

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

Floor Debate
February 05, 2010

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LB850 LB867 LB873 LB885 LB911 LB912 LB946 LB1103 LR313 LR314]

PRESIDENT SHEEHY PRESIDING

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

SENATOR HEIDEMANN: (Prayer offered.)

PRESIDENT SHEEHY: Thank you, Senator Heidemann. I call to order the twenty-first 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: I have no corrections, Mr. President.

PRESIDENT SHEEHY: Any messages, reports, or announcements?

CLERK: Mr. President, Enrollment and Review reports LB725, LB762, LB708, LB806, LB873, LB667, LB711, LB797, LB832, and LB911, all to Select file, some of which have Enrollment and Review amendments. Your Committee on Government, Military and Veterans Affairs, chaired by Senator Avery, reports LB768 and LB850 to General File. I have a confirmation report from the Government, Military and Veterans Affairs Committee. Two new resolutions: LR313 by Senator McCoy and LR314 by Senator Dubas. Both will be laid over. And, Mr. President, I have appointment letters from the Governor, to be referred to Reference for referral to a standing committee for confirmation hearing. And finally, the report of registered lobbyists, as required by statute, to be inserted in the Journal, and a series of reports to be...that are on file in the Clerk's Office from various agencies. And an amendment by Senator Langemeier to LB912 to be printed. That's all that I have, Mr. President. (Legislative Journal pages 453-458.) [LB725 LB762 LB708 LB806 LB873 LB667 LB711 LB797 LB832 LB911 LB768 LB850 LR313 LR314 LB912]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We will move to the first item under motion to withdraw.

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CLERK: Mr. President, Senator Hadley would move to withdraw LB946. [LB946]

PRESIDENT SHEEHY: Senator Hadley, you're recognized to open on LB946, motion to withdraw. [LB946]

SENATOR HADLEY: Mr. President and members of the body, I would ask your support in the motion to withdraw LB946. It's just not the appropriate time to bring the bill at this point in time and I would ask your support to withdraw the bill. [LB946]

PRESIDENT SHEEHY: Thank you, Senator Hadley. You've heard the open on the motion to withdraw LB946. Seeing no requests to speak, Senator Hadley, you're recognized to close. Senator Hadley waives closing. The question before the body is on the motion to withdraw LB946. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB946]

CLERK: 38 ayes, 0 nays, Mr. President, on the motion to withdraw the bill. [LB946]

PRESIDENT SHEEHY: LB946 is withdrawn. Mr. Clerk, we will now proceed to Final Reading. Members should return to their seats in preparation for Final Reading. Mr. Clerk, the first bill is LB682. [LB946 LB682]

CLERK: (Read LB682 on Final Reading.) [LB682]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB682 pass? All those in favor vote yea; oppose, nay. Please record, Mr. Clerk. [LB682]

CLERK: (Record vote read, Legislative Journal pages 458-459.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President. [LB682]

PRESIDENT SHEEHY: LB682 passes. We will now proceed to LB683. [LB682 LB683]

CLERK: (Read LB683 on Final Reading.) [LB683]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB683 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB683]

CLERK: (Record vote read, Legislative Journal page 459.) 44 ayes, 0 nays, 1 present and not voting, 4 excused and not voting, Mr. President. [LB683]

PRESIDENT SHEEHY: LB683 passes. We will now proceed to LB684. Mr. Clerk, the

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first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB683 LB684]

CLERK: 44 ayes, 0 nays, Mr. President, to dispense with the at-large reading. [LB684]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB684]

CLERK: (Read title of LB684.) [LB684]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB684 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB684]

CLERK: (Record vote read, Legislative Journal page 460.) 43 ayes, 0 nays, 2 present and not voting, 4 excused and not voting, Mr. President. [LB684]

PRESIDENT SHEEHY: LB684 passes. The cookies that you are receiving this morning at your desk are for celebrating Senator Dubas' birthday which is today. Happy Birthday, Senator Dubas. And the other treats that you are receiving is in celebration of Senator Wallman's birthday which is tomorrow. We will now proceed to LB183. [LB684 LB183]

CLERK: (Read LB183 on Final Reading.) [LB183]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB183 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB183]

CLERK: (Record vote read, Legislative Journal page 461.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President. [LB183]

PRESIDENT SHEEHY: LB183 passes. We will now proceed to LB254. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB183 LB254]

CLERK: 42 ayes, 0 nays, Mr. President, to dispense with the at-large reading. [LB254]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB254]

CLERK: (Read title of LB254.) [LB254]

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

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with, the question is, shall LB254 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB254]

CLERK: (Record vote read, Legislative Journal page 462.) 44 ayes, 0 nays, 1 present and not voting, 4 excused and not voting, Mr. President. [LB254]

PRESIDENT SHEEHY: LB254 passes with the emergency clause attached. We will now proceed to LB261. [LB254 LB261]

CLERK: (Read LB261 on Final Reading.) [LB261]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB261 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB261]

CLERK: (Record vote read, Legislative Journal pages 462-463.) [LB261]

PRESIDENT SHEEHY: Mr. Clerk. Senator White, for what purpose do you rise? [LB261]

CLERK: Senator, changing from...? [LB261]

SENATOR WHITE: Yes, sir. [LB261]

CLERK: Okay, thank you. 34 ayes, 10 nays, 1 present and not voting, 4 excused and not voting, Mr. President. [LB261]

PRESIDENT SHEEHY: LB261 passes. We will now proceed to LB325. [LB261 LB325]

CLERK: (Read LB325 on Final Reading.) [LB325]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB325 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB325]

CLERK: (Record vote read, Legislative Journal pages 463-464.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President. [LB325]

PRESIDENT SHEEHY: LB325 passes. We will now proceed to LB522. [LB325 LB522]

CLERK: (Read LB522 on Final Reading.) [LB522]

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

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with, the question is, shall LB522 pass? All those in favor vote yea; opposed, nay.
Please record, Mr. Clerk. [LB522]

CLERK: (Record vote read, Legislative Journal page 464.) 45 ayes, 0 nays, 4 excused
and not voting, Mr. President. [LB522]

PRESIDENT SHEEHY: LB522 passes. We will now proceed to LB139. [LB522 LB139]

CLERK: (Read LB139 on Final Reading.) [LB139]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied
with, the question is, shall LB139 pass? All those in favor vote yea; opposed, nay.
Please record, Mr. Clerk. [LB139]

CLERK: (Record vote read, Legislative Journal page 465.) 38 ayes, 5 nays, 2 present
and not voting, 4 excused and not voting, Mr. President. [LB139]

PRESIDENT SHEEHY: LB139 passes. We will now proceed to LB197. Mr. Clerk, the
first vote is to dispense with the at-large reading. All those in favor vote yea; opposed,
nay. Please record, Mr. Clerk. [LB139 LB197]

CLERK: 38 ayes, 0 nays, Mr. President, to dispense with the at-large reading. [LB197]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read
the title. [LB197]

CLERK: (Read title of LB197.) [LB197]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied
with, the question is, shall LB197 pass with the emergency clause attached? All those in
favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB197]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 466.) Vote is 44
ayes, 0 nays, 1 present and not voting, 4 excused and not voting, Mr. President.
[LB197]

PRESIDENT SHEEHY: LB197 passes with the emergency clause attached. We will
now proceed to LB210. [LB197 LB210]

ASSISTANT CLERK: (Read LB210 on Final Reading.) [LB210]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied
with, the question is, shall LB210 pass with the emergency clause attached? All those in

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favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB210]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 466-467.) Vote is 44 ayes, 0 nays, 1 present and not voting, 4 excused and not voting, Mr. President. [LB210]

PRESIDENT SHEEHY: LB210 passes with the emergency clause attached. We will now proceed to LB279. [LB210 LB279]

ASSISTANT CLERK: (Read LB279 on Final Reading.) [LB279]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB279 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB279]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 467-468.) Vote is 44 ayes, 0 nays, 1 present and not voting, 4 excused and not voting, Mr. President. [LB279]

PRESIDENT SHEEHY: LB279 passes. We will now proceed to LB475. [LB279 LB475]

ASSISTANT CLERK: (Read LB475 on Final Reading.) [LB475]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB475 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB475]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 468.) Vote is 45 ayes, 0 nays, 4 excused and not voting. [LB475]

PRESIDENT SHEEHY: LB475 passes. We will now proceed to LB550. [LB475 LB550]

ASSISTANT CLERK: (Read LB550 on Final Reading.) [LB550]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB550 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB550]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 469.) Vote is 45 ayes, 0 nays, 4 excused and not voting. [LB550]

PRESIDENT SHEEHY: LB550 passes. We will now proceed to LB147. [LB550 LB147]

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ASSISTANT CLERK: (Read LB147 on Final Reading.) [LB147]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB147 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB147]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 469-470.) Vote is 45 ayes, 0 nays, 4 excused and not voting. [LB147]

PRESIDENT SHEEHY: LB147 passes. We will now proceed to LB181. [LB147 LB181]

ASSISTANT CLERK: (Read LB181 on Final Reading.) [LB181]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB181 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB181]

CLERK: (Record vote read, Legislative Journal page 470.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President. [LB181]

PRESIDENT SHEEHY: LB181 passes. We will now proceed to LB216. [LB181 LB216]

CLERK: (Read LB216 on Final Reading.) [LB216]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB216 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB216]

CLERK: (Record vote read, Legislative Journal page 471.) 36 ayes, 8 nays, 1 present and not voting, 4 excused and not voting, Mr. President. [LB216]

PRESIDENT SHEEHY: LB216 passes. We will now proceed to LB235. [LB216 LB235]

CLERK: (Read LB235 on Final Reading.) [LB235]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB235 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB235]

CLERK: (Record vote read, Legislative Journal pages 471-472.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President. [LB235]

PRESIDENT SHEEHY: LB235 passes with the emergency clause attached. We will

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now proceed to LB552. [LB235 LB552]

CLERK: (Read LB552 on Final Reading.) [LB552]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB552 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB552]

CLERK: (Record vote read, Legislative Journal page 472.) 45 ayes, 0 nays, 4 excused and not voting, Mr. President. [LB552]

PRESIDENT SHEEHY: LB552 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB682, LB683, LB684, LB183, LB254, LB261, LB325, LB522, LB139, LB197, LB210, LB279, LB475, LB550, LB147, LB181, LB216, LB235, and LB552. Mr. Clerk, do you have items for the record? [LB552 LB682 LB683 LB684 LB183 LB254 LB261 LB325 LB522 LB139 LB197 LB210 LB279 LB475 LB550 LB147 LB181 LB216 LB235]

CLERK: I do, Mr. President. I have a series of hearing notices from the Natural Resources Committee signed by Senator Langemeier, as Chair of the committee. I have a reference report referring gubernatorial appointees to a standing committee for confirmation hearing. And amendments to be printed: amendment to LB650 by Senator Christensen; and Senator Avery, an amendment to LB722. That's all that I have, Mr. President. (Legislative Journal pages 473-474.) [LB650 LB722]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We will move to the first item under General File, LB867. [LB867]

CLERK: LB867 is a bill by Senator Karpisek. (Read title.) Introduced on January 11 of this year. At that time referred to the General Affairs Committee, advanced to General File. There are General Affairs Committee amendments, Mr. President. (AM1638, Legislative Journal page 399.) [LB867]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Karpisek, would you like to give us a summary on LB867 and AM1638? [LB867]

SENATOR KARPISEK: Thank you, Mr. President, I would. LB867 amends Section 53-124 of the Liquor Control Act by increasing shipping fees from \$200 to \$1,000. Currently, there are 613 shippers with either a Class S shipping license, such as wine and spirits, or a Class D shipping license which is beer. There are 504 wine and spirits shipping licenses and 109 beer shipping licenses. Other states have shipping licenses that range all over the board. At \$200, we are among the lowest. At \$1,000, we would be nearing the top. No one testified against the bill in the hearing and it was voted out of

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committee with unanimous support. Currently, the state collects \$122,600 in shipping license fees. LB867 would increase that amount by \$490,400, to a total of \$613,000. The committee amendment clarifies that the shipping license fees would go to the General Fund. The fees have been going to the General Fund, but the State Auditor, in a recent audit of the Liquor Control Commission, recommended that the commission seek an Attorney General's Opinion as to where the shipping license fees should go. The Attorney General's Opinion stated the shipping license fees should go to the school fund. Since the fees have been going to the General Fund, the committee felt that an amendment was needed to clarify that the shipping license fees are to continue to go to the General Fund. In 1992, a cleanup bill changed the word "permits" to "licenses" in the statute. That's why the change was made...or it could go to the school fund, but that's why it has always been going to the General Fund. When it was changed from permits to licenses, the change in where it went was not made. I do feel that this should go to the General Fund. I think it will have a better impact on the state rather than going to the school's fund. Thank you, Mr. President. [LB867]

PRESIDENT SHEEHY: Thank you, Senator Karpisek. Members requesting to speak on AM1638 to LB867, Senator Wightman, you're recognized. [LB867]

SENATOR WIGHTMAN: Thank you, Mr. President and members of the body. If Senator Karpisek would yield to a question? [LB867]

PRESIDENT SHEEHY: Senator Karpisek, would you yield to Senator Wightman? [LB867]

SENATOR KARPISEK: Yes, I would. [LB867]

SENATOR WIGHTMAN: Senator Karpisek, do you see the number of out-of-state licensees going down if we increase the fees fivefold? [LB867]

SENATOR KARPISEK: I think that we could say that some would go down. I can't say how many but a few might go down. But we may pick a few up as some of the craft breweries or things like Boulevard and that are coming into the state. So we may lose a few. We didn't hear any testimony like that in committee, but I think it would be fair to say that we might lose some. [LB867]

SENATOR WIGHTMAN: I do support the bill. I think we ought to applaud Senator Karpisek's offers, or what he's done here, and the members of the General Affairs Committee. It looks like they've kicked over a rock and found \$490,000. If all of us could do that we'd have about \$24 million addition to the General Fund. And it seems like we are really bringing ourselves into line with other states. So I do intend to support both the committee amendment and the bill itself. Thank you, Mr. President. [LB867]

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PRESIDENT SHEEHY: Thank you, Senator Wightman. Seeing no additional requests to speak, Senator Karpisek, you're recognized to close on your General Affairs Committee amendment, AM1638. Senator Karpisek waives closing. The question before the body is on the adoption of AM1638 to LB867. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB867]

CLERK: 31 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB867]

PRESIDENT SHEEHY: AM1638 is adopted. We will return to floor discussion on LB867. Seeing no requests to speak, Senator Karpisek, you're recognized to close. [LB867]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. I would like to thank everyone who has looked at this, thought about this. And as I did tell Senator Carlson yesterday, I have an idea where I'd like some of this money to go. Obviously, that's a different bill and we'll see where that goes. I also would like to thank Senator Howard who came forward with a lot of these ideas, and we've worked together very well on those this year. And also the Liquor Control Commission for coming forward and working with us and trying to find ways, as Senator Wightman said, to get in line and maybe kick over a rock. I don't think this is going to hurt the industry. I don't think it'll raise prices. If I thought that, I would not do it. I think it is a way to get in line; hopefully, find some money for some other projects we may have. Or if that's not possible, at least to put a little more money in the General Fund. Thank you, Mr. President. [LB867]

PRESIDENT SHEEHY: Thank you, Senator Karpisek. You have heard the closing. The question before the body is on the advancement of LB867. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB867]

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB867]

PRESIDENT SHEEHY: LB867 advances. We will now proceed to LB848. [LB867 LB848]

CLERK: LB848, a bill by Senator Cornett. (Read title.) Introduced on January 11 of this year. At that time referred to the Urban Affairs Committee. The bill was advanced to General File. There are committee amendments, Mr. President. (AM1646, Legislative Journal page 401.) [LB848]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Cornett, you're recognized to open on LB848. [LB848]

SENATOR CORNETT: Thank you, Lieutenant Governor and members of the body.

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LB848 deals with provisions relating to the board of equalization in statute 16-707, requiring when the board of equalization, a city of the first class meets, to be consistent with those of a metropolitan and second-class city. The current language requires cities of the first class to meet on the first Monday in the month of June, whereas metropolitan and second-class cities are not statutorily required to meet on any specific date. The change in 16-707 allows the board of equalization to only meet when deemed necessary due to business requiring public discussion. This change is being added for a simple reason: the lack of business presented to the board at the time of the required meeting. For example, the bulk of business referred to the city of Bellevue's board of equalization predominantly deals with mowing of weeds and cleaning of properties. Most of this cleaning occurs during the summer and early fall months after the required meeting date in June. The Urban Affairs Committee has an amendment and I urge you to support the amendment and the underlying bill. Thank you. [LB848]

PRESIDENT SHEEHY: Thank you, Senator Cornett. You have heard the opening to LB848. As stated, there is an Urban Affairs Committee amendment. Senator McGill, you're recognized to open on AM1646. [LB848]

SENATOR MCGILL: Thank you, Mr. President and members of the body. The amendment is just a small tweak that we felt was appropriate, that we didn't need to limit to a certain time in June. That we could leave it open to them to decide on their own. And that really is the crux of this very small amendment. Thank you. [LB848]

PRESIDENT SHEEHY: Thank you, Senator McGill. You've heard the opening of the Urban Affairs Committee amendment, AM1646 to LB848. Seeing no requests to speak, Senator McGill, you're recognized to close. Senator McGill waives closing. The question before the body is on the adoption of AM1646 to LB848. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB848]

CLERK: 30 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB848]

PRESIDENT SHEEHY: AM1646 is adopted. We will now return to floor discussion on LB848. Seeing no requests to speak, Senator Cornett, you're recognized to close. Senator Cornett waives closing. The question before the body is on the advancement of LB848. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB848]

CLERK: 28 ayes, 0 nays, Mr. President, on the advancement of LB848. [LB848]

PRESIDENT SHEEHY: LB848 advances. We'll now proceed to LB746. [LB848 LB746]

CLERK: LB746, a bill originally introduced by Senator Giese. (Read title.) The bill was introduced on January 6 of this year and referred to the Judiciary Committee. The bill

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was advanced to General File. There are Judiciary Committee amendments pending. (AM1669, Legislative Journal page 401.) [LB746]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Giese, you're recognized to open on LB746. [LB746]

SENATOR GIESE: Thank you, Mr. President and members of the body. I rise in support of LB746 which would extend and enhance the provisions of Nebraska's existing ban on racial profiling. The current ban was first passed in 2001, and one of its primary components was the requirement that law enforcement agencies collect data that could be used to assess the prevalence of racial profiling relative to motor vehicle stops. This data is submitted to the Crime Commission on a quarterly basis, who in turn produces an annual report on traffic stops and allegations of racial profiling for the Governor and members of the Legislature. As it stands now, the reporting requirements for law enforcement agencies expired on January 1, and the requirements for the Crime Commission will expire on April 1. These requirements have previously been extended by the Legislature in both 2004 and 2006. Failure to extend these reporting deadlines would result in the termination of the annual traffic stop report produced by the Crime Commission. LB746 would also expand both the membership and role of the Racial Profiling Advisory Committee which is tasked with advising the Crime Commission on the production of the annual traffic stop reports. Currently, the committee consists of the executive director of the Crime Commission, representatives of a number of statewide law enforcement groups, and the ACLU. The green copy of the bill would add three additional members to the committee: the executive director of the Commission on Mexican-Americans or his or her designee, the executive director of the Commission on Indian Affairs or his or her designee, and a representative appointed by the Nebraska branches of the NAACP. A Judiciary Committee amendment to follow would add a fourth new member representing the Minority Justice Committee which is a joint project of the Supreme Court and Nebraska State Bar Association. Including these new members will not only bring new voices to the table, but will increase the committee's ability to reflect the concerns of those groups most affected by racial profiling. LB746 would also move the role of the Racial Profiling Committee beyond simply reviewing the traffic stop reports and allow the committee to make recommendations to the Crime Commission and the Legislature on how to better implement and improve upon the existing ban on racial profiling. A mere review of the data does nothing to address the issue of racial profiling, whether such profiling is real or just perceived. As many Nebraska communities have learned through their experience, bringing new law enforcement and the affected communities together can be essential in creating the type of broadbased solutions that can best address the difficult racial issues we face on a daily basis. The Racial Profiling Advisory Committee is in the unique position to help facilitate such solutions, and giving them the authority to make recommendations based on their continuing review of the data is an important next step. When Nebraska first passed its ban on racial profiling, the legislation was a collaboration of law enforcement

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and advocacy groups seeking to find a common solution to a growing concern. As our communities become more diverse, it is important to have an existing structure that mirrors our diversity and works with law enforcement to ensure that all Nebraskans are treated in a just and fair manner. LB746 would maintain the existing structure that has served our state well since its inception, and I would urge the body to advance the bill to Select File. [LB746]

PRESIDENT SHEEHY: Thank you, Senator Giese. You have heard the opening to LB746. As was stated, there is a Judiciary Committee amendment, AM1669. Senator Ashford, you're recognized to open. [LB746]

SENATOR ASHFORD: Thank you, Mr. Lieutenant Governor. Senator Giese has accurately described the bill and actually the committee amendments. The committee amendments, as Senator Giese indicated, adds four new individuals to the committee and those were mentioned by Senator Giese. It changes the number of times the committee is required to meet from quarterly to semiannually, and it would provide that the Racial Profiling Advisory Committee may provide analysis of the review of the racial profiling data collected and make policy recommendations to the Nebraska Commission on Law Enforcement and Criminal Justice. This is important legislation in many ways. One, it brings to this body, again, the issue that we're facing in many areas, and that is not having accurate data to make informed policy decisions. In the area of racial profiling, in the area of...one of the areas I'm concerned about, truancy, other areas where we need to make policy where the perception is that there are issues out there in the communities throughout our state that need to be addressed. But oftentimes because we don't have adequate information, we don't have the outcomes that we need or the information on outcomes that we expect when we pass legislation. Oftentimes we're making policy in a vacuum. Senator Giese has come up with a solution to one of those areas, the area of racial profiling, and I commend him for doing that. With that, Mr. Lieutenant Governor, I would urge that the body adopt AM1669 and advance LB746. [LB746]

PRESIDENT SHEEHY: Thank you, Senator Ashford. You've heard the opening of the Judiciary Committee amendment, AM1669. Members requesting to speak, Senator Coash, followed by Senator Fulton. Senator Coash, you're recognized. [LB746]

SENATOR COASH: Thank you, Mr. President, members of the body. We heard this in Judiciary last week. Senator Giese, Senator Ashford did a nice job of illustrating what this bill does, but I would like to ask, for the record, a few questions of Senator Giese if he would yield. [LB746]

PRESIDENT SHEEHY: Senator Giese, would you yield to Senator Coash? [LB746]

SENATOR GIESE: Yes. [LB746]

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SENATOR COASH: Senator Giese, thank you. How many members are we adding total to the racial profiling board including the committee amendment? [LB746]

SENATOR GIESE: This is three new members. [LB746]

SENATOR COASH: Three new members? [LB746]

SENATOR GIESE: I'm sorry, four new members. [LB746]

SENATOR COASH: Four. Three new members was your idea and then we added one more in our committee amendment. [LB746]

SENATOR GIESE: Right. [LB746]

SENATOR COASH: Are any of these members paid to be on this board or do they receive any kind of stipend in order to serve? [LB746]

SENATOR GIESE: They are not paid members of the committee. [LB746]

SENATOR COASH: Okay. Are these members who...we were pretty prescriptive about who they were, so we know who we want on the board. Thank you, Senator Giese. Members, we got a lot of boards in this state and I've been asking some of the senior members around how many, and the answer that I've been getting is a lot, too many. And here we are with LB746 not adding a board but adding members to a board. Now, Senator Giese has done a nice job of saying: Look, it's not going to cost us any extra money. But I do think this is something that we ought to be aware of, members. We continue to hear from our constituents: Government is getting big. What are we doing? And it seems like you can't have anything in this state without a board to oversee it. This board that we're talking about in LB746 serves a purpose. I was supportive of the additions through the committee. But I wanted to use this opportunity to say, we better take a look at these and we better continue to be very selective about when we decide we need a new board, when we decide we need new members to a board, and we better start to decide if the board still served the purpose now as when they were first implemented. Thank you, Mr. President. [LB746]

PRESIDENT SHEEHY: Thank you, Senator Coash. Senator Fulton, you're recognized. [LB746]

SENATOR FULTON: Thank you, Mr. President. Would Senator Giese yield to a question please? [LB746]

PRESIDENT SHEEHY: Senator Giese, would you yield to Senator Fulton? [LB746]

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SENATOR GIESE: Yes. [LB746]

SENATOR FULTON: Thank you, Senator Giese. I want to be clear that I support this. I want to take this opportunity to ask questions about what has been found. So in the green copy, this is a board that's existed since January 1, 2002, and was to have terminated on April 1, 2010. We will be effectively extending the time that this board can be operative, and then giving the board additional powers as I understand it. What has been found? We've been collecting information, just raw data, since 2002, so almost eight years. What has been found thus far? [LB746]

SENATOR GIESE: Senator Fulton, if I could just back up a little bit. The board, the advisory committee is not set to expire; it's the data collection that is set to expire. And I can't give you exact numbers, that's one of the problems that we have, Senator Fulton. We have numbers that are turned in regularly, and there's a report. If you had not seen that, I'll make you aware of that. We don't have any specifics. If there are specific issues that need to be addressed, they are on that level with whether...whatever department that may be with, city, if you will. But that's just...we want to keep that, this committee, advisory committee, going to address these issues. We're doing it now and I think it's a great bill and I would just hope that...and thank you for supporting the bill. [LB746]

SENATOR FULTON: Thank you, Senator Giese. I've been in this place now for four years and I have seen how we have created things which tend to get forgotten about and this is an important issue. I mean, the gathering of data with regard to...if someone is being pulled over simply because of their appearance, that's wrong. And so we need to collect data to determine whether indeed that's occurring. And so I always have concern when I see a sunset date that passes and we have to come back and extend it because it means that the original intention which put this forward wasn't met. And so I stand corrected and I thank you for that, Senator Giese. This does not eliminate the board or extend the board; it extends the ability to collect data. I just hope that those who are on this board and those who will be on the board in the future recognize that we need to collect the data and start making some decisions as to what the data says. I will stop there. Thank you, Mr. President. [LB746]

PRESIDENT SHEEHY: Thank you, Senator Fulton. Senator Harms, you're recognized. [LB746]

SENATOR HARMS: Thank you, Mr. President, colleagues. I rise in support of this amendment and LB746. Senator Giese, could you yield? [LB746]

PRESIDENT SHEEHY: Senator Giese, would you yield to Senator Harms? [LB746]

SENATOR GIESE: Yes. [LB746]

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SENATOR HARMS: Senator Giese, as you have looked at this information and have prepared your bill for this, is it your opinion that we actually are racial profiling? [LB746]

SENATOR GIESE: No, it is not. [LB746]

SENATOR HARMS: Does any of the data or statistics that we now collect walk us in that direction? [LB746]

SENATOR GIESE: I would say, Senator Harms, the overall picture, we are doing a great job and certainly does not point to that conclusion that we would be doing that. But this is just something that I think that it was a great bill when it was originally introduced and I think it's something that we just...the Crime Commission and the advisory committee that looks at this information uses that, hopefully, and addresses those issues if they do come up. [LB746]

SENATOR HARMS: So with adding these individuals to this process, what would we...what are we going to gain if we're...I mean, how are we going to deal with the data and the research? I mean, what changes would we make if we feel comfortable with the data? I happen to...the reason I'm asking this question, I'm not comfortable with the data at all to be frank with you. I think that there are issues and I think there are racial profiling that's taking place. I've talked with enough law enforcement people and other folks that feel that way. And I guess what I'm really asking here is that, what would we change so that we could get to the issue so that we can correct it? I don't think we can tolerate racial profiling. I don't think it's right. Just because I have different colored skin doesn't mean you ought to have the right to stop me. So I guess that's my question. [LB746]

SENATOR GIESE: Senator Harms, I would just respond by stating that the members that we are adding to the committee, the member of the NAACP, the Mexican-American Commission, the...and the other...I'll think of them in just a second, but the other ones that we're adding I think will bring more people to the...folks to the table that may be affected by this issue. And when they can look at those numbers and then they can hopefully make recommendations to us from those numbers. The problem right now, Senator, is we don't have...we get the data but we really can't...we don't have the resources to do a lot with the data. We've been approached by some groups that potentially could take a look at that for us as we look at these numbers. [LB746]

SENATOR HARMS: Well, Senator, does this bill...would this bill as it is written today with this amendment, is it going to actually provide the necessary resources to correct the issue? What I'm trying to get to is, yeah, I think there might be a problem and I'm trying to see what your thoughts are and what your vision might be, how we might correct this. [LB746]

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SENATOR GIESE: Well, no, it does not provide the resources to address these issues, but I think the one main underlying thing that it does is continue what we are doing now and by, as I said, adding these new members. We may get there some day, Senator Harms, but not financially... [LB746]

PRESIDENT SHEEHY: One minute. [LB746]

SENATOR GIESE: ...or with resources at this point. [LB746]

SENATOR HARMS: Thank you, Mr. President. Thank you, Senator Giese. [LB746]

PRESIDENT SHEEHY: Thank you, Senator Harms. Seeing no additional requests to speak, Senator Ashford, you're recognized to close on AM1669. [LB746]

SENATOR ASHFORD: Thank you. I don't have anything further. I would just urge the adoption of AM1669 and advancement of LB746. Thank you. [LB746]

SENATOR ROBERT PRESIDING

SENATOR ROBERT: Thank you, Senator Ashford. Members, you have heard the closing to AM1669, the committee amendment to LB746. The question before the body is, shall the amendment be adopted? All those in favor vote yea; opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB746]

CLERK: 26 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB746]

SENATOR ROBERT: AM1669 is adopted. Speaker Flood, you're recognized for an announcement. [LB746]

SPEAKER FLOOD: Thank you, Mr. President. Good morning, members. A couple of quick notes here. Remember that we'll start accepting requests for Speaker priority bills on February 8, that's next Tuesday. The deadline for all priority bill requests and designations is February 19, so we're in a very important window coming up here starting Tuesday, ending February 19. We are going to start at 10:00 a.m. on Tuesday as we usually do on the first day of the week. I would remind folks that that start time is still negotiable as we look at the rest of the week next week. We'll give you more guidance on that Tuesday. And the final thing I want to say is after we consider LB746, we are going to adjourn for the day today. Thank you, Mr. President.

SENATOR ROBERT: Thank you, Speaker Flood. Speaker Flood.

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SPEAKER FLOOD: I want to amend that. We are working Monday. We start at 10:00 a.m. Monday. (Laughter) I had a momentary lapse in my early age.

SENATOR ROBERT: You're excused, thank you, Speaker Flood.

SPEAKER FLOOD: I'm sure our more senior members will understand. Thank you. (Laughter)

SENATOR ROBERT: Returning to discussion on LB746. Seeing no members wishing to speak, Senator Giese, you're recognized to close on LB746. [LB746]

SENATOR GIESE: Thank you, Mr. President. I would just make one final note. Thank you for your support and Senator Coash and Fulton just...we have the Government Committee has acted and we do away with committees that do not meet and do not get work done and meet regularly and do those things. This committee is not one of those committees. They do meet and do get things done. So with that, I would urge your support and advancement of the bill. [LB746]

SENATOR ROBERT: Thank you, Senator Giese. Members, you have heard the closing to LB746. The question before the body, shall the bill advance to E&R Initial? All those in favor vote yea; opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB746]

CLERK: 29 ayes, 0 nays, Mr. President, on the advancement of LB746. [LB746]

SENATOR ROBERT: LB746 does advance. Items for the record. [LB746]

CLERK: Mr. President, Natural Resources Committee reports LB689 to General File; LB764 to General File with amendments; and LB885 indefinitely postponed, those reports signed by Senator Langemeier as Chair. Senator Avery, an amendment to LB190A to be printed; Senator Dubas, an amendment to LB297. Bills read on Final Reading this morning were presented to the Governor at 11:32 a.m. (re LB682-684; LB183, LB254, LB261, LB325, LB522, LB139, LB197, LB210, LB279, LB475, LB550, LB147, LB181, LB216, LB235, and LB552). Name adds: Senator Dubas to LB650, LB1103; Senator Stuthman, LB1103; Senator Sullivan, LB1103; Senator Wallman, LB1103. (Legislative Journal pages 475-477.) [LB689 LB764 LB885 LB190A LB297 LB682 LB683 LB684 LB183 LB254 LB261 LB325 LB522 LB139 LB197 LB210 LB279 LB475 LB550 LB147 LB181 LB216 LB235 LB552 LB650 LB1103]

Priority motion, Mr. President. Senator Flood would move to adjourn the body until Monday morning, February 8 at 10:00 a.m.

SENATOR ROBERT: Members, the motion before the body is, shall we adjourn until

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Monday, February 8 at 10:00 a.m.? All those in favor signify by saying aye. Opposed, nay. We are adjourned.