthcare. What is the rationale for lowering it a year to age 18 and not leaving it alone? I think Senator Harms mentioned yesterday that young adults probably don't have all the mental development that they need and these are important decisions that need to be made, authorization for medical care and saying, I'd like this procedure or that procedure. And I think, personally, it's a little dangerous to cut the parent out at age 18. But what's the rationale here for doing this? [LB226]

SENATOR ROBERT: Well, Senator Nelson, I don't necessarily think that you're always cutting the parent out. And the reality of it is, is the parent may be cut out anyway. So this...it's, in my opinion, that it's worse for an 18-year-old to have his hands tied and not be able to go get medical services that he thinks he needs or a doctor might think so just because he can't get parental consent. And it might be a situation where...to put it on the dark side, it might be a situation where the parent doesn't care and the parent doesn't want to take the time, and this is probably a smaller instance, where they're not available. Say they are in the military at 18, they come to Nebraska, they want to go down the street and get some acne taken care of or something to that effect, those things. It's more of a convenience factor. It's more of a uniformity factor. We have a lot of students or a lot of 18-year-olds in the state that aren't from here. They come here, they seek some sort of medical attention, whether it be...it's probably nonemergency, just something that they want to go have done and they find out that they can't have it done so they're running back and forth and faxing information back and forth. You know, I really believe that if you're going to see any medical professional, then the medical professional is going to make...they're not going to steer you wrong. We're just giving these kids the ability to go do that. If you look, if you look, I did send you a few sheets of information. In the top copy was a letter from the head athletic trainer at the university, and that answers a lot of that question. [LB226]

PRESIDENT SHEEHY: One minute. [LB226]

SENATOR NELSON: All right, thank you. I haven't had an opportunity to read that and I'll look at it. The next and final question is I have on the question of liability. If a parent is going to give the 18-year-old a power of attorney to make these healthcare decisions and authorize medical treatment, where's the liability there? [LB226]

SENATOR ROBERT: In terms of payment? [LB226]

SENATOR NELSON: Is the parent still liable or, under your next section here, is that a

Floor Debate  
January 27, 2010

---

contract that this 18-year-old has entered into with the doctor or the hospital and that 18-year-old is going to be responsible for it? [LB226]

SENATOR ROBERT: Well, since we aren't really changing the age of majority in whole, the responsibility of the parents to pay will stay on. So liability of payment will still lie within the parents. [LB226]

SENATOR NELSON: I'm not catching what you're saying. Are you speaking into the mike? [LB226]

SENATOR ROBERT: Because we're not changing the whole age of majority, we're just changing it for these purposes, so the responsibility of payment will still lie within the parents. [LB226]

SENATOR NELSON: Okay. All right. Thank you, Senator. Thank you, Mr. President. [LB226]

PRESIDENT SHEEHY: Thank you, Senator Nelson. Senator Conrad, you're recognized. [LB226]

SENATOR CONRAD: Thank you, Mr. President. Good morning, colleagues. It's nice to have some young people here with us this morning as we're talking about an issue that affects so many young people. As many of you well know, I represent north Lincoln here in the state Legislature and we have a very significant student population, being the proud home of both the University of Nebraska city and east campus in the 46th District, so I have an opportunity to frequently interact with young people who are at this very age in question under Senator Rogert's bill. I rise in support of the bill and the Judiciary Committee amendments and Senator Rogert's amendments thereto for the following reasons. These concepts related to minors and the statutory age of majority and particularly related to medical decision making and contracting purposes is...has an entire body of jurisprudence under our common law and how we deal with these kinds of issues. A well-known, well-established principle within this jurisprudence is something called the necessities doctrine, wherein minors under the law are able to contract for necessities. It's a legal term of art there but it's basically related to the...it's not necessities. That's why it sounds so funny. It's called necessities, but it's related to issues surrounding basic needs in life: shelter, food, emergency medical care, and a few other limited instances. So I believe that Senator Rogert's bill, again, while not a wholesale overhaul of these concepts, is very carefully and very narrowly targeted to these very issues, further flushing out what our jurisprudence and court decisions already tell us in regards to these things. Further, I believe that his concept contained in the amendments and the bill, rather than cutting out the family, rather creates a proactive level of communication for families on these issues. Under the current law as it stands, a minor can go out and contract for these basic necessities of life without



Floor Debate  
January 27, 2010

---

really discussing it with their parent, and then the courts, the merchants, the retailers, the healthcare providers, if somebody is unable to pay or entered into a contract that maybe they couldn't otherwise meet their burden and obligations under, are left to figure out and clean up the mess down the road. This is a proactive step. This says, we're family. Our children are preparing to go to college. We're going to anticipate that they're going to need to address some of these basic necessities in life kinds of issues. So we're going to have a proactive discussion about these issues, sit down and draft a power of attorney which, mind you, under the current power of attorney statutes, you can write as broadly or as narrowly as you would like to. A practicing lawyer who works in that field can provide more information on that to the families that they're going to and these are such simple legal documents, while it's always good to have a legal eye check it over, but the families would really have an opportunity to provide a broad grant of authority to their minor children or a more targeted grant of authority to their minor children, say, for example, related to a cell phone contract or a health club, as envisioned under the examples Senator Rogert has brought forward, and could limit it in other contexts. So I really think that this is a very carefully, very narrowly targeted issue to address real issues that young people face in our state and in our communities. I frequently have interaction with constituents who run into some sort of landlord-tenant problem as they're coming down here for school and out on their own for the first time. And I think this kind of legislation, while it doesn't address all of those issues,... [LB226]

PRESIDENT SHEEHY: One minute. [LB226]

SENATOR CONRAD: ...it definitely promotes a proactive family dialogue about these kinds of things, rather than on the tail end once we have a problem and consumers, healthcare providers, landlords, or other interested parties to these contracts can run into trouble. So with that, thank you, Senator Rogert, for bringing this forward. Thank you for tailoring it to address the areas and issues surrounding eligibility for critical human service issues. And I'd yield to you the very small remainder of my time, if there is any. Thank you. [LB226]

PRESIDENT SHEEHY: Thank you, Senator Conrad. Senator Howard, you're recognized. [LB226]

SENATOR HOWARD: Thank you, Mr. President and members of the body. I was able to have a brief off-the-floor conversation with Senator Rogert yesterday morning regarding the issue of state wards and I'd asked him for some clarification on that. And I think it's important to make sure that this is in the record and that there's no misunderstanding in the future regarding state wards, so if Senator Rogert would allow me to ask him a few questions. [LB226]

PRESIDENT SHEEHY: Senator Rogert, would you yield to Senator Howard? [LB226]

Floor Debate  
January 27, 2010

---

SENATOR ROBERT: Absolutely. [LB226]

SENATOR HOWARD: Thank you, Senator Robert. Now, in looking at your amendment, clearly to me this excludes state wards from no longer being a ward of the state, that this bill does not affect their standing. They will continue as they have been as state wards up until age 19. Am I correct in assuming that? [LB226]

SENATOR ROBERT: That is true. [LB226]

SENATOR HOWARD: Thank you, thank you. So I think this is very important so that in the future there isn't some misreading of Senator Robert's intention regarding this. Additional questions that have crossed my mind I would just like to be able to throw out to you. Would this allow any youth who turns 18 to, say, apply for a credit card? [LB226]

SENATOR ROBERT: Well, I...you know what, it seems to me that 18-year-olds are able to apply for credit cards now and I'm not sure why exactly that is. But they have the ability to do that and apparently it's because there's an additional security that's signed, I assume. But they can do it now. [LB226]

SENATOR HOWARD: They do it now? Which credit cards are a risky business for people that age and we always hear stories of people in college who get overextended and they're paying for their pizza that they ate in college when they're in their twenties. But that aside, I can see some value in this and that youth that are aging out of the state ward program need to be able to establish their own checking account, their own savings account. And right now they're not able to do that without a cosigner, which, if the child is a state ward, in some situations there's no one available to cosign with the youth, and we certainly would not encourage a worker or someone working with that individual to be a cosigner with them. Senator Robert, in regard to medical issues, if someone, say, is a state ward and wants to get their ears pierced and that ordinarily would not be approved, but at age 18 would they be able to make that call if they were a state ward? [LB226]

SENATOR ROBERT: Well, I don't think you have to be 18 to get your ears pierced. I think you can do that one on your own. [LB226]

SENATOR HOWARD: If you were a state ward, you'd need permission to do that. [LB226]

SENATOR ROBERT: Okay. Well, I think that would still be up to the...we're not taking any power of...we're not taking any custodial power away from the state at that point. They still have the ability to... [LB226]

SENATOR HOWARD: Okay. So any medical procedure would remain in the

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

Floor Debate  
January 27, 2010

---

responsibility of the state when the child is a ward of the state. [LB226]

SENATOR ROBERT: Yes. [LB226]

SENATOR HOWARD: All right. Thank you so much. [LB226]

SENATOR ROBERT: Uh-huh. [LB226]

PRESIDENT SHEEHY: Thank you, Senator Howard. Senator Campbell, you're recognized. [LB226]

SENATOR CAMPBELL: Thank you, Mr. President. Would Senator Robert yield to a question? [LB226]

PRESIDENT SHEEHY: Senator Robert, would you yield to Senator Campbell? [LB226]

SENATOR ROBERT: Certainly. [LB226]

SENATOR CAMPBELL: Senator Robert, I just want to be very clear because I think we've touched on this, but in a medical situation or an apartment or utilities or a contract, are you saying that, while the 18-year-old person could go into a contract, the parents would still be liable for the costs of that? [LB226]

SENATOR ROBERT: Yeah, currently if you as a...we'll just say...we'll use a cell phone company, for example. If you are Verizon Wireless and you enter into a contract with an 18-year-old and the 18-year-old takes off and decides not to pay it, Verizon is pretty much out. That contract is not enforceable. It's void. Today, if we instilled this, this would say that that contract would be enforceable but the parent would be...the parent would still be liable for payment just...and merely because we're not changing all the amenities in the green copy, basically taking the age of majority all the way back down. So this would still leave the liability still within the parent. [LB226]

SENATOR CAMPBELL: And perhaps an attorney in the body could respond, but if the youth chose to become an emancipated youth, it would be my understanding that then they would be liable. Is that correct? [LB226]

SENATOR ROBERT: Yeah, that's correct. I'm getting information from our fellow attorney and that's correct. [LB226]

SENATOR CAMPBELL: Okay. Thank you, Senator Robert. I'd just like to send a cautionary note to my colleagues that yesterday we talked a little bit about the state wards and much of the money that's in the fiscal notes is tied to state wards. The cautionary note is, for many of the state wards, they do not have a counselor, an

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

Floor Debate  
January 27, 2010

---

advisor, a family member who can help them do just what Senator Howard was talking about. Our agency wants a great program transition, helps them in apartment, teaches life skills, gets them prepared to be out on their own. I have a bill that will hopefully come to the floor on fostering connections for foster kids which really has to do with setting up a long-range plan for them. I would hope that we would not see this fiscal note as an easy place to look, because, as Senator Lautenbaugh said, that would be an extremely difficult decision. State wards in many states are medically, at least, covered until the age of 21, 22, 23, because these young people need that support. So please, colleagues, do not look at this as an easy way to find money because that decision will be extremely difficult. Thank you, Mr. President. [LB226]

PRESIDENT SHEEHY: Thank you, Senator Campbell. Members requesting to speak on AM1633: Senator Pirsch, followed by Senator Krist, Senator Pankonin, and Senator Gloor. Senator Pirsch, you're recognized. [LB226]

SENATOR PIRSCH: Thank you, Mr. President, members of the body. I thought I just might lend my voice as well and echo those who support the bill. It...in speaking with Senator Rogert, I think one of the most compelling arguments he has in support of this amended bill is that this is already currently in place in every jurisdiction. And if I could ask Senator Rogert and just confirm that on the mike. [LB226]

PRESIDENT SHEEHY: Senator Rogert, would you yield to Senator Pirsch? [LB226]

SENATOR ROGERT: Yes, I will. [LB226]

SENATOR PIRSCH: Am I correct in stating that, with respect to the bill as amended here, that this is in force in every other state in the country right now? [LB226]

SENATOR ROGERT: The research we have shows that 46 states have full age of majority provisions at age 18. [LB226]

SENATOR PIRSCH: And that would go beyond even the scope of this bill, correct? [LB226]

SENATOR ROGERT: Yes. It would go all the way to the green copy. [LB226]

SENATOR PIRSCH: But with respect to just the scaled down, the amended nature of this bill, would that be in force in every other state? [LB226]

SENATOR ROGERT: Yeah. Yes. [LB226]

SENATOR PIRSCH: To your knowledge has there been a lot...have any states been actively contemplating repealing or changing that law, to your knowledge? [LB226]

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

Floor Debate  
January 27, 2010

---

SENATOR ROBERT: No, not to my knowledge. [LB226]

SENATOR PIRSCH: Okay. Thank you, Senator. For that reason, I would join those others who have stood in support of the bill and urge the body to adopt the amendment and the bill. Thank you. [LB226]

PRESIDENT SHEEHY: Thank you, Senator Pirsch. Senator Krist, you're recognized. [LB226]

SENATOR KRIST: Thank you, Mr. President. Colleagues, I rise in support of AM1633, AM1590, and LB226. Bravo, Senator Rogert, right on the money. What this does is creates the conversation. I can't say it as eloquently as Senator Conrad, but it promotes the conversation between parents and young adults and pushes them a little further down the communication line to being adults. Having served with many young, young airmen in the Air Force, to be given the opportunity to mature, sometimes there's mentorship and the family needs to be involved. This goes a long way in that way. And I yield the rest of my time if you'd like it, Senator Rogert. [LB226]

PRESIDENT SHEEHY: Senator Rogert, you're yielded just over 4 minutes. [LB226]

SENATOR ROBERT: Thank you, Mr. President. Thank you, Senator Krist. I think we've kind of come...I want to draw your attention again to the three pieces that I handed you as the morning began. And these aren't the only three examples. They're just the ones I could find this morning. Since I introduced this bill, about once a month or so I get a message from somebody across the state that is having troubles with what we're trying to solve today. And these three examples are pretty reminiscent of the e-mails and messages I get. And to Senator Nelson, his question about he's given...he's used a power of attorney to give medical consent to somebody, a doctor at a camp where he's sends his child, to that effect. When you go to college there isn't really one person you can give that consent to. You know, if you've got a kid coming to the university, there's nobody that you could assign that power to. You know, you could give it to the president of the university, but I don't think J.B. is going to sign that for you. But...so that's why I think you give the power to the kid who is 18 going down to school and he can walk in and he carries that sheet of paper into the health center and says, I got a pain in my leg and will you look at me? And I think that's kind of what we're doing with that portion of it. Contractually, I believe there...once again, for anybody to go into a contract, especially in today's financial situations, you're pretty heavily scrutinized on your ability to pay, your ability to secure that interest that you're signing up with. If you don't have any proof that you got money coming in to pay that off, you're not going to get what you're looking for anyway. So I think with the folks that have the ability to do so, we should let them do it and let them do things that help make their lives better and take care of themselves. Thank you, Mr. President. [LB226]

Floor Debate  
January 27, 2010

---

PRESIDENT SHEEHY: Thank you, Senator Rogert. Thank you, Senator Krist. Senator Pankonin, you're recognized. [LB226]

SENATOR PANKONIN: Thank you, Mr. President. I thought about taking a point of personal privilege, but I instead am going to relate the letter we received today from Senator Gay to this bill, and in a bleak fashion to a certain extent. Senator Gay has made a decision not to seek reelection this year in 2010 and I think the way it relates to this bill is he's made a personal policy decision about how he's going to support his children in their formative years that I really admire and respect. Senator Gay and I were elected the same year, our districts touch each other, and so we've had a lot of commonality there. But we've also served together on the HHS Committee and I've been proud to be his Vice Chair this past couple years and I can tell you he has spent a lot of time thinking about this decision. We've talked about it over the last several months and in the hall as late as yesterday. And the thing that I really admire is that his kids are in those formative years and he's made the decision to spend the time with them and try to help them. And I think as we look at this bill and other measures, that's an important thing that we as policymakers need to take into account. When I'm done with my service here--whether it's another four years will be determined by an election--all I will end up with is a picture in the hall downstairs. But the legacy I really leave are through my children, grandchildren, the community I live in. What I've done there, in my estimation, is going to make a lot more difference than the time spent on this floor. We have a lot of people in this room that are very sincerely interested in young children, from Senator Adams in Education Committee to many, many others. But Senator Gay, besides those leanings, has also made a personal decision to support his family and that is something I really admire and respect. Thank you. [LB226]

PRESIDENT SHEEHY: Thank you, Senator Pankonin. Senator Gloor, you're recognized. [LB226]

SENATOR GLOOR: Thank you, Mr. President and members of the body. I apologize for the delay. I rise in favor of LB226 and the attached amendments, and I've done so after an awful lot of soul searching about this. I think the information that Senator Rogert provided, the letters, helped snap me back to a review of history of a previous issue that this body dealt with in the early 1970s and that had to do with legal drinking age. We went during a period of time where it was in the general range of my age to a legal drinking age in this state from 21 years of age to 20 years of age to 19 years of age and then back to 21 years of age. And as best I can tell, not a lot changed during that period of time except probably the individuals who served in the state Legislature. And they brought, as Senator Pankonin has pointed out very appropriately and poignantly, they brought their own experiences of raising children and what they felt was an appropriate age of maturity for children that were there. It would be interesting to know the age...whether the age of the Legislature changed, whether we had more senators who

Floor Debate  
January 27, 2010

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served who had children who were in age of still being able to be molded, if that's ever possible to do completely with your children. They certainly mold us in many ways. But having said that, I find, at least in my own experiences with my own children, and with many of their friends that I can relate back to, that there isn't a huge difference in age 18 and 19. But certainly at the age of 18 we expect a degree of independence of those children, whether it's off to college or off to business, usually out of the traditional high school. And to be able to provide them with some of the tools to move into a more full level of adulthood seems appropriate to me and, therefore, I do appreciate the bill being brought forward. I do appreciate the discussion, the ability to talk with others about it even outside this Chamber, but I still am in support of the legislation as presented. Thank you very much. [LB226]

PRESIDENT SHEEHY: Thank you, Senator Gloor. Members requesting to speak on AM1633 are Senator Wightman, followed by Senator Sullivan. Senator Wightman, you're recognized. Senator Wightman. [LB226]

SENATOR WIGHTMAN: Thank you, Mr. President. I apologize for the delay, members of the body. Apparently, while I was looking up the same information, this question was answered as to how many states do provide that 18-year-olds are of the age of majority. And I found a listing and I think maybe it's going to be passed around by Senator Rogert, but there are only four states that do not provide 18 as the full age of majority, except that there are several states, and it will show up on the document that will be passed around, that make graduation from high school also a contingency. And interestingly enough, some of those states provide that it's 18 or graduation from high school, whichever is earlier, while some of the states provide that it's 18 or graduation from high school, whichever is later. But it seems to me, and I, after seeing this, that 46 states do provide 18, at least in some fashion, are of the age of majority, that I will support the bill. I think it's going to create more confusion where we have two limited instances where they will be given the status of being the age of majority. I almost think at this point...every surrounding state, by the way, the state of Iowa, Missouri, Kansas, Wyoming, Colorado, and South Dakota do provide 18 as the age of majority. I think we're going to create some confusion here with the amendments. Quite frankly, at this point, I think I would rather see a bill that would just provide that 18 is the age of majority, but I will support it in light of the fact that we seem to be out of step with the rest of the nation. That isn't to say that we aren't right and they're wrong. But I think Alabama and Mississippi are two of them you'll see them on the list. But it does seem to me that when we're that much in a state of isolation where every state around us does provide that 18 is of the age of majority that we probably ought to be looking at moving into, in this instance, what seems to be the twenty-first century idea. So I will support the bill. I would hope that maybe there would be some consideration given to broadening the scope of the bill so that it would provide a status of majority to everyone 18 years of age or older. Thank you, Mr. President. [LB226]

Floor Debate  
January 27, 2010

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PRESIDENT SHEEHY: Thank you, Senator Wightman. Senator Sullivan, you're recognized. [LB226]

SENATOR SULLIVAN: Thank you very much, Mr. President. Good morning, colleagues. Senator Wightman, I had also gotten into the Web site before you had mentioned it and thought it was interesting that we are in a minority of states that consider the age of majority being 18. So...and I rise in support of this bill but perhaps also mention a cautionary note, because our conversation thus far has really revolved around 18-year-olds who are in a college setting or are already away from home. And so it was that section where some states say age of majority and/or if they've graduated from high school. I don't know if this will create any problems or unusual circumstances for parents and children who are still in high school. But again, I just raise that as a cautionary note because, going back to what Senator Harms said, we've...right now our conversation has labeled these children as young adults. But really, if they're still in high school they've not really stepped into the real world and have not had experience with some of these life issues and problems and probably are too young to grapple with some of these situations. So right now I think this is the right approach. We're going slow. We might very well be back here to enlarge the parameters of what the age of majority means, but this allows us to see how it works. Thank you. [LB226]

PRESIDENT SHEEHY: Thank you, Senator Sullivan. Senator Dubas, you're recognized. [LB226]

SENATOR DUBAS: Thank you, Mr. Lieutenant Governor, members of the body. I just guess I would kind of like to echo or follow up where Senator Sullivan left off. I still am not completely convinced about my support for the bill. I'll probably support the amendments, but I raised my concerns yesterday and the road that we're going on with this. I've since done some of my own research and read some e-mails, etcetera. I understand the concerns that...and the issues that our young men and women face when they enter the military. I think that's kind of a separate category. It's a special...I think that deserves maybe some special designation because they are going into a field that is completely outside of the going off to college or going off to live on your own. They really...I understand the issues that they face. So while I know this bill would help them address their problems, I'm just concerned about the other young people who are either going off to college or living on their own and the difficulties that they face aren't quite as extreme as those who are going into the military. So, you know, if this bill was specifically looking at how we could help those in the military, I might be a little bit more inclined to support it. But just having this general change of age of majority, I just am concerned about the road that we're going down. The comments that Senator Harms made yesterday about brain development, you know, my own children, when they went off to college, they had the support of their mom and dad. They still made some decisions maybe that weren't the best and suffered some of the consequences of it and so, you know, these are kids who had parental involvement. What about the kids that



Floor Debate  
January 27, 2010

---

don't have the parental involvement? And it's kind of one of those things that it might appear that we're saving money up-front or we're allowing things to happen up-front, but what happens at the other end? What are our costs at the other end? So I understand the amendments do make the bill better. I still have a lot of reservations about the bill itself and would probably not be inclined to support it. Thank you. [LB226]

PRESIDENT SHEEHY: Thank you, Senator Dubas. Senator Council, you're recognized. [LB226]

SENATOR COUNCIL: Yes, thank you, Mr. President. I have quite patiently and thoroughly listened to the debate over this legislation for the last two days and find it most interesting. The issues that have been raised with regard to protecting the interests of young people are valid concerns and concerns which were presented to the Judiciary Committee. And an effort was made to address those concerns and to restrict the application of this legislation as best as we possibly could, taking into consideration what the objective was, and that was to particularly assist young people who do go away from home to go to college and need to be able to take care of some of the essentials while they are away from home. But in listening to the debate, I can't help but harken back to the beginning of the debate last year on my bill, LB307, to eliminate life without possibility of parole for individuals under the age of 18. I tried to make the same brain development arguments that have been made in connection with this piece of legislation and it became very clear to me that we want to be selective in terms of when we think youngsters under the age of 18 are capable of making particular decisions or particular choices. It appeared to me that the vast majority of this body had no problem with subjecting someone under the age of 18 to an adult punishment in the cases of homicide. They had no problem concluding that these young people were mature enough and could be held responsible for and understood the consequences of their actions in those instances. And I'm hearing some of those same people in opposition to this piece of legislation saying that same group of young people are unable to appreciate the consequences of their action and have not matured and developed to the point that they can be held responsible for entering into a contract or entering into a lease. I certainly share the concern of those who have some uneasiness about reducing the age of majority for a contract and lease because of the long-term impact that improper financial decisions can have on a person's life. And I would urge you to make that same analysis when we're talking about individuals under the age of 18 who have unfortunately made an improper choice that resulted in the loss of a life, yet in those instances we apparently have no hesitation in holding those young people responsible for their actions for the rest of their lives because we sentence them to death by incarceration. So I would just urge those who are considering this legislation to consider the need to be consistent... [LB226 LB307]

PRESIDENT SHEEHY: One minute. [LB226]

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

Floor Debate  
January 27, 2010

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SENATOR COUNCIL: ...in terms of, you know, what we believe that youngsters are capable of doing. As the law currently reads, a youngster who is...has not yet reached age 18 can be sentenced to life without possibility of parole, a youngster who has reached age 18 is subject to the harshest penalties that this state has to impose in those same instances. So when we're weighing these, we need to look at whether we believe that they have the maturity and mental capacity at age 18, which is the cutoff on LB307, ladies and gentlemen, in that instance, than we would in an instance where admittedly this legislation was to help young people who leave home, principally for school, to take care of their essentials. [LB226 LB307]

PRESIDENT SHEEHY: Thank you, Senator Council. Seeing no additional requests to speak, Senator Rogert, you're recognized to close on your amendment to committee amendment, AM1633. [LB226]

SENATOR ROGERT: Thank you, Mr. President. Thank you, members of the body, for the discussion this morning. I think we've answered most everyone's questions, at least for the day. And I think maybe I've swung a few of you over to green light for this. I think this is a first step in realizing some help for younger folks that literally every other state does, and I think we need to move forward with this proposal. This amendment here, of course, does take out the issue of state wards and the questions that were held there on who's responsible and who's liable, and I support that measure. So I ask for your green vote on AM1633. [LB226]

PRESIDENT SHEEHY: Thank you, Senator Rogert. You have heard the closing. The question before the body is on the adoption of the amendment to committee amendment, AM1633. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB226]

CLERK: 41 ayes, 0 nays, Mr. President, on the adoption of the amendment to the committee amendments. [LB226]

PRESIDENT SHEEHY: AM1633 is adopted. Mr. Clerk, do you have an item for the record? [LB226]

CLERK: Mr. President, Natural Resources will hold an Executive Session now; Natural Resources, Executive Session underneath the south balcony immediately. Thank you. [LB226]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We will now return to floor discussion on the Judiciary Committee amendment, AM1590. Seeing no request to speak, Senator Ashford, you're recognized to close on AM1590. Senator Ashford waives closing. The question before the body is on the adoption of AM1590 to LB226. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB226]

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

Floor Debate  
January 27, 2010

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CLERK: 40 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB226]

PRESIDENT SHEEHY: AM1590 is adopted. We will return to floor discussion on LB226. Seeing no request to speak, Senator Rogert, you're recognized to close. Senator Rogert waives closing. The question before the body is on the advancement of LB226. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB226]

CLERK: 41 ayes, 0 nays, Mr. President, on the advancement of LB226. [LB226]

PRESIDENT SHEEHY: LB226 advances. Mr. Clerk, do you have items for the record? [LB226]

CLERK: I do, Mr. President. (Read LB190A by title for the first time.) Senator Avery, amendments to be printed to LB190. I have hearing notices from Government, Military and Veterans Affairs; and the Urban Affairs Committee; and the Natural Resources Committee, all signed by respective the Chairs. Senator Fischer, Chair of Transportation, reports LB200 to General File. That's all that I have, Mr. President. (Legislative Journal pages 373-375.) [LB190A LB190 LB200]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We will now proceed to LB635. [LB635]

CLERK: LB635 is a bill originally introduced by Senator Mello. (Read title.) The bill was introduced on January 21 of last year, at that time it was referred to the Government, Military and Veterans Affairs Committee. The bill was advanced to General File. There are committee amendments, Mr. President. (AM1140, Legislative Journal page 1548, First Session, 2009.) [LB635]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Mello, you're recognized to open on LB635. [LB635]

SENATOR MELLO: Thank you, Mr. President. Members of the Legislature, LB635 is a bill that would equalize reporting requirements under the Nebraska Political Accountability and Disclosure Act for political party committees that conduct independent expenditure activity. LB635 would require political party committees to abide by the same reporting requirements as independent committees. Currently, two types of political committees are allowed to make independent expenditures, independent committees and political party committees. However, these two committees follow very different reporting requirements while conducting the same type of activities. Independent committees are required to follow a stringent reporting schedule and include more details in the reports than political party committees. I have handed out a copy to the committee, or to the body, I'm sorry, of the two separate

Floor Debate  
January 27, 2010

---

reports that are filed with the Accountability and Disclosure Act that these committees have to file, the NADC B-2 form for political party committees and then NADC B-4 form for independent committees. As you can see, independent committees are required to provide much more detail than political party committees. Independent committees are required to give a general financial summary of receipts and disbursements, including total amount spent during a given election period, cash on hand amounts, amounts spent supporting or opposing state and federal candidates or ballot question committees, disbursements for administrative expenses, and other miscellaneous transactions. Independent committees are also required to file a report of late independent expenditure for independent expenditures made over \$1,000 during the 14 days leading up to an election. Political parties, on the other hand, only report contributions and expenditures in direct support or opposition to a candidate or ballot question committee. They are not required to report cash on hand amounts, disbursements for administrative or miscellaneous transactions, nor are they required to file a report of late independent expenditure for independent expenditures made during the last 14 days of an election. As some of you may recall from your last campaign, it is within these last 14 days that many of these independent expenditures are made, whether in robocalls, direct mail, radio or television. It does not make sense to require different reporting requirements for two different committees undertaking the exact activities. It is in the interest of transparency and fairness that I have introduced LB635. All committees that undertake independent expenditures should be required to abide by the same reporting requirements and schedule. In conversations with Frank Daley, the executive director of the Nebraska Accountability and Disclosure Commission, I have discovered that if LB635 passes there may be a need to clear up some of the language in another section of the bill, which the committee is offering through their committee amendment. Also in conversations with Mr. Daley, I have passed out a letter of correspondence from my office regarding the fiscal note. The fiscal note is \$1,550 that the NADC said would need to come from general funds. But in our investigation and conversations with the NADC, they can take these funds, if this bill is passed, out of their existing cash fund allotment. It's come to my understanding there's been some concern regarding a component of LB635, which I have an amendment that is drafted which we will take up after the committee amendment, that deals with anonymous contributions. And it has been my intent with the introduction of this bill and in talking with the committee counsel and Chairman Avery that any language that affects contributions, in regards to whether or not political party committees can accept or cannot accept, was never an intention of this bill. And in my further research, under existing federal election law, political party committees can accept anonymous contributions right now up to \$50. Those anonymous contributions must be segregated into what is called their federal FEC bank account where there is a component of LB635 that would allow that similar transaction to happen under political parties' state accounts. The component that deals with this, though, also says that those contributions can only be used for subscriptions or services purchased from the political party committee. Because that was never an intention of LB635, I have an amendment that

Floor Debate  
January 27, 2010

---

will strike that component so that should alleviate any concern any members might have in regards to allowing political parties to accept anonymous contributions, knowing that this bill was about transparency more than anything else, making it more acceptable to have our political parties be more transparent and not less. As I close, in conversations with some of our colleagues regarding LB635, this issue, I think, is very important and very timely in regards to what we're looking to discuss, not just from what Senator Lautenbaugh's bill on LB638 brought up last week, but in regards to the independent nature of our body. The fact of the matter is LB635, if nothing else, holds political party committees and political party committee bosses accountable for the partisanship and the activities they do to influence nonpartisan races the last two weeks of an election. Now, granted, political party committees have to report the activity they do as independent expenditures, but they have to do it after the election. So the fact of the matter is, whether it's the Democratic Party or whether it's the Republican Party, they can spend unlimited amounts of money supporting or opposing a candidate where that does not come public until after an election. This bill changes that. This bill requires that we hold political party committees and political party committee bosses accountable for the activities they do the last two weeks in an election the same way we hold independent expenditure committees accountable, the problem being that without this change in law you will see independent expenditure committees route money to political party committees to escape what is already on the books to acquire more transparency from these committees. It's easy. It's simple. It's already being done. Somehow this loophole was not fixed years ago and LB635 fixes this loophole. I encourage your consideration for supporting LB635 and I have a few more amendments to talk about in the future. Thank you, Mr. President. [LB635 LB638]

PRESIDENT SHEEHY: Thank you, Senator Mello. You have heard the opening to LB635. Speaker Flood, you're recognized for an announcement. [LB635]

SPEAKER FLOOD: Thank you, Mr. President. Good morning, members. I've decided that we're going to start at 10:00 a.m. both Thursday and Friday of this week as more bills from committees are placed on General File. So our start time for tomorrow and Friday will be at 10:00 a.m. I anticipate adjourning both days at noon. Again, we'll adjourn at noon on Friday. So 10:00 a.m. starts Thursday and Friday. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Speaker Flood. You have heard the opening to LB635. As was noted, we do have a Government, Military and Veteran Affairs amendment. Senator Avery, you're recognized to open on AM1140. [LB635]

SENATOR AVERY: Thank you, Mr. President. Good morning, colleagues. The committee amendment, AM1140, makes harmonizing and technical changes to the bill. With this amendment, the provisions of the bill are clarified to require that political parties will file the same campaign statements as other committees and will be required

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

Floor Debate  
January 27, 2010

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to report late independent expenditures in the same manner as independent committees. The amendment was advanced on a vote of 6 to 1, with 1 member present and not voting. This amendment was made necessary in order for the bill to do what was the intent of the bill as originally drafted and presented to the committee. It is a harmonizing and clarification amendment only and I urge that you vote to advance this. Thank you. [LB635]

PRESIDENT SHEEHY: Thank you, Senator Avery. You have heard the opening of the committee amendment, AM1140, to LB635. Mr. Clerk, do you have an amendment to committee amendment? [LB635]

CLERK: I do, Mr. President. I have a series of amendments to the committee amendments. Senator Mello, you had filed AM1603 but, Senator, I understand you would like to offer FA58 first? [LB635]

SENATOR MELLO: First, please. [LB635]

CLERK: Mr. President, Senator Mello would move to amend the committee amendments with FA58. (Legislative Journal pages 375-376.) [LB635]

PRESIDENT SHEEHY: Senator Mello, you're recognized to open on FA58. [LB635]

SENATOR MELLO: Mr. President, members of the Legislature, FA58 simply describes or simply removes the language I discussed earlier in my opening which would remove political party committees from accepting anonymous contributions. As I stated before, under federal law right now political party committees can accept anonymous contributions up to \$50, but those can only be used for...have to be segregated into their federal election account. This amendment would make sure that it stays with existing state law so that political party committees cannot accept anonymous contributions in their state account. All contributions need to be accounted for in regards to a donor or perspective donor's name, address information, as well as the amount that they have. It's language that I discussed with Senator McCoy, amongst many other senators who were concerned about changing this component. Once again, it was an oversight on my behalf. I think it was an oversight in my conversations with Senator Avery and the Government Committee. It was never an intention to allow political party committees to accept any more anonymous contributions because it would run contrary to the bill, which is intended to require more transparency from our political party committees and our political party committee bosses. With that, thank you, Mr. President. [LB635]

PRESIDENT SHEEHY: Thank you, Senator Mello. You have heard the opening to FA58 to AM1140. Members requesting to speak: Senator McCoy, followed by Senator Haar. Senator McCoy, you're recognized. [LB635]

Floor Debate  
January 27, 2010

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SENATOR McCOY: Thank you, Mr. President and members of the body. I rise today, as has already been mentioned, with a series of amendments to the underlying bill, LB635. I stand in opposition to this bill for a number of reasons of which I will outline. This bill, quite simply, is a problem looking for a solution. In my discussions with Frank Daley, the NADC, there is not a problem in this area. We are attempting to fix something where none such problem exists. In my series of amendments, the first of which will come up in a few minutes, I will during that discussion...and I hope that it is a long discussion. It needs to be a worthwhile discussion. This is a major policy change for how we go about doing things with our political parties in the state. Furthermore, as all of us are aware, United States Supreme Court last week caused the need for even a further in-depth discussion of LB635. When this bill had a hearing on March 4, 2009, perhaps no one could have foreseen the Supreme Court's decision. In light of that, we need to have a prolonged discussion about this legislation. Thank you, Mr. President. [LB635]

PRESIDENT SHEEHY: Thank you, Senator McCoy. Senator Haar, you're recognized. [LB635]

SENATOR HAAR: Mr. President, members of the body, I rise in support of the underlying bill, LB635, and it's just really three words: sunshine, sunshine, sunshine. Not only would we like that in terms of our weather but we need it in terms of the political process when it comes to where funds are coming from and how they're spent. And again, with those words, sunshine, sunshine, sunshine, I would yield the rest of my time to Senator Mello. [LB635]

PRESIDENT SHEEHY: Senator Mello, you're yielded just over 4 minutes. [LB635]

SENATOR MELLO: Thank you, Mr. President, members of the Legislature. Thank you, Senator Haar, for yielding your time. Senator McCoy brings up an interesting perspective. I disagree with his perspective. This is not substantial policy changes. What this does is fixes an existing loophole in a law. The fact is political parties, for some reason or another through past efforts in campaign finance law, were given exceptions. They were given a loophole where they do not have to report their activity until after an election. This has nothing to do with the recent Supreme Court ruling that actually dealt with corporations being able to expend money. This bill deals with what political parties can do, what political party committees can do in Nebraska. Now, maybe it's because I have a sense of duty to preserve an independence in regards to how not just our government works but how campaigns try to work in Nebraska, of how our existing NADC tries to enforce the campaign finance laws in Nebraska, which tries to remove political party involvement as much as possible in nonpartisan races. Right now, independent expenditure committees, that no less supported and opposed members in this body, were able to route thousands of dollars, thousands of dollars to influence an election through the Republican Party and through the Democratic Party. I

Floor Debate  
January 27, 2010

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have no shame challenging my political party in this floor and outside of this floor. If other members do, that's a debate we can have. Because the fact of the matter is, political parties and political party bosses are trying to influence what we do in this Legislature more than ever before; reason being, if this bill passed, LB635 was already in existing law, the Republican Party flier that they did last session on Senator Lathrop, attacking Senator Lathrop, who wasn't even up for reelection yet, because he fought to try to find more funding for developmental disabilities, that would be reported. Everyone in this body would have seen that the Republican Party paid for fliers to attack a colleague of ours who wasn't even up for reelection at this point, the point being that this bill provides more transparency, not just on the Republican Party but on the Democratic Party as well. The fact is they're both guilty and we know they're guilty, but the fact is we have to have the courage to stand up to our political parties and our political party bosses and tell them to get out of our business, to get out of the mudslinging and the slander that goes on with independent expenditures that are done the last two weeks of a campaign. It's fairly simple. Granted, I have looked at some of Senator McCoy's amendments. I agree with some of them. His amendments that will be coming up here deals with independent expenditures. I applaud he's willing to try to look for some solutions to deal with it. But unless you change the existing law now, nothing you do with independent expenditure committees has a real impact because everything can be routed to the Republican and Democratic Parties in this state where then they don't have to report anything until the last two...until after the election, frankly. There's no reporting the two weeks prior to the election and, while people might get voted in or voted out of office, no one will ever know what parties did... [LB635]

PRESIDENT SHEEHY: One minute. [LB635]

SENATOR MELLO: ...until after it's said and done. So with that, I look forward to engaging in this debate because I think that there is an issue here. And in talking with Frank Daley myself, he was...he admitted to me that, yes, there is a loophole and we don't know why there is this loophole. It's kind of odd that one committee who does the same activities would file a much more transparent report than a political party committee. So with that, I look forward to the debate and I encourage my colleagues to engage in this debate. I think LB635 is a good bill. It's not going to solve all of our problems regarding campaigns and elections in the state and it's not going to solve all of our transparency related problems dealing with state government. But what it does, it moves us towards a path of requiring political parties to play by the same rules as every other committee. And what it does, it engages the public more of being able to serve as a watchdog over what political party committees and political party committee bosses are doing to influence nonpartisan bodies. Thank you, Mr. President. [LB635]

PRESIDENT SHEEHY: Senator Mello, you may continue on your time. [LB635]

SENATOR MELLO: I waive. [LB635]



Floor Debate  
January 27, 2010

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PRESIDENT SHEEHY: Senator Mello waives. Members requesting to speak on FA58 to AM1140: Senator Nordquist, followed by Senator McCoy. Senator Nordquist, you're recognized. [LB635]

SENATOR NORDQUIST: Thank you, Mr. President and members. I, too, rise in support of the underlying bill and the committee amendment. Just to reiterate some of the points Senator Mello hit on, again, the Supreme Court decision that was handed down last week has nothing to do with what we're talking about here. That decision said...that decision essentially blew the limitations that were placed on corporate money in campaigns, on the federal level at least. All we're doing here is we're saying, political parties, you have to disclose a little bit more of what you're doing. I think Senator McCoy called it a major policy shift. A little more disclosure, an extra piece of paper or two telling us about what you're doing in the last two weeks of the campaign when mud starts to fly, saying what you're doing, who you're attacking, who you're going after, I wouldn't call that a major policy shift. I would call, you know, a bill that Senator Lautenbaugh had to get rid of CFLA, that would certainly be a major policy shift. But when we're talking about a little more disclosure here, I don't think that's it. Campaigns get nasty. Senator McCoy said, there's no problem, this is a problem not without a solution or something along those lines, that there wasn't an underlying problem. I think if you talk to most voters in competitive legislative districts whose mailbox gets filled with negative stuff from both sides, from independent expenditures committees and from political parties, I think they would say there's a problem. We've sunk to a level of discourse in our political campaigns that is downright disgusting. All this is going to do is shine a little light on that, have the political parties fill out the same paperwork that an independent expenditure committee does and say, in the last two weeks, here's who we're attacking. That's all it does. It's not a major policy shift. That will be it, Mr. President. Thank you. [LB635]

PRESIDENT SHEEHY: Thank you, Senator Nordquist. Senator McCoy, you're recognized. [LB635]

SENATOR McCOY: Thank you, Mr. President and members. Some great discussion already of which I would agree with Senator Haar: sunshine, sunshine, sunshine. I'd also say that engraved on the north side of this building is the salvation of the state is the watchfulness of its citizens. What currently is in statute goes back to the original Accountabilities and Disclosures Act. There has never been, I repeat, never been a problem in this area before. The transparency is the disclaimer on the mail pieces, such that they are. We can have a honest policy discussion over the merits of literature pieces and their support or opposition to individual candidates. The travesty are independent committees that hide behind innocuous-sounding names. There are disclaimers on pieces that say who they are paid for. That is the element of transparency and that exists today. Again, the travesty is independent committees that

Floor Debate  
January 27, 2010

---

hide behind names and don't allow Nebraskans to know who is paying for these pieces. I hold in my hands a piece against our colleague, Lavon Heidemann. Last year what did Lavon Heidemann do about illegal immigration in Nebraska? He punted. And who paid for this piece? An independent committee, paid for by the Nebraska Democratic State Central Committee. I would be glad to know if that committee still exists, that independent committee still exists. I don't know whether it does. Political parties do not come and go. That is the transparency. That is the disclaimer. Innocuous-sounding independent committees that rise and fall with election cycle...election cycles are the travesty. That, if there is any problem, may be the problem. This bill does not address that issue. Again, this bill is a solution looking for a problem. If there is a loophole, and I would disagree that there is, it's existed since the original Accountabilities and Disclosures Act was passed. I would ask my colleagues, what is the point of changing this? The NADC doesn't believe there is a problem. As I have just described, the problem is independent committees and their opposition or support of individual candidates or ideas, and for that we can have a policy discussion. Thank you, Mr. President. [LB635]

PRESIDENT SHEEHY: Thank you, Senator McCoy. Members requesting to speak on FA58: Senator Lautenbaugh, followed by Senator Mello, and Senator Haar. Senator Lautenbaugh, you're recognized. [LB635]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. A few initial comments, but this is going to go on a bit, I have a feeling, not just my comments but this whole discussion. The discussion of partisanship, can we please stop deluding ourselves? And that's all I'm going to say about that. But if we want to go down the road of trying to determine where partisanship is and where it isn't on any given bill, and look at voting patterns, we might not all be happy with that outcome. So maybe we should just, at long last, let it alone and pretend to be, as Major (sic) Renault said in Casablanca, shocked, shocked to find gambling going on, and then presented with his winnings. Enough about the partisanship. In a similar vein, I'm familiar with the constitution of at least one of the parties and there is no position called "boss." We hear a lot about party bosses and the party boss doing this and the party boss doing that. Please, can we just discuss the reality as it is? They both have central committees, they both make expenditures, and they both support their candidates, which is why I can see this loophole was probably created. Because when you get a mailing and it's from the state Republican Party, your first impulse isn't to think, gee, I wonder who sent this; I wonder who's behind it? They kind of tipped their hand by putting on the bottom: Paid for by the State Republican Party. Similarly, when the state Democratic Party sends out mailings, it says on the bottom who it's from. The voters have a passing familiarity with both parties and they can evaluate the message. It's when the independent expenditure groups don't do that--or do that and no one knows what the name means--that we have the problem; that we require the additional disclosures. And incidentally, we've seen independent expenditure groups spring up on the eve of election, make their

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

Floor Debate  
January 27, 2010

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expenditures, and go away again. That's why we require heightened disclosure from them. The two major political parties have been here for years and we know what they're about. And when we get a mailing from it, we can...as we say in court, it goes to credibility. We know what that means. That's why there's a difference in existing law. I wonder if Senator Mello would yield to a question. [LB635]

PRESIDENT SHEEHY: Senator Mello, would you yield to Senator Lautenbaugh? [LB635]

SENATOR MELLO: Yes. [LB635]

SENATOR LAUTENBAUGH: Senator Mello, did anyone...and thank you for yielding. Did anyone speak in favor of this bill other than you? [LB635]

SENATOR MELLO: No. [LB635]

SENATOR LAUTENBAUGH: Did anyone speak in opposition? [LB635]

SENATOR MELLO: No. [LB635]

SENATOR LAUTENBAUGH: Thank you, Senator Mello. I'm going to repeat something that Senator McCoy said. This is a solution in search of a problem. No one out there is mystified when they get a mailing from a political party as to the source, as to the possible bias, etcetera, etcetera. It is what it is. But when you get a mailing from an independent expenditure group, you may want more information. Now again, we can stand here and use words like "sunshine" and "transparency," but if that's the case, you should not have run, screaming, from my bill to repeal the CFLA, as so many of you did last year. Because if you want sunshine and you want transparency, give the money to the candidates and make them report it right away. I'm repeating myself but I guess I have to because this isn't getting through. If we're going to pay...if we're going to be concerned about sunshine and transparency, fine, actually be concerned about it and advocate something that will make a difference. If you get a...I would submit to you that no one, no one is going to get a mailing paid for by the Republican Party and go look and say, gee, I wonder who's contributing to them; I'll go on-line right now. You know who they are. Similarly with the Democratic Party, you get a mailing from them, no citizen out there is going to go, gee, I wonder who paid for this mailing. [LB635]

PRESIDENT SHEEHY: One minute. [LB635]

SENATOR LAUTENBAUGH: You know who sent it. They're responsible for the message. That's what I argued before. If our candidates were doing these things through their campaigns, you can hold them accountable. If the parties are sending out mailings and you don't like it, you can hold them accountable. Neither of these is the

Floor Debate  
January 27, 2010

---

threat to our system. They are the known quantities. They aren't faceless. It's the independent expenditure groups that we don't regulate, as far as quantity of money, because we can't, as the Supreme Court just told us. That's the threat. And what have we chosen to do? We disarm ourselves in face of them. We allow them to raise whatever they want, and we can't. And if we want to be foolish, that's fine. We have been on this issue. But this bill does not help. This bill doesn't tell anyone anything they already don't know, and this does not improve... [LB635]

PRESIDENT SHEEHY: Time, Senator. [LB635]

SENATOR LAUTENBAUGH: Thank you. [LB635]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. Senator Mello, you're recognized. [LB635]

SENATOR MELLO: Thank you, Mr. President. Thank you, members of the Legislature. Senator Lautenbaugh brought up some very interesting points, and some that I agree with and some I disagree with. But I do think that there is a problem, and just because Senator Lautenbaugh and Senator McCoy don't want to admit to the problem, I'll walk them through it. Right now, under current state law, an independent committee can accept unlimited contributions. This independent committee can transfer unlimited contributions to the Democratic or Republican Party. They can do this in an existing time window of 14 days, where no one in the public will know who is financing anything or will know what the money is actually being spent on until after an election. So the fact is, there is a problem. The fact is, with no reporting for political parties during those last two weeks, they serve essentially as a bank to wash away money from independent committees who can transfer unlimited amounts back and forth, knowing that they don't have to say what they're spending the money on. They can write a million-dollar check to the Democratic or the Republican Party 13 days before an election. No one knows what that money is going to be spent on because the Republican and Democratic Party don't have to report it till after the election. There are loopholes in existing law. And whether or not members want to acknowledge it, that is up to them. That is a debate we will have on this floor to determine who can be more persuasive. The fact is this: I have no problem challenging independent committees or my own political party if they're engaged in this, and neither should anyone else in this body. Senator Lautenbaugh alluded to we should be deluding ourselves of partisanship. I take offense to that because the fact is, I was not elected as a Democrat and he was not elected as a Republican. I was elected on a nonpartisan ballot and so was Senator Lautenbaugh. The fact of the matter is, political parties serve as a clearinghouse to hide money in our state. And if we are not willing to challenge our own political parties on something so fundamental as to the outcomes of who sits in these seats, amongst who sits in the other seats of government, what are we doing here? Because the fact of the matter, political parties, independent committees, can buy seats then. These seats are owned

Floor Debate  
January 27, 2010

---

by independent committees and political parties if we're not willing to address the problem that I just laid out, which is money can be hidden all around the state through all these committees and find their way through a mechanism known as a political party, and nothing will be reported. I understand that Senator McCoy has some amendments here that I want to look through a little bit. I want to at least try to redirect our conversation to some of the amendments of the bill so that we can continue this dialogue and not just feel like we're repeating ourselves. FA58 strikes a portion of LB635 that would ensure that political party committees cannot accept anonymous contributions in their state accounts. It's a good amendment. It's something I overlooked in drafting the bill. I encourage the floor to adopt FA58. We can continue the conversation on the committee amendment and on a host of other amendments, but FA58 keeps existing law as it is now. And it was just an oversight in LB635. I'd encourage everyone, if you have questions, pull me aside. I'd love to chat with you more. But I just want to...I'd like to reiterate that this is not a substantial policy change. It's not. Independent committees...we had this debate on independent committees last year with Senator Lautenbaugh's amendment to LB626. [LB635 LB626]

PRESIDENT SHEEHY: One minute. [LB635]

SENATOR MELLO: The fact is, political party committees, as I've stated, are not the same thing, but they do the same activity. And regardless of citizens who might know that there's a Democrat and Republican Party who might do mailings, who might do television, might do radio, the fact is this, with more transparency and more sunshine, Senator Lautenbaugh, the media knows. The media can serve as that referee, as they do in so many political contests in regards to who is trying to influence this election. Right now, under existing law, it's very difficult to find that out because you can route money through multiple committees, clean it any way you want, and someone somewhere is funding these activities, and you won't know because the political parties don't have to report it till after the election. Thus, the story might be meaningless because the outcome of the election will have already been determined. So with that, thank you, Mr. President. Thank you, members of the Legislature. [LB635]

PRESIDENT SHEEHY: Thank you, Senator Mello. (Visitors introduced.) Continuing with floor discussion on FA58, members requesting to speak: Senator Haar, followed by Senator Lautenbaugh and Senator McCoy. Senator Haar, you're recognized. [LB635]

SENATOR HAAR: Mr. President, members of the body, thank you very much. To quote my colleague who quoted me: sunshine, sunshine, sunshine. To quote my favorite artist, Bob Dylan, who said, "money doesn't talk, it swears," and I think in this whole political process I totally agree that who sends something out in the mail is really important, but who pays for it--I agree with Bob Dylan--money doesn't talk, it swears. Where the money comes from is absolutely as important as who sent out the piece. Now in my race--and you're probably aware--I won by 20 votes. And I was embarrassed

Floor Debate  
January 27, 2010

---

and angry about the junk sent out, not only against me but against my opponent. I do not agree that the way to get around this issue is to just let a candidate spend as much money as they can because the third parties will still be there. And being what it is, the First Amendment, as interpreted by the Supreme Court, allows for those third parties. I can't do away with that, even if sometimes I'd like to. But I think it's so important to see who spent the money, not just who sent the campaign piece. Senator Lautenbaugh talked about the loophole. It is a loophole. And I think as responsible legislators, we ought to create...we ought to close that loophole that says that political parties in the last two weeks don't need to report their campaign expenditures and where that money came from. So I would argue we have to follow the money. We have to follow the money. We have to follow the money if we're going to get transparency. And so I support LB635 and anything we can do to improve something, it really doesn't matter. I guess that would be like arguing that I'm perfect because I'm 66 years old and don't need any change. It's not true, not true. We can improve on things, and so I support LB635. We need to follow the money. We need transparency. We need transparency. We need transparency. Thank you. [LB635]

PRESIDENT SHEEHY: Thank you, Senator Haar. Senator Lautenbaugh, you're recognized. [LB635]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. There is nothing wrong with transparency. There's something wrong with paying lip service to transparency and that's what we're doing here. If you're not willing to solve a problem that is solvable, we shouldn't do a half measure or some sort of a shell game and pretend we're addressing the issue. I didn't say there was a loophole. I have addressed what some have called a loophole. What I said was, it's not a loophole, because when you get a mailing from one of the state parties or one of the county parties, it says on it who it's from and you know who they are. They have a party structure. They have a chairman--not a boss, a chairman--and a central committee. They're identifiable. They're of record. Go find them. Tell them you think their ads are despicable if you're of a mind to. That's your right. But they are different from the independent expenditure committees. And we can stand here and wring our hands about the independent expenditure committees, but I offered you a path towards defunding the independent expenditure committees, and 12 of you made the leap with me. So you'll forgive me if I doubt the level of sincerity that is being brought to this debate in dealing with the issue and our professed desire for sunshine and transparency, because I offered you a way that would have been much more complete, much more comprehensive, and would have actually dealt with our professed concerns. And you fought me and you fought me and you fought me, and I lost. So fine, now here we are doing something that does nothing, except probably inconvenience some bookkeepers. It does not add to the public's knowledge regarding the electoral process. It creates something new for Accountability and Disclosure to monitor, a new form for them to input because we're not on-line. But it adds nothing to our knowledge, nothing

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

Floor Debate  
January 27, 2010

---

to openness, nothing to fairness. If you're concerned about independent expenditure groups giving money directly to political parties, why don't you just ban that, say they can't do it? I don't know if that's constitutional or not, but at least it would be clear. Say, if you've set up an independent expenditure group in Nebraska, you have to spend the money yourself; don't give it to the political parties and launder it. I did look back. That did go on in the last election, not to my benefit, I will tell you, but it did go on in the last election. So if you have a problem with that particular facet of this, that independent groups can give money to political parties, then just say they can't. Just say they can't do it. Say they have to spend it themselves if they take it in themselves, under their own name. That would at least address the professed concern here. But again, this is a solution in search of a problem and I'd urge you to vote no. Thank you. [LB635]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. Senator McCoy, you're recognized. [LB635]

SENATOR McCOY: Thank you, Mr. President. I'd like to address a couple of things that...to expound on what Senator Lautenbaugh addressed. This does not journey into, as Senator Haar described he thought needed to be done, the income side of things of where the money is coming from, in full. This addresses expenditures. You know...and I would also object to the statement by Senator Mello that these seats are owned by independent committees. If that is Senator Mello's contention, as Senator Lautenbaugh addressed, why don't we get at the root of that issue rather than to go about it in a roundabout way? As the amendments that I've filed will divulge--and I appreciated Senator Haar's comments on this and I hope that I can count on his support on those amendments from what he described as to improvements that can be made to this--one of those improvements does address where the money comes from and the levels of amount of money that can be transferred from one independent committee to another. This has not been a problem. But if we want to deal with this, we need to deal with it in full, and I look forward to that discussion as we get into my amendments later on and probably tomorrow, from the time that I see. But I would encourage you, as we go forward, to look at trying to address this situation in its entirety, not partially. Thank you, Mr. President. [LB635]

PRESIDENT SHEEHY: Thank you, Senator McCoy. Senator, that was your third time. Senator Lautenbaugh, you're recognized and this is your third time. [LB635]

SENATOR LAUTENBAUGH: Thank you, Mr. President, members of the body. I wonder if Senator Haar would yield to a question. [LB635]

PRESIDENT SHEEHY: Senator Haar, would you yield to Senator Lautenbaugh? [LB635]

SENATOR HAAR: Yes, yes. [LB635]

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

Floor Debate  
January 27, 2010

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SENATOR LAUTENBAUGH: Senator Haar, do you know, do any of these independent expenditure groups, did they make, support, or contributions or expenditures in support of your campaign? [LB635]

SENATOR HAAR: Now are you talking about in the way that Senator Mello is talking about it or...? [LB635]

SENATOR LAUTENBAUGH: No, I'm talking about directly. Did any of these independent expenditure groups expend money in support of your campaign? [LB635]

SENATOR HAAR: Well, I'm not allowed to plan with them, so I...I'm sure there were some but I didn't...I didn't plan with them. [LB635]

SENATOR LAUTENBAUGH: But I mean historically, you're not coordinating. I'm just saying do you believe it happened? [LB635]

SENATOR HAAR: Oh, I believe so. I believe that happened not only to me but also my opponent. [LB635]

SENATOR LAUTENBAUGH: Senator White, I'm wondering if you'd yield to a question. [LB635]

PRESIDENT SHEEHY: Senator White, would you yield to Senator Lautenbaugh? [LB635]

SENATOR WHITE: Certainly. [LB635]

SENATOR LAUTENBAUGH: Senator White, were you involved in setting up an independent expenditure group? [LB635]

SENATOR WHITE: Yes, along with many other politicians of the Republican Party. To match what was being done on a federal level, we did set one up. [LB635]

SENATOR LAUTENBAUGH: What did you call that group? [LB635]

SENATOR WHITE: I don't even remember. [LB635]

SENATOR LAUTENBAUGH: Was it "Campaign for Nebraska's Future"? [LB635]

SENATOR WHITE: Sounds like it. [LB635]

SENATOR LAUTENBAUGH: Did you toy with any other names like "Senator White



Floor Debate  
January 27, 2010

---

Supports These Candidates"? [LB635]

SENATOR WHITE: No, I didn't, Senator. [LB635]

SENATOR LAUTENBAUGH: Thank you, Senator White. Are we concerned about transparency or are we not? The independent expenditure groups, that's the problem here. What does Campaign for Nebraska's Future mean? It sounds nice. But you have to go look it up to find out what it was. And there are groups on both sides that are like that. Why we don't proceed in our names? Because the law allows it. That's not transparency. I don't care what you call it and what you say you're concerned about, if you're not concerned about that, you're not concerned about transparency. I have benefitted from those groups. We all benefitted from those groups. They are the lay of the land. Again, I offered a way to defund those and you turned your noses up at, largely, and said, oh no, we can't do that; that's radical. It also would have been effective. Sometimes you have to be radical to be effective when there is a large problem that you identify. And instead, with this, we dance around it. We wring our hands and say, oh, we're so concerned about this and we'll address it by making the state Republican Party and the state Democratic Party disclose their expenditures, despite the fact that every time you get anything from them you know who it's from, you know the message, you know the speaker, and it goes to credibility. You know that already. This does nothing. This does nothing to help the cause of transparency. And if you say you're concerned about transparency and that's why you're pushing this, then you've misidentified the solution and you've turned your nose up at the real solution. And here we sit, wringing our hands about partisanship; wringing our hands about money in campaigns which we can't make go away constitutionally; and we're debating, frankly, what is an absurdity. A committee hearing attended by the proponent, and Accountability and Disclosure showed up neutrally to provide information, I guess--the silence was deafening. And it wasn't a silence, I'd submit to you, because everyone was afraid to speak out on this; it was a silence because no one cares about this. Because when you get something and it says from the Republican Party, you know who it's from. [LB635]

PRESIDENT SHEEHY: One minute. [LB635]

SENATOR LAUTENBAUGH: And when you get something from the Democratic Party, you know who it's from, end of the inquiry. And we're gaining nothing by this. And what I find resentful--or what I resent I should say--is that we are masquerading as champions of transparency with something like this. This is a sham. This is not serious. This is not needed, it's not warranted, and it gains us nothing. So you may argue, okay, we should pass it because there's no harm, no foul. No. No, no, no. If there's not a reason for the change and we don't gain something from it, I'll stand opposed. And I haven't heard it yet and the concerns I've heard are not going to be addressed by this bill. So this is going to go a long time on its road to, I hope, eventual defeat. [LB635]

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

Floor Debate  
January 27, 2010

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PRESIDENT SHEEHY: Time, Senator. Senator Stuthman, you're recognized. [LB635]

SENATOR STUTHMAN: Thank you, Lieutenant Governor and members of the body. I would like to yield my time to Senator McCoy. [LB635]

PRESIDENT SHEEHY: Senator McCoy, you're yielded just under 5 minutes. [LB635]

SENATOR McCOY: Thank you, Mr. President, and thank you, Senator Stuthman. As we round back to FA58 to the underlying AM1140, I want to again voice my opposition to this amendment. It's meaningless. As Senator Mello described, it was an inadvertent omission, apparently, in the drafting process and somehow slid through. That's obviously not what we've been talking about for the better part of an hour. I stand in opposition to FA58 and I stand in opposition to AM1140 and the underlying bill, LB635. But I wonder if Senator Mello would yield to a question. [LB635]

PRESIDENT SHEEHY: Senator Mello, would you yield to Senator McCoy? [LB635]

SENATOR MELLO: Absolutely. [LB635]

SENATOR McCOY: Thank you, Senator Mello. Senator Mello, could you tell me if you voted for Senator Lautenbaugh's amendment, I believe, to LB626? [LB635 LB626]

SENATOR MELLO: I distinctly remember not only not voting for his amendment but actively fighting it because it got rid of all campaign finance laws in Nebraska. [LB635]

SENATOR McCOY: Thank you, Senator Mello. Would Senator Haar yield to a question? [LB635]

PRESIDENT SHEEHY: Senator Haar, would you yield to Senator McCoy? [LB635]

SENATOR HAAR: Yes. [LB635]

SENATOR McCOY: Thank you, Senator Haar. Senator Haar, do you recall if you voted for Senator Lautenbaugh's amendment to...which was LB638 but amended into LB626? [LB635 LB638 LB626]

SENATOR HAAR: Okay. Refresh for me exactly what that was. [LB635]

SENATOR McCOY: That would have been a repeal of the CFLA and would have truly addressed the independent committee situation that Senator Mello describes. [LB635]

SENATOR HAAR: No, I didn't vote for that. [LB635]

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

Floor Debate  
January 27, 2010

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SENATOR McCOY: Thank you, Senator Haar. Would Senator Nordquist yield to a question? [LB635]

PRESIDENT SHEEHY: Senator Nordquist, would you yield to Senator McCoy? [LB635]

SENATOR NORDQUIST: I don't even know what the question is. Yeah. [LB635]

SENATOR McCOY: I'll be happy to renew my question,... [LB635]

SENATOR NORDQUIST: Yeah, please reiterate the question. [LB635]

SENATOR McCOY: ...Senator Nordquist, since you just joined us. [LB635]

SENATOR McCOY: My question to you was, do you recall if you voted or how you voted for Senator Lautenbaugh's amendment to LB626 last year? [LB635 LB626]

SENATOR NORDQUIST: I voted against it because I think it would lead to a proliferation of campaign spending in this state and lead to proliferation of negative attack mail in this state. [LB635]

SENATOR McCOY: Thank you, Senator Nordquist. Well, colleagues, there you have it. The three other senators that have stood this morning to address this bill and this amendment, besides Senator Lautenbaugh and I, all voted against Senator Lautenbaugh's amendment, which truly got at the heart of this issue rather than, as Senator Lautenbaugh eloquently put it, tap-dance around the issue. If we are serious about this issue, we will defeat FA58 and the underlying bill, LB635, and I would encourage any one of my colleagues to accurately address this issue if such an issue exists--and I have long maintained, as I have this morning, that such an issue does not exist according to NADC--so that we can truly get at this issue rather than tap-dance around it. Again, I stand in opposition to FA58 and the underlying bill. Thank you, Mr. President. [LB635]

PRESIDENT SHEEHY: Thank you, Senator McCoy. Mr. Clerk, do you have items for the record? [LB635]

CLERK: I do, Mr. President. Your Committee on Transportation, chaired by Senator Fischer, reports LB705 to General File; LB725 to General File with amendments. Hearing notices from Judiciary; Health and Human Services; Government Committee, signed by their respective Chairs. Senator McCoy has amendments to be printed to LB635. Name adds: Senators Fischer and Krist to LB650; Senator Conrad to LB709; Senators Mello and McGill, LB778; Senator Council, LB800; Senator Conrad to LB850 and LB961; Senator Mello, LB986; Senators Wallman, Janssen, Giese, Gay, McCoy,

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

Floor Debate  
January 27, 2010

---

and Fischer to LB987; Senator Conrad to LB1074; Senator Fulton, LB1103. (Legislative Journal pages 376-379.) [LB705 LB725 LB635 LB650 LB709 LB778 LB800 LB850 LB961 LB986 LB987 LB1074 LB1103]

And a priority motion: Senator Hadley would move to adjourn the body until Thursday morning, January 28, at 10:00 a.m.

PRESIDENT SHEEHY: You have heard the motion to adjourn until Thursday, January 28, at 10:00 a.m. All those in favor say aye. Opposed, nay. We are adjourned.