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Transcriber's Office

Floor Debate
January 11, 2012

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PRESIDENT SHEEHY PRESIDING

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

SENATOR WALLMAN: (Prayer offered.)

PRESIDENT SHEEHY: Thank you, Senator Wallman. I now call to order the sixth day of the One Hundred Second 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: Messages, reports, or announcements?

CLERK: Mr. President, a Reference report referring LB879 through LB910; that signed by Senator Wightman, as Chair.

PRESIDENT SHEEHY: (Gavel)

CLERK: I have hearing notices from the Government, Military and Veterans Affairs Committee, the Judiciary Committee, and the Revenue Committee; those signed by their respective Chairs. That's all that I have. (Legislative Journal pages 201-203.)

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

CLERK: Mr. President, Senator Larson would move to withdraw LB856. [LB856]

PRESIDENT SHEEHY: Senator Larson, you're recognized to open on your motion to withdraw LB856. [LB856]

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SENATOR LARSON: Mr. President, LB856 changes provisions related to the reporting of cruelty to animals and creates an offense relating to obtaining employment at an animal facility with intent to disrupt operations. Yesterday I introduced LB915, which contains substantially similar provisions, as well as additional provisions relating to cruelty of livestock. These livestock provisions were not included in LB856 and I feel that their inclusion is necessary enough to warrant a withdrawal of LB856 and the reintroduction of a new bill. I would appreciate your support on the motion to withdraw LB856. Thank you, Mr. President. [LB856 LB915]

PRESIDENT SHEEHY: Thank you, Senator Larson. You've heard the opening on the motion to withdraw LB856. Seeing no requests to speak, Senator Larson, you're recognized to close. Senator Larson waives closing. The question before the body is on the adoption of the motion to withdraw LB856. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB856]

CLERK: 36 ayes, 0 nays, Mr. President, on the motion to withdraw LB856. [LB856]

PRESIDENT SHEEHY: The motion to withdraw is adopted. Next item, Mr. Clerk. [LB856]

CLERK: Mr. President, LB744. Senator Schilz would move to withdraw the bill. [LB744]

PRESIDENT SHEEHY: Senator Schilz, you're recognized to open on your motion to withdraw LB744. [LB744]

SENATOR SCHILZ: Thank you, Mr. President and members of the body. Good morning. I'm asking that LB744 be withdrawn because I've introduced another bill, LB919, which is a more comprehensive bill and takes a much bigger picture look at the subject matter that I want to affect. So I thank you for your time and I respectfully ask that you approve to withdraw of LB744. [LB744 LB919]

PRESIDENT SHEEHY: Thank you, Senator Schilz. You've heard the opening on the motion to withdraw LB744. Seeing no requests to speak, Senator Schilz, you're recognized to close. Senator Schilz waives closing. The question before the body is on the motion to withdraw LB744. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB744]

CLERK: 34 ayes, 0 nays, Mr. President, on the motion to withdraw LB744. [LB744]

PRESIDENT SHEEHY: The motion to withdraw is adopted. Mr. Clerk, we will now move to introduction of new bills. (Doctor of the day introduced.) Introduction of new bills, Mr. Clerk. [LB744]

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CLERK: Thank you, Mr. President, new bills. (Read LB939-946 by title for the first time.) And that's all that I have at this time, Mr. President. (Legislative Journal pages 204-205.) [LB939 LB940 LB941 LB942 LB943 LB944 LB945 LB946]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We will now move to the adoption of permanent rules.

CLERK: Mr. President, Senator Lautenbaugh, as Chair of the Rules Committee, would move to adopt the permanent rules for the One Hundred Second Legislature, Second Session, and any special sessions held during the 2012 calendar year. Pursuant to that offering, Mr. President, I do have amendments: two amendments from the Rules Committee and an amendment from Senator Krist. Senator Lautenbaugh, as Chair of the committee, the first amendment I have in front of me is what the committee had characterized as proposed rule number 6, as offered by Senator Flood.

PRESIDENT SHEEHY: Senator Lautenbaugh.

SENATOR LAUTENBAUGH: Thank you, Mr. President, members of the body. The first proposed amendment to the rules that you have in front of you is designated number 6. It was presented by Speaker Flood. What this does essentially is remove language that is now dated. Last year we had inserted a provision to the rules that said during the 2011 Session the Speaker may designate any redistricting bills as major proposals, etcetera. Well, that time has passed and 2011 has passed, and so this proposed amendment to the rules would remove that now obsolete and dated language. And I would ask for your support. I'd be happy to entertain any questions you may have.

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. Are there any members requesting to speak? Seeing none...oh, Senator Fischer.

SENATOR FISCHER: Thank you, Mr. President and members. Would Senator Lautenbaugh answer a question, please?

PRESIDENT SHEEHY: Senator Lautenbaugh, would you yield to Senator Fischer?

SENATOR LAUTENBAUGH: Yes, I will.

SENATOR FISCHER: Thank you, Senator Lautenbaugh. Is there any place that we can pull this up to see it?

SENATOR LAUTENBAUGH: Are you asking from a technological standpoint,...

SENATOR FISCHER: Yes.

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SENATOR LAUTENBAUGH: ...is it available on Chamber Viewer?

SENATOR FISCHER: Yes.

SENATOR LAUTENBAUGH: I don't know the answer to that.

CLERK: Senator, it's in your Legislative Journal. You won't find it...you're going to have to go to your laptop, on the Legislative Journal. It's on page 919 of the Journal.

SENATOR FISCHER: 919?

CLERK: I'm sorry, 199, 199.

SENATOR FISCHER: Okay. Thank you.

PRESIDENT SHEEHY: Other members requesting to speak? Senator Lautenbaugh, you're recognized to close on rule number 6.

SENATOR LAUTENBAUGH: Thank you, Mr. President. Members of the body, let me read to you exactly what language is omitted because it was not my understanding this wasn't available on Chamber Viewer. Now it's available in the Journal and I think some are looking it up, so I will read exactly what the omitted language is. This is from Rule 1, Section 17, designated Speaker's major proposals. What we're deleting is the language that states, "During the 2011 Session, the Speaker may designate any of the redistricting bills as major proposals with the approval of two-thirds of the Executive Board. Provided, the Speaker shall be allowed to designate one additional major proposal which shall be limited to the bill dealing with the redistricting of legislative districts subject to the approval of two-thirds of the Executive Board." So again, this is language that we put in here that was specific to 2011, so that is all we are trying to omit with this proposed rule change. I'm hoping with this more verbose explanation, people have had the time to locate it in the Journal and hopefully locate the next proposed rule change in the Journal, which I'm hoping follows on the heels of this one so it is available for viewing. But I will explain it more fully as well while you have time to read that as well, now that you know where it is. And I would ask your approval of this particular change. And I would yield some time to the Speaker.

PRESIDENT SHEEHY: Senator Flood, you're yielded 3 minutes 30 seconds.

SPEAKER FLOOD: Thank you very much, Mr. President. Bottom line on this rule change, I asked for it and I'll tell you why. Last year when we put our rules together, I asked that the Speaker be able to use a special priority status for redistricting bills because the rules didn't provide for that super-priority status. All this rule change does is it strikes that from the language. The Legislature, in 2021, can decide whether or not

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they want to give the Speaker that authority to have super-priority status on a redistricting bill. I just thought we should take it out. It's obsolete language. It was for the 2011 Session only. And so this rule change specifically removes that language and makes no other changes. And thankfully, I didn't have to use the super-priority status last year during redistricting anyway. So this is just deleting obsolete language and it met with the favor of the entire Rules Committee. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Flood. You have heard the closing. The question before the body is on the adoption of proposed rule change number 6. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk.

CLERK: 37 ayes, 0 nays, Mr. President, on adoption of Senator...or the Rules Committee recommendation, as offered by Senator Flood.

PRESIDENT SHEEHY: Rule change number 6 is adopted.

CLERK: Mr. President, the second change is offered, as referred to the floor by the Rules Committee, is characterized as proposed rule number 3, offered originally by Senator Lautenbaugh. Once again, the members may find this rule change on page 200 of the Legislative Journal.

PRESIDENT SHEEHY: Senator Lautenbaugh, you're recognized to open on proposed rule change number 3.

SENATOR LAUTENBAUGH: Thank you, Mr. President. Members of the body, I did propose this proposed change myself and it is the second go-around for it. And I think it is something that we need to discuss and actually be cognizant of, think about what we're doing and what we should be doing, what we could be doing. What this bill or what this proposed amendment to the rules deals with is the electronic submission of documents. What it provides is, "Copies of any additional testimony and/or exhibits being presented must be done electronically to the committee clerk for access by members choosing to use electronic media. These document submissions may occur via electronic mail, disk, or portable drive and shall be placed in an electronic file by the committee clerk." Third part is, "Senators shall be permitted to use a laptop computer, tablet, or other such device in committee," obviously to access those documents that are provided. And here's why this is important and here's why it goes, I think, hand in hand with some other things that we need to be contemplating. We waste a staggering amount of paper. I can't put it any plainer than that. We simply waste paper. We hand out things on the floor that get stacked up and are never to be seen again, I would guess, after we leave the floor. In the committees it's worse because, depending on the issue and depending on the committee, if you serve on Judiciary, for instance, sometimes you can leave the committee with three, four, five, six inches of paper for a day, depending on what the issue is and who shows up. And I feel that we are falling

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woefully behind on the technology that is available and the technology that would help us do what we do better. It is not my intention, in bringing this, to do anything that would prejudice or make life more difficult for people who may not have access to a scanner or may not be terribly technologically adept for whatever reason. That's not the intention here. But if you'll think about the people who come before committees routinely, I'll call them the frequent fliers, we have lobbyists and people from state agencies, people who have ready access to scanners and modern technology. Most copiers that you buy nowadays double as a scanner. In my personal office, in my business, we have a scanner that's a copier. You copy something but you hit scan instead of copy, and you hit the button for who you want to e-mail it to and that's who it goes to. There is no hard copy made. It would be very easy to have a scanning device set up and the cost is not prohibitive, I think we have one downstairs that cost \$1,500, and using that device to scan something in and just have an e-mail button that says Judiciary Committee, and all those e-mail addresses will be preprogrammed, or one on the floor that says all senators and we would all get the attachment as an e-mail. And this is not something that is what I would call new technology. This is just technology that we are not availing ourselves of currently. And I think the time has come for us to, well, go beyond looking at this and actually take concrete steps to cut down on the waste that we currently have. I don't know that any of you would describe me as the greenest senator in the body or a wide-eyed environmentalist of any stripe, but I do perceive this as just an unconscionable waste and I would be interested to hear your thoughts on this proposal. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. You have heard the opening on the proposed rule change number 3. Members requesting to speak, Senator Lathrop, followed by Senator Carlson, Senator Langemeier, Senator Adams, and others. Senator Lathrop.

SENATOR LATHROP: Good morning and thank you, Mr. President, colleagues. We're going to start the legislative session off with Senator Lautenbaugh and I agreeing once again. I do sit on the Rules Committee and this subject keeps coming up and we're running into some old and entrenched thoughts about computers and the way business is done, and this is not a criticism of anybody in the body. But Senator Lautenbaugh and I both feel, if I can speak for him, that we need to stop for just a second. I know you're probably all looking at the next thing on the legislative agenda, but it would help us in this process if we had a sense of the body on where we're at moving to the use of technology. And years ago everybody sat here and they read bills out of a bill book, and now they're not even on the desks. We're all using computers. And that took a little while for people to make that transition. This is really the next step and the question is whether we take and move to having computers in the committee rooms and having all of those documents that you get in those committee hearings, and I don't know about the committees other than the ones I serve on, but I can tell you in Judiciary Committee we probably get a four-inch stack...I might be exaggerating, three-inch stack of paper,

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each one of us does every day we have a committee hearing. And that could easily be, one, each person that testifies runs through the scanner their sign-in sheet and they run through their exhibits, a button is hit and it shows up on everybody's desk. So we run into two problems: Are we ready to get away from the paper, and are we okay with having computers in committee rooms? I want to talk about the computers in committee hearings because to this point in time we haven't a use for the computers in committee rooms. We have the bill in front of us and we have the exhibits that get dropped on our desk, and so if you're on a computer you're probably not looking at something that has anything to do with a committee hearing and it looks rude and it looks like you're not paying attention, and you worry about the perception of the public when they see somebody looking at a computer during a committee hearing. That would not be the case if we are receiving the bills that are up for consideration, the exhibits, and the testimony by way of computer. Here's the other concern and why I think we have an opportunity here for a savings as we go through this process. All of that stuff in the end gets microfilmed or saved. Somebody has to save that for the record and if we do this in a thoughtful way, if we plan it out, we have an opportunity to have all of that done as, in effect, in real time. So we don't have to have somebody go back and microfilm all this stuff. It can be kept digitally. A record of all the exhibits and the people that testified would be done digitally, and it is, as Senator Lautenbaugh suggests, as simple as running a document through a scanner and pushing a button and it shows up on everybody's computer in a committee hearing. So it would be...I'm an advocate for this because, as Senator Lautenbaugh said, and I'm...and if you went over to my law office, they'd tell you that I'm the last guy that bought into the digital stuff. We have programs now that manage our cases, that take care of the deadlines, the times. All of my mail is scanned. All of the pleadings are scanned. One button and it shows up on my desk, my paralegal's desk, my associate, and my secretary, and it is...it really is that simple. And I hope you'll let go of your fears of all this digital changing...

PRESIDENT SHEEHY: One minute.

SENATOR LATHROP: ...and join Senator Lautenbaugh and I in support of trying to put together maybe a group of us that study the issue. Maybe we have an experiment this session in a particular committee where we try to iron out the details, because there are, there are logistical details about who's going to do the scanning, where's the scanner going to be. But we're going to save money doing this, I believe, and I think that we will be well-served. And the public will not mind seeing this, looking at a laptop in committee hearings, if we're not looking at a laptop that's surrounded by stacks of paper but they know that we're reading their exhibits as they're testifying. So obviously, this is not a rule that's ready to pass but I think both Senator Lautenbaugh and I would appreciate your thoughts on the matter and your support as we try to move committee hearings to where we are on the floor, which is away from the paper and towards the...

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SENATOR LATHROP: ...towards the laptop. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Lathrop. Senator Carlson.

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. I'd like to direct a couple of questions to Senator Lautenbaugh, if he would yield.

PRESIDENT SHEEHY: Senator Lautenbaugh, would you yield to Senator Carlson?

SENATOR LAUTENBAUGH: Yes, I will.

SENATOR CARLSON: Now, listening to you and Senator Lathrop this morning, you give a pretty good explanation that's got some rationale into why this might be appropriate. I'm paranoid about some of these things and so I need to have a better feeling of being comfort (sic) with the change. If this rule is passed, it becomes a mandatory rule for us to follow. Would that be correct?

SENATOR LAUTENBAUGH: If we were to pass it as written, yes, we would be following it as written.

SENATOR CARLSON: Okay. Then first of all, I think it ought to be a voluntary rule, as determined by committee Chairs. But if we have this and everybody has got a laptop in front of them, I understand how it cuts down the pile of papers; however, we're going to still be handed out all kinds of stuff from those who come to testify, which is okay. I'm on the Natural Resources Committee, so I have my laptop in front of me and I have access to the bill that we're debating. What else do I have access to on my laptop at that particular time?

SENATOR LAUTENBAUGH: I really don't...well, I wanted to be very lawyerly and say I don't know what your laptop does specifically, but I understand what you're asking. And presuming that you would have Internet access, you would have access to everything. But...and I don't mean to digress on your time, but something I should point out that I didn't touch on, on the opening, in our Exec Session, when we talked about moving this bill forward or this amendment forward, we wanted to have this discussion so we can all, as a group, figure out what to do. I believe I represented to the group, let's pass this on with the understanding that we are not going to try to pass this as written because of the problems it does cause and the concerns that we have not discussed with the body as a whole. So I don't want anyone to be unduly alarmed. I meant what I said when I realized this can't apply just to some members of the general public that want to bring things in without it being a substantial burden on them, and it's not my intention that we actually bring this to an up-or-down vote, but I can't think of a better way for us to start to understand and get our heads around what we should be doing other than taking a

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few minutes this morning and actually discussing it.

SENATOR CARLSON: Okay. Thank you, Senator Lautenbaugh. How much time do I have?

PRESIDENT SHEEHY: Three minutes, Senator Carlson.

SENATOR CARLSON: Okay. Now the paranoia is this. As Chair of the Ag Committee and serving on other committees, I don't like to look around and see committee members texting or somehow using their cell phones. In fact, it irritates me so badly that I've threatened the Ag Committee, if I see any of it we're going to stop the hearing at that point. Now I hope that never happens and so far it hasn't been a problem. But it's so important in the Unicameral that the public is our second house. And when they come in to testify at hearings, they need our attention and they need to feel like they have it, and that's our responsibility, serving on these committees, is to listen to the public when they come in to testify. And so I'm willing to consider this but I...we can't have anything like this take away and have people, that come in to testify, leave thinking, they're not paying attention to me. And I know you can't police further as to if I pull up on my screen the Drudge Report or whatever it is during a Natural Resources meeting, I ought to get kicked out for that day. We can't do that. But we really have a responsibility to those that we serve and it's so important that we give them their (sic) attention and if somehow we can work this out where it's voluntary and that we can agree on how it's going to be used, then certainly I'll listen to it. Thank you, Senator Lautenbaugh. Thank you for listening.

PRESIDENT SHEEHY: Thank you, Senator Carlson. Senator Langemeier.

SENATOR LANGEMEIER: Mr. President, members of the body, I rise in support of the idea but not necessarily in support of the rule change, and I think Senator Lautenbaugh brought that out, that we're here to express our thoughts. And my thoughts are that we spend a lot of time on technology. Most of us have iPads now on your own personal expense and we have these laptops here that are getting a little more aged. And I think this whole discussion to do this is more than just buying a scanner. It's more what is our technology going to look at, look like in the future? Are we going to update these laptops? Are we going to, as a body, spend the money in tough times to make sure they work? Because you'd have to take...I assume I'd have to take my laptop here out of the Chamber, I'd have to take it down to my hearing room and use it in that fashion there. I think some of the key things out in Natural Resources, we have a few people that come to Natural Resources, I can name about five, that I see at every hearing. But I can probably tell you about 100 that I met through the TransCanada pipeline or 1,000 that have never been here before, and I think they could put undue burden on a clerk to try and go scan those right before every hearing, let alone if they show up late, as it says they have to do it in the electronic format. So I think this is something that we're going to

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have to look at and I support, as Senator Lathrop and Senator Lautenbaugh talked earlier, about getting together, maybe through the interim, and trying to decide what a good public policy would be to make sure our constituents know that we are listening to them as they come and testify before our hearing. I do get a lot of e-mails as a committee Chair that so-and-so wasn't listening in the hearing because either they weren't in their seat or they were looking at something else. We as committee Chairs, you get that feedback, and I think that's good that our constituents are willing to give us that feedback. I get feedback on my committee members that might be texting a lot. They start to send me e-mails saying, you know, what are you going to do about that, so they actual listen; I drove 300 miles from western Nebraska to come down and testify and they never looked up once to even listen to me. And so you get that feedback and so we want to make sure whatever we do is...especially as we had the discussion of lights. In Natural Resources we use the light system. You get 5 minutes. Most people understand that and they do very well in it. But they also, like I said, some have driven 300 miles to utilize that 5 minutes and they want to make sure that they have your full and undivided attention. And so I think going electronic, as you all see these nice podiums, I appreciate that's a three-year project to try and remove some of the paper out of this place and use actual podiums instead of big piles of books. I think that was a good move. So again, I'm supportive of looking at this but we have to take it in a very conscious manner. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Langemeier. Senator Adams.

SENATOR ADAMS: Thank you, Mr. President. Members, I have listened to everything that's been said and, frankly, I should just sit down. I don't know that I can add that much more to it. I find myself, like Senator Lathrop said about his law practice, well, if there's an old codger in the group that doesn't get real excited about moving forward on technology until we're sure exactly where we're going, you're listening to him. You can ask the lobby about that when they come to Education hearings. And I don't want to change on that. I sit and I watch my committee clerk pile through those huge three-ring notebooks, putting things in, adding things, hauling them down to the committee room. And even the old codger in me sits there saying, we need to make a move here, something needs to change. So what I'm willing to do, and I think this is what Senator Lautenbaugh is suggesting, I am more than willing to sit down and begin to have this discussion because I do believe that on the one hand we do need to get to the point where we're not...we don't have clerks stuffing all those three-ring notebooks and where we have more access. But the old codger in me says there is sanctity in that public hearing room during a public hearing. And whether we like it or not, whether we're bored stiff, whether we disagree with the testifier, we owe it to them, whether they came from Scottsbluff or south Lincoln, to hear them out, to hear them out and not have that computer screen up in front of us. One of the things, as we have this discussion, that I'm going to continually bring up is what kind of protection do we have electronically in our architecture so that we don't have dialogue going on between committee members with

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their computer and the outside world, literally during a hearing? That concerns me. It's absolutely time that we look. But I'm going to be a foot-dragger on this until I'm convinced that we can get there in a protected, secured and, most importantly, respectful way of our process. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Adams. Additional members requesting to speak on proposed rule change number 3, we have Senator Ken Haar, followed by Senator Loudon, Senator Burke Harr, Senator Fischer, Senator Hadley, Senator Pahls, and others. Senator Ken Haar.

SENATOR HAAR: Mr. President, members of the body, I was on the Lincoln City Council from 1989 through '97 and in the early '90s I began using my laptop at the city council, in full view and taking testimony. And I think anybody who has been to my committee hearing where I am, you know that I'm paying attention because I'm taking lots of notes. That's the way I remember things. I think the thing that's been talked about of full and undivided attention somehow being guaranteed by the fact that we're sitting there with only pencil and paper in front of us is a myth. I know that, for myself, just because I'm there doesn't mean that there's full and undivided attention. What it does mean is when my mind is engaged and so on, and part of my everyday tools are using computers and, for me, that helps me keep engaged. That helps me keep up-to-date on what's going on. Maybe nobody else has this problem in their office but, filing, what do we do with all the paper that we get? And if I want to go back and look at a bill and what happened in that hearing or in somebody else's hearing, then I've got to go scrambling for paper. And, you know, if anybody has devised that perfect filing system for all the paper we get, let me know. I'd love to use it. Computers make that so much easier. Senator Lautenbaugh has brought up the issue of paper. The stacks and reams of paper that we get just aren't necessary. And then with OCR scanning and so on, you can also do word searches and all those kinds of things. I mean we certainly need in this body to be up-to-date with technology. Now I agree there are some problems perhaps with how do we get every document scanned in, and I hope that will be looked at. But you know, today we Twitter and tweet and Facebook and e-mail and all that sort of thing, and I can do it on this iPhone so it doesn't even take a computer in front of me. It's a little more difficult to read e-mail. I would suggest that right now there's no guarantee that people aren't talking to their LAs for questions. I know that goes on in committee hearings because of the cell phones we have, the iPhones we have. There's really no place in society anymore where people don't use their computers and I think that it, in my opinion at least, people understand this. If they don't, they need to be gently told that this is a way...this is a better way to take information, to keep information, and to access information. I think we need to be treated like adults and be allowed to use the technology that's available in our society, and so I support this resolution and I think we need to get into the...whatever century, whatever decade it is right now with modern technology, because I believe that word processing and smartphones and computers actually allow us to do our job better. Thank you very

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much.

PRESIDENT SHEEHY: Thank you, Senator Haar. Senator Louden. Senator Louden.

SENATOR LOUDEN: Thank you, Mr. President and members. I'm somewhat apprehensive about this rule and I realize we probably have to go into the future, but I think there are some areas that we probably have to decide whether or not laptops are allowed. As some...as I look, some of the rule changes, they talk about portable disks or...and that sort of thing, and if you notice these Macbooks we have, you can't play a disk on there so that would...you'd have to do something else about that. My concern, I guess, is something like...and I think Senator Adams brought that up, about when you do have a laptop there, someone is giving testimony, then could someone out in the state, since we have statewide television now, e-mail members of those committees and probably either criticize that testimony or point something else out on that testimony when, in fact, that person is supposed to be the one testifying and that is their time slot? So I have problems with how all of that could be controlled. Some of the other issues I have is when you submit some of this paperwork electronically, can any of that be hacked so that not all of the wording would be submitted that needs to be? If it's a paper that comes before you, then everybody compares what's on their paper with other committee members and it should all be the same. So I have a question about how that can be done because we know there are people that can go into these computers and do about anything they want to with them. We've seen such situations like that before. When we have some of these things like that come up, sure, there's going to be a savings of paper probably, but this is kind of what it's all about. I understand where Senator Lathrop and Senator Lautenbaugh, where they're running a law firm and, yes, this electronic work, and I know the lawyers I work with, we send everything e-mail and that sort of stuff nowadays, but at times there can be stuff that you wouldn't want put out in public. Because I always treat e-mail just like when we used to have country party lines on the phone. You didn't want to put anything out there that you didn't want the world to see, because anything that goes out on that thing can be found with anyone to see or it can be changed, changed around to suit the person that's hacking into it. I think what we need to look at is, as we go forwards with this technology, and there's places where we probably don't use a laptop. Right now I don't think you can use a laptop while you're sitting on jury duty. I don't know for sure. Anytime I was on jury duty I didn't remember we could even take notes while we were listening to testimony at the trial. The other thing is I haven't seen anybody use a laptop when they were in church. I don't know how many pastors allow people to use a laptop in church. And perhaps there shouldn't be such a thing that we're allowed to use a laptop in committee hearings, simple as that. There's areas you can and there's areas that are uncalled for to use them. And so I have a question about where we go with this thing, and I think probably whether you had some kind of an interim study on it to decide how far you were going to go with using laptops. Part of that testimony...we take testimony now from people across the state of Nebraska that e-mail testimony in and that saves a lot of travel for

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people that live a long ways off, so those issues there I think has to be dealt with on a larger scale than today where we're just going to decide to throw this out there and...

PRESIDENT SHEEHY: One minute.

SENATOR LOUDEN: ...go after it. So I think some of these things have to be considered and at the present I don't think I can support this proposed rule. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Louden. Senator Burke Harr.

SENATOR HARR: Thank you, Mr. President. I would like to, first of all, thank whoever is responsible for these new black, handy-dandy...I'm not sure what you call them but...lectern. The question is, why didn't we have these before? And the answer is simple. We had paper before to put our paper on. We've eliminated that paper so we've made some advancements, and that's what...that's all this is. It's similar to a lectern. We're moving to the next generation, and I know, a lot of people, it's scary and that's understandable. It's not an elimination. No one is forcing anyone else to use laptops. It's just available. It's a choice. We are citizen legislators. I don't think I need to remind anyone that we're only paid \$12,000 a year. Now we all knew that coming in and we have to accept that. But part of that is we all have jobs on the outside and we have to, unless you're independently wealthy, which I am not. So as a result, we need to be able to communicate with the outside world. In this age of instantaneous communication, we don't have the luxuries we had 10, 15, 20, 30 years ago. People expect us to be available so we need to have this availability available to us. We also need to...I keep hearing over and over and over and over and over and over and over, we need to run government more efficiently, we need to run government more like a business. Well, these antiquated ways of doing processes are not running more efficiently...government more efficiently, and they're not running it like a private business. You talk to individuals, lawyers who deal in a lot of paper; this is not how they communicate. This is not how the real world operates. I can understand if people don't want to get on board, but no one is forcing you to get on board. All we're saying is this is available to you. We will avail it to whomever wants to use it. My only real concern with this whole proposal of Senator Lautenbaugh is that it says senators shall be permitted to use laptop or tablet devices in committee. I would like it clarified to state that we can use wireless on our laptop and tablet devices, because right now that's not clear. If you look above, 3, (a) says you can't use it unless permitted, wireless communication, and nowhere does it say we can use the wireless portion. But this is how we communicate. In this world of Google, if we have someone coming in to testify and we have an issue or we're not sure what they're saying is correct, we can Google it. Why wouldn't we take advantage of the resources available to us, is my question, so that we can make better laws and so we can hold people accountable? With that, I would yield the rest of my time. Thank you.

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PRESIDENT SHEEHY: Thank you, Senator Harr. Senator Fischer.

SENATOR FISCHER: Thank you, Mr. President and members. You know, we are moving in a new direction and I hear that on the floor, and I heard that we have moved to where we are on the floor now where we can access documents. But I appreciate what Senator Adams said because a public hearing is different. It's a chance for the public to come and speak to us and we are supposed to listen. I can tell you in our committee that every year I hear from the public and they thank us for looking at them when they come to our hearings, they thank us for listening, they thank us for asking questions. So I happened to be one of those old curmudgeons with Senator Adams and we don't allow laptops or texting in the committee, because I think it's very, very important that we show the public that we do work for them and we are here to listen, and we need to show them that respect whether they drive 15 minutes to come down or whether they drive 7.5 hours to come down and testify, because I also use the lights in our committee and I usually limit it to 3 minutes per speaker. So when somebody drives 15 minutes or 7.5 hours, I think we can give them 3 minutes of our undivided attention. We have committee books. Yes, paper is a problem. It accumulates. But I have found with the members of my committee we can sometimes find things faster in our committee books, where the clerk and the committee counsel have gotten us the pertinent information, than we can by trying to find it on a computer, going through. Yes, I'm a curmudgeon like Senator Adams--you shouldn't have used that word now--because I think it is important that we listen to our public, that we listen to all Nebraskans when they come and we show them respect. Times are changing. I don't think that the Legislature right now has the capability to meet those changes that are being requested here. And when a citizen comes before the committee and you tell them they need ten copies of their testimony, that's a surprise to many people because they come down, if they have a copy they only have one or they might not even have a copy. Now the lobbyists, people who are down here a lot and working with different associations, they'll know what to do. They'll know where to go to scan things. But the regular citizen, and we all know how nervous people are, I was nervous as a citizen coming down to testify, they won't know what's expected of them and we're just, I believe, putting up one more barrier to allowing our citizens to have that input into this process. So while we may be moving in this direction, I don't believe we're ready to move there now. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Fischer. Senator Hadley.

SENATOR HADLEY: Mr. President, members of the body, good morning. I'll try and keep what I have to say short. I'm struck about the size of our state. We've talked about people that can drive 10 minutes to testify in front of a committee and people that have to drive 7.5 hours to testify in front of a committee. When we're talking about technology, I went to a company in Kearney recently and I sat in on one of their executive conferences with two of their other locations. That locations were in Atlanta,

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Georgia, and Pune, India, and they sat and had two-way audio and visual communication and had a meeting with those three together. I guess the point I'm getting to is that I would hope we start looking at some type of method with telecommunications that people don't have to drive from North Platte, Scottsbluff, Valentine, Chadron to come down here and testify for 3 minutes. I've talked to the Nebraska Educational TV people. They have an outstanding ability to cover the state of Nebraska with two-way audio and visual communications. If we truly believe that the public has the right to be heard, let's make it easier for them to be heard. I would like to see us explore setting up five or six places around the state where citizens can come in, sign in; we can see them, they can see us; they can testify and they can get home in a matter of minutes and not have to look at a 7.5-hour drive. I hope as we go forward in technology we look at that, because it's there. And I do believe it is a burden on some of our citizens to make that 7- or 8-hour trip to Lincoln to testify for 3 to 5 minutes in front of a committee. So again, I applaud what we're doing. I think it has a lot of pitfalls but I hope we take it further as we look at what technology is available. One last thing: I concur with the idea that when people come down here and they watch a senator texting behind the desk at a hearing, it just doesn't look good. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Hadley. Other members requesting to speak on proposed rule change number 3, we have Senator Harms, followed by Senator Sullivan, Senator Schumacher, Senator Price, Senator McGill, and others. Senator Harms.

SENATOR HARMS: Thank you, Mr. President and colleagues. I have some mixed emotions about this change and, to be very honest with you, I guess I'm just from the old school. I really object to it. I don't care what we do in regard to those hearings, but if you have eight or nine screens up, nine people focusing on screens, the people who come, 7.5-hour drive, which my folks would have to make, they don't want you looking at a screen. They want to make sure you are absolutely listening to them. What kind of controls do we have over this? How do we know that, if you're in a session that maybe you're not really interested in, you start popping up your e-mail? I don't think that would happen but the possibility is there and I don't think we should allow the public to think that we don't have any interest and that we are going to go, oh, go to technology to make this smoother and save in regard to the paper trail. I'm here to tell you, I don't know of any technology, to be honest with you, that's cut back on the paper trail. I've had involvement with technology and computers for years in hopes that it would cut back in the paper trail. It really doesn't do that. We're kidding ourselves if we think that's going to happen. So I really would be in hopes that if we're going to pursue something like this it ought to be allowed by...the Chair needs to decide whether he or she would allow this. And I object to people coming into hearings and having their cell phones on and texting out of there. I don't know how many of you are...can take on more than one task. I'm not multitasking. It's difficult for me to do that. And I don't think there are very many people that can go in and actually hear what's taking place in that hearing and

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reading on the screen or involved in your technology. It's just impossible. So I think we would make a mistake by doing this. I wonder if Senator Lautenbaugh would yield to a question, please.

PRESIDENT SHEEHY: Senator Lautenbaugh, would you yield to Senator Harms?

SENATOR LAUTENBAUGH: Yes, I will. Yes, I will.

SENATOR HARMS: Thank you, Senator Lautenbaugh. You, in your opening comments, talked about the fact that this would be a great cost savings. Do you have any idea exactly how much it's going to save this great state by doing this?

SENATOR LAUTENBAUGH: As far as the specific savings to the state, I don't know. I was thinking more in terms of...to the public, to the lobby, to everyone in general who deals with us, simply because paper costs and electrons cost less, so...but, no, I don't have any idea how we would quantify what the savings would be in time, paper costs, etcetera.

SENATOR HARMS: Do you really believe that in your own mind that there would be a true cost in savings of any great amount?

SENATOR LAUTENBAUGH: Well, honestly, if you calculate the time that committee staff spends putting those black books together and all the, you know, other ways that we shuffle the paper around that we do have, I have to believe...and you consider the efficiencies of, you know, our own time as far as going and finding the information or having it available right in front of us, there has to be a savings. I mean I think things happen for a reason and if this technology did not result in savings and efficiencies, it would not be as widely adopted as it is. So I just...the conservative in me says things happen for a reason and things develop as they do because they should, so the savings have to be there or we wouldn't have this technology available to us.

SENATOR HARMS: Thank you, Senator Lautenbaugh. I guess I'd...I don't know how you feel, colleagues, but I'd like to see the efficiency...

PRESIDENT SHEEHY: One minute.

SENATOR HARMS: ...identified of that. If we really do have this, I'd like to know for sure whether there's going to be a cost savings. The other side of it, I really honestly believe that we will offend people who come into our committees. I just...I've watched that happen in other organizations where people are using their cell phone or their small tablets; have gone to meetings and people walk out and say, you know what, they weren't paying any attention to me, I don't think they heard a word I said. So I hope that we'll give that some serious thought and as we look at this, unless something changes,

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I'm not going to be in favor of this rule. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Harms. Senator Sullivan.

SENATOR SULLIVAN: Thank you, Mr. President. Good morning, colleagues. This has been a helpful and interesting discussion. There's no doubt about it, the technology has changed our lives. It's impacted this body and it will change the way that we do business going forward. But just like values, some things never change, and there are some hallmarks about this Unicameral that I think shouldn't change. I've written down three words that I think speak to that. The ease of how this body and this system works, we saw it operate in a streamline way when we had the special session. Access, there's access to this body, to the way we do business here by the citizens of this state. And we applaud ourselves in the fact that we have an open environment in the way we do business in this Unicameral. I think those three things--ease, access, and openness--need to be remembered as we craft the way we do business here. And I think when we also look at the way that this system is used by we, policymakers, the other people that come here, whether they're lobbyists or the general public, and certainly the citizens of this state, we need to keep those hallmarks in mind as well. So with that being said, here we are looking at how we use technology in this environment. And I'm glad to know that as I listen to Senator Lautenbaugh that he thinks that this is, first and foremost, a situation that needs to be studied. So with that in mind, I did have a couple questions for Senator Lautenbaugh, if he would yield, please.

PRESIDENT SHEEHY: Senator Lautenbaugh, would you yield to Senator Sullivan?

SENATOR LAUTENBAUGH: Yes, I will.

SENATOR SULLIVAN: Thank you, Senator. When you say that this is a whole topic that needs to be studied, that you weren't interested really in going forward on this as far as this is how now we're going to do business, what was your thoughts in terms of how this would be studied? Is there going to be a committee of senators? Are you going to involve other people? It occurs to me maybe this is something that the legislative Planning Committee should be looking at as well. What were your thoughts along those lines?

SENATOR LAUTENBAUGH: I hadn't had any real firm thoughts, I would say, regarding how any study or committee should develop. I believe, while we don't need to go forward with this particular rule proposal, there are things that could be done now certainly where committee Chairs could advise lobbyists and people from state agencies--and I think they make up the bulk of our frequent fliers, if you will, in committees--to submit their written exhibits and if they want to submit their written testimony to the clerk ahead of time too. And I see a value in that, in that if we put it in a publicly accessible, viewable file, even the people that came to the hearings would be

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able to see the testimony and the exhibits that we only get to see when they're passed out to us, and that's something that could happen now without a study if committee Chairs elect to.

SENATOR SULLIVAN: But isn't it fair to say that there would be a fair amount of logistics to work out? I mean how do you...when you mentioned scanning, do we...do our scanners currently have the capacity, because some of these handouts that are brought to us have multiple pages? Can we actually scan all those documents right now under the current environment?

SENATOR LAUTENBAUGH: Well, I wouldn't want us to be the ones doing the scanning in the current environment. If we're talking specifically about members of the lobby, registered lobbyists, and people from state agencies, I would put the burden on them, not the members of the public that come before us at least but those people that are our frequent fliers, to send it to us scanned. I don't think that should be the obligation of the committee clerk. I think we should tell these people, look, we have too much paper, we see you all the time, we know you have access to this technology, e-mail it to the committee clerk for dissemination to the members.

SENATOR SULLIVAN: So you're actually...

PRESIDENT SHEEHY: One minute.

SENATOR SULLIVAN: I mean how do you communicate this then also to...you're really talking about two different groups of people here--the public, the general public, or the lobbyists who come to us on a regular basis.

SENATOR LAUTENBAUGH: That's really correct. And, of course, that would include state agencies and state employees with the lobbyists because, again, they have access to the technology and they know they're coming. They should be prepared enough to submit that information to us ahead of time. I again don't want to put that burden on the mom and pop that drive in from Chadron to testify and find out they have to find a scanner and somehow do this. That's not my desire.

SENATOR SULLIVAN: Well, okay. I understand your idea behind this intent, but I think that there are so many logistics to still work out. Certainly we need to leverage and use technology, but I think we need to be thoughtful in the approach. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Sullivan. Senator Schumacher.

SENATOR SCHUMACHER: Thank you, Mr. Speaker. There's a thing that the behaviorists call an increasing interlocking schedule, and an increasing interlocking schedule means that when you miss out on an earlier step, you get farther and farther

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behind on the later steps in the process. We know where the future is going to be. It's not going to be on paper, even though some of us are very, very happy when we got something physical in front of us that we can take a yellow "overliner" to because that's how we grew up. Well, the people who are going to be in this body and are going to need the experience of this body in 10, 15, 20 years and on are not going to have grown up in that world. And we need to start today, sooner rather than later, to begin to develop the experience that integrates with their experience, and that experience is in huge memory devices which have got terrific analytical power, that are extensions of our brains. So then when we sit in a committee hearing, it will be recorded, not on some great central computer necessarily, even though it probably will be recorded there, but on our individual laptops or iPads or whatever gizmos they call in the future. And then we will be able to say, listen, iPad, tell me who spoke at this hearing, I think it was in about 2011, talking about the Republican River. And bingo, we will be able to hear or read in text what they said off of our own portable devices. We will not take notes with crayons or with pencils or pens, but we will take notes by tracing our finger or stylus or some other mechanism or perhaps just having a machine do it itself by listening to what's said on these devices. But I know that sometime...and we need to get started down that road so we have that experience. But my second point is we've heard a lot about respect the committee hearings and some of us have had the experience of being on the other side of that table at committee hearings. And you know what sometimes is really disappointing? When you got 3 minutes to say what you drove 3 or 6 or 9 hours to say and you can't quite get it out. If you have the ability to supplement that, it is important to you. And also what is very appreciated from the other side of the table is when the senators question you rather than just sitting there and nodding and saying yes. And sometimes, in order to ask intelligent questions, you got to have intelligent information and you've got to be able to go out to the Internet, over a hot-spot environment, and say what is this fact that this person is saying and is it accurate, and you need to use the resource before you to cross-examine them to find out what other information they could be giving you to learn and broaden your knowledge of the topic from which they speak. We need to move forward with this technology. We need to be bold. And we need to have a little common-sense reserve so we don't text our friends about something back and forth but stay on business, and I think most of us are responsible enough to do that. But these are tools that every part of business, every part of education, every part of government is going to be used, need to be used, and if we don't get with the program we're going to be...

PRESIDENT SHEEHY: One minute.

SENATOR SCHUMACHER: ...not be able to deliver as efficient and as intelligent of government to our citizens as if we got with it today, and that increasing interlocking schedule is going to bite us. So I even think waiting and studying is wasted time, but I guess that's the way we do things. Thank you.

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PRESIDENT SHEEHY: Thank you, Senator Schumacher. Senator Price.

SENATOR PRICE: Thank you, Mr. President, members. I rise primarily in support of what we're trying to do here, but as many senators have said, there are a lot of questions. So to put it as a part of the record, we already use electronic devices. I've already sat in a lot of committee hearings and saw people texting or doing other things. That's our personal behavior and our personal responsibility that we have to take care of now, let alone if we move forward. Some technical questions that need to be addressed here: the size of these files, we all...we went through the transition this past summer to a new e-mail service manner, and I had my staff open it up just now and I'm using 1.1 gigabytes of space right now and we have 25 gigabytes allocated. If we started to get all these various handouts as electronic attachments, we're going to have to resize our server farm in a hurry. There is nothing, if you look at your e-mail right now, you look at just how people use e-mail, there's a certain etiquette that should be in place that isn't. People hit respond and reply to all, because they think there's no issue, no impact, and sometimes you'll get an e-mail chain that might have 35 replies on it and it's gone to thousands of people. Anyway, when we keep doing this, we're using up space. If we start doing everything as attachments, we're going to use a lot of space. We need to figure a way, what formats are we going to use? Are we going to get things in every format possibly known to mankind? If you're using Office 2010, you have a .docx file. If you're using '97, you have a different file. So we have compatibility issues that we need to talk to. But I'd also like to talk to this, that whatever we decide to do when we go forward with this, because one day we are going forward with this if not today, we need to make sure that we have a technology that will allow us to edit on-screen, because I don't know about you but I sit there and I take a lot of notes during the testimony. I take it on the paper. And then when we have the Executive Committee two months later or if we had a bill from the previous part of the...a previous year and we have to bring all of it back to us, and I look at those notes to reinvigorate what and to remember what it is I had thought about that testimony at that moment. Oftentimes, we have no ability. Go right now, can you edit your PDF on your laptop right now? Can you put a Post-it, can you put something on there? If we can't do that, I can't advocate moving forward. If we can find the solution to do that, then I'm good with it. And finally, we heard testimony earlier about perhaps the savings being when things get microfiched later on. We had to deal with, in the Government Committee, the state, as you all know, we have a lot of records. We have. In fact, we're paying a lot of money for rent to store records. There are laws that require the storage. We have buildings full of paperwork, just like our offices are full of paperwork. And one of the big questions that is stymieing technology right now is digital degradation. Do not believe for a moment that if you put something on a CD today it will be there in 100 years with current technology, yet we can go right now and we can pick up microfiche of 100-year-old documents. We can actually put our hands on 100-year-old documents. This is a technology question that will be overcome, but right now that is not necessarily the...

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PRESIDENT SHEEHY: One minute.

SENATOR PRICE: ...center pole I would hang all my hopes on in this effort. I want to use technology in the committee hearings but it needs to help me, not hinder me. It needs to be in place of, not in addition to. Because if you look at right now, we have a lot of "addition to's." Every time someone tells me they have the neatest, greatest widget, I have that widget and everything else I ever had before, except for maybe the smartphones which a lot of us have and we use them all the time. Thank you.

SENATOR SHEEHY: Thank you, Senator Price. Members requesting to speak on proposed rule change number 3, we have Senator McGill, followed by Senator Karpisek, Senator Mello, Senator Langemeier, Senator Lautenbaugh. Senator McGill.

SENATOR MCGILL: Thank you, Mr. President, members of the body. I have a lot to say so I'm going to try to focus. When I first started here in the Legislature, I had the pleasure of serving on a fabulous Judiciary Committee that was made up of some of our most well-respected senior members, like Senator DiAnna Schimek, Senator Ernie Chambers, and Senator Dwite Pedersen. There wasn't a day that Senator Chambers didn't doodle the entire hearing. It was rare that man would even look up and make eye contact with the people testifying, yet does anyone in here think that he wasn't listening and that he wasn't a prime example of being a good legislator? Senator Dwite Pedersen, who sat two seats down from me, always had stacks and stacks of binders and folders and writing thank-you notes to constituents and doing other research and doing his other job. Do people think he was not a good legislator? He served here over a decade, again, not someone making the perfect eye contact with every constituent, but he was elected here by the same number of people that the rest of us were. Now I even have different views on if I'm being a Chair of my committee I put my cell phone entirely away. My staff here and elsewhere know not to contact me. But I also have to work another job. I actually work two jobs outside of here. And with all due respect to our retired members here who don't have to worry about those other jobs and making a living, I do and so do other members here. Now when I do have an everyday constituent coming in and testifying, you're damned right I give them good listening skills and posture, and in my own committee I get compliments all the time for being a great Chair, for how well I listen and have a smile on my face. While there are other Chairs who may not be playing or being on an electronic device of some sort or other senators who, you know, throughout the years have just chosen not to be in the room because they're going and doing their other work or to get a little tired during their hearings, we're all elected members here. I respect the committee Chair decision process where they get to decide what's in the hearing room and what isn't. But we're also all adults who are living our own lives, who are trying to be good to our constituents and also still make ends meet at home. I mean Senator Coash over there, there are people who have been tried to recruit that have...folks have tried to recruit someone to run against Senator Coash, but what I hear from every one of them who has been approached is that that

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man always texts me back within that day, usually within a couple hours, about a concern I have; why would I want to run against or challenge a senator who is so responsive to me? And that's over a text message. And I hope you don't mind me sharing that, Senator Coash, but hopefully you won't have an opponent and that's one of the reasons. If our constituents are unhappy with how we're listening to them then they can choose not to send us back here, but electronic communication can be used to help us reach our constituents more effectively and be more knowledgeable on our issues and, yes, also help us be able to survive and pay our mortgage outside of the Legislature. And with that, I yield the rest of my time to Senator Nordquist.

PRESIDENT SHEEHY: Senator Nordquist, you're yielded 1 minute 20 seconds.

SENATOR NORDQUIST: Thank you, Mr. President and members. I just want to briefly address the illogical argument we're having against this, the fact that having a computer on your desk is an automatic distraction. If that's the case, why are we having this debate? Every one of us has a computer here. Everyone must be distracted, because that's the argument that's being made against this. Senator Lambert and Senator Brasch, I've been watching them there, both have had their computers open for this entire debate. Both have been listening...

PRESIDENT SHEEHY: One minute.

SENATOR NORDQUIST: ...with great intent to this discussion, not distracted, while other members that I won't point out have had paper in front of them, reading, filing through. And I know that happens at committee meetings too. Paper can be just as distracting as a computer. I know when I get books handed to me in the committee room, I'm reading them, looking through them, highlighting things, trying to listen at the same time. But when agencies come forward to Appropriations and give us their annual report, there's stuff in there I want to look and see and maybe question them on. And then a computer, can do that just the same. So I don't understand and why we think that a computer or some piece of technology is automatically distracting and takes away from the process. It doesn't. It's about how you use it. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator McGill. Thank you, Senator Nordquist. Senator Karpisek.

SENATOR KARPISEK: Thank you, Mr. President, members of the body. Never thought this would go this long but it has and we've had some good debate. I think we have to go with what the Chair wants. I'll admit, in my committee I've told my members, if you want to use your phone go ahead, please don't do it too much. Senator Carlson has said not to use them in his committee, so I go by his rules. If I get a text that something that...maybe the kids at home need something, my other job needs something, yeah, maybe I'll try to sneak one past Senator Carlson, but he has said that he will admonish

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us right on the spot and I know he will. But he can't see to the far end of the table as well and he has me next to him on purpose. But I will get up and leave. But so then what happens? So then I leave, so then I hear nothing. And we do have a problem in some committees that it's pretty empty around the table. So what do we pick? Again, I think it goes back to the Chairs, let the Chairs decide. I think for the most part we are very courteous to people who come in. I don't use the light system in my committee. One reason is, I don't have that many bills. If I was Judiciary, I probably sure would use the light system and at times we have. But I figure that we don't have enough...that many bills that I can let people talk. I will tell them though that I do reserve the right to cut them off if it goes too long. That's how I run my committee and I think it works out just fine. Senator Carlson runs his differently, Senator Avery runs his differently, Senator Wightman runs his differently, and Senator Nordquist does the same. Those are the committees I'm on and it works. I don't know, however though, that having a computer in front of you is a good idea. And I agree that just because it's there doesn't mean you're using it or you're distracted, but it comes back to perception. We have that a lot in here. We're in the fishbowl. I'm reading this morning about Senator Lautenbaugh's pay increase and hearing about all of the benefits that we get. For the record, we don't get any benefits. So people see what they think they see and I don't know that it's a great idea. I would love to have that computer on my desk, and I can multitask some, not as good as I used to, but I don't know that it's a good idea to have everyone with it open, looking something up. Senator Nordquist is right, we all have them open here, but we don't have constituents here. We don't have people testifying in front of us here. We're listening to each other. We usually know what each other are going to say when you hear the name. So I do think that using technology as much as we can is a great idea; however, I think we need to be wary of the perception and how we are perceived and how people feel like they are treated when they come to this body. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Karpisek. Senator Mello.

SENATOR MELLO: Thank you, Mr. President and members of the Legislature. Colleagues, I've appreciated hearing floor debate and floor discussion today on Senator Lautenbaugh's rule change, but there was something he mentioned early on when he discussed this potential rule change, which obviously he's open to suggestions, open to changes. I think the underlying issue here is, how can we look to streamline sometimes our process in regards to utilizing technology without completely changing a...completely changing a historical process that we've come to appreciate in the Legislature. We all know that there are registered lobbyists in the sense that they register with the Clerk's Office for an organization or on behalf of an entity. Senator Lautenbaugh mentioned, why not consider asking registered lobbyists then to provide their testimony or their exhibits or materials in advance electronically to the committees. That would save paper for us as a Legislature, it would save time on behalf of our staff and the body as a whole. Also it would probably streamline what ultimately these groups

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that come in and testify may do. It's not a...I don't see that as an out of the ordinary idea to ask those who come and sign a document informing us they're representing an organization that is going to come and lobby us to ask them to provide the materials that they want to provide us in committee hearings electronically. I think that's a reasonable compromise to what Senator Lautenbaugh's initial idea is. I think it's also a reasonable idea that state agencies, or state commissions that come and testify at hearings, provide us their materials electronically. Now we know a good number of them occasionally do, depending upon the issue. But to require them in the future as we move forward to adopt technology, to adopt the use of e-mailing us the materials in advance, and are provided electronically so we can utilize them in a hearing, I don't think that's a foreign concept. I think that's a way to streamline state use of resources. Now, Senator Fischer, I asked her...I want to applaud Senator Fischer's, I think, meticulous leadership in regards to how she operates the Telecommunication and Transportation Committee. She's very forthright for all testifiers and people who come in front of her committee of how she operates her committee processes. She raised a good point in the sense that, yes, while some of these ideas that Senator Lautenbaugh has mentioned, we could possibly...it seems like we could do, the reality is what some of our other colleagues mentioned, is that we have constituents who come, that maybe these rules and processes that are currently laid out, these probably don't work for constituents. We know of constituents who will print out their testimony before they come to a hearing, print it out at their home, make the drive down to the Capitol. They want to come in front of us, testify, share their opinions and thoughts on a bill, and we shouldn't try to impede that process by requiring them, at this point in time, to submit everything electronically. That may take some time to try to educate people, and we can encourage voters and constituents to come in front of us, to encourage them to submit their testimony electronically, encourage them to do this. But to mandate them, that's a different...I think that's a different issue in comparison to asking registered lobbyists and state agencies to do it because we know they're down here every day. We know that they're here as part of an institution of the Legislature in regards to advocating for their cause or their issue or their state agency. That is something that we can ask them to do. I think we can find agreement to do that. But to ask constituents, I think that's a whole nother issue and I think the overwhelming perception of the body is, we might not want to jump off that ledge today. With that, I'd like to yield the remainder of my time to Senator Lautenbaugh.

PRESIDENT SHEEHY: Senator Lautenbaugh, you're yielded 1 minute.

SENATOR LAUTENBAUGH: Thank you, Mr. President and thank you, Senator Mello. I do warn people I'm a couple down in the queue and I am going to pull this when they get to me, so that's coming. But I do want to address some of the things that we have here. The documents we have in front of us are produced by computers so if there's hacking, they could have been hacked before they were printed. There's all sorts of issues that we can't say don't exist currently. We're talking about how it might be

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disrespectful to the public to have laptops in hearings. It only looks unusual if we don't all have them. And we are supposed to be leaders here. When the public calls and says, hey, you left your committee hearing, you weren't there for my testimony, we say, well, I had a bill in another committee so I had to go introduce. That happens. I mean, is the public offended when we're reading papers when they're here, maybe even the ones they gave us because they were not paying attention to what they're saying. There's a point at which we have to be able to say, look, treat the public as adults and explain to them, this is why we have the computers so we don't have all these papers and that we can have access to information while you are testifying, while someone else is testifying.

PRESIDENT SHEEHY: Time, Senator.

SENATOR LAUTENBAUGH: Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. Senator Langemeier.

SENATOR LANGEMEIER: Mr. President and members of the body, I appreciate the discussion here. I take away from this that people are kind of supportive but let's go cautiously. The one thing I did not talk about in my first opportunity at the mike was the paper that gets handed out on the floor of the Legislature. We get a lot of...we got one today, a news article that's very important information that we see. That, too, should be considered in this process of making things electronic as we, as senators, want to hand something out we have the opportunity to number one, we cut the article out or we had the copies made, 50 copies or 55 copies, whatever you need here. You've taken the time to initial it, you've taken the time to do all that, I think you could take the time to grab the electronic version off of the Omaha World-Herald, or wherever it is, and send it to us in an electronic manner. And then if it's something that you think is crucial for us to read on the floor, during your time to talk you could educate us, say hey, I just sent you an e-mail, make sure you read that document. So I think we ought to as we go forward to have this discussion, we make sure we talk about what gets handed out on the floor in digital form as well. And with that, I'd like to yield the rest of my time to Senator Brasch.

PRESIDENT SHEEHY: Senator Brasch, you're yielded 4 minutes.

SENATOR BRASCH: Thank you. I'm on Rules Committee and I do support this motion. However, I am hearing every colleague's case and concerns and they are valid concerns. The biggest is that all of us always remember that a hearing is a time where we should give our undivided attention and respect, enthusiasm and interest to those who come and testify before us. A constituent came and testified at a hearing last year and this individual from the district typically is a person who is robust, twice the size of The Incredible Hulk, who trembled at the thought of sitting down and testifying before

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the committee. That should not be. Everyone should feel welcome, comfortable. However, I do realize that technology, it's in our schools. Our medical records are going on line; our library technology is. Our next...and our current method of communication, not just locally, statewide, nationally, and globally. It is important that we adapt to those rules. Not only can our handheld communication devices help us cut back on paper, but they can help us also as a resource, an important tool that we have all the documents readily available for review at any point in time. And so it is important to look at moving forward. It's important to realize that scanning and technology is there to help us move forward to compete, to increase our economies, and our knowledge as a resource. I welcome more research, more study on this. Thank you, Mr. Speaker. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Brasch. Thank you, Senator Langemeier. Members requesting to speak: Senator Lautenbaugh, followed by Senator Council. Senator Lautenbaugh.

SENATOR LAUTENBAUGH: I'll waive.

PRESIDENT SHEEHY: Senator Council.

SENATOR COUNCIL: Thank you, Mr. President. I hit my light lest anyone leave with the impression that the fact that I was working on my laptop meant that I wasn't listening to all of the discussion and I think all of the discussion has been meritorious. I just want to keep foremost in the minds of colleagues who are considering what direction to go in this, if we give any consideration to a requirement of electronic submission of documents, we must allow for the use of laptops during the committee meeting. If the only way for us to review that information that is being provided while someone is testifying is to access it through our laptops, if we have any requirement, I found Senator Mello's suggestion to be thoughtful and appropriate. Because I, too, am concerned about the average citizen who comes to testify, it's their first time ever testifying, they don't know what the procedure is, they've taken the time to type up their testimony or type up whatever evidence or make copies of whatever documents, and they don't know, so we have to make provision for them. But if there is any requirement of electronic submission, if I'm unable to access that information during the course of the hearing, what value is that to me. So if there's any consideration of electronic...mandatory electronic submission, it must be coupled with the committee members ability to access that information via their laptop. And with that, I would yield the balance of my time to Senator Lautenbaugh.

PRESIDENT SHEEHY: Senator Lautenbaugh, you're yielded 3 minutes.

SENATOR LAUTENBAUGH: May I waive this and proceed on my own time?

PRESIDENT SHEEHY: You're now on your time, Senator Lautenbaugh.

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SENATOR LAUTENBAUGH: Thank you. Thank you, Senator Council. Thank you, Mr. President. I did shut my light off and turn it back on because I did want Senator Council to have her say on this as well, and I appreciate her thoughts as always. And I'll be very brief because I promised the Speaker when we went down this road that this would not become the monster that devoured the rules debate and the morning. And we've gone on more than I thought we would. And Senator Sullivan asked the obvious question, okay, so what are you going to do? And here's what I would like to do. If you have an interest in this topic, let me know. The only committee I chair is Rules and the demand for that will drop off precipitously after today, I'm hoping. So I'll have time to look at this and if you want to be involved in looking at this with me and coming up with a plan, I'd be happy to have you. If it's a committee of the whole, we're all e-mailing each other and talking about this, that's fine too, but I think...I do want to know who is interested in this and what your ideas are. But I do think we need to move forward on something. And I take what Senator Council said to heart because the point I was trying to make hurriedly earlier, is that the only way laptops look out of place is if only half of us have them in committee. And I think, again, we can respect the public and treat them as adults. And if they say, gee, why was that person looking at the laptop instead of listening to me, the response is, well, the bill is on the laptop or the submissions are on the laptop that you brought to committee. And that's how we read the documents. If we're not supposed to read things during committee, we shouldn't be handing them out to the committee members on paper. What is the possible point of that? I mean, yes, this is new technology. Well, not really. It's technology that's newer than paper certainly, so we do have to adjust to it. But it is nonsensical to me to hear, we have to hang on every word of every testifier and make good eye contact, but we're going to give you paper to not look at while you're sitting there. Well, when are we supposed to look at the paper then? And if we're supposed to look at the paper in the hearing, presumably, because we're all handed multiple copies of it, we should be able to view a laptop without offending anyone either. And if people are offended, it's very easy to explain why we're doing it because we used to waste too much paper. This is not a new idea for me or crusade for me. I complained about having the stacks of statutes on our desks because no one read them, I didn't think. And so finally to bring that about I spent the summer in my basement in my woodworking shop building all of you these podiums. (Laughter) So Senator Haar, you're welcome. And I think it's important that we all take a leadership role in this. And I would like your input, I would like to know who is interested. I do think we can proceed to adopt the technology that's currently available without being offensive to the public with a little bit of mutual respect and a little bit of explanation as to why we're doing what we're doing. And with that, I would like leave to withdraw this proposed amendment to the rules.

PRESIDENT SHEEHY: Proposed Rule 3 is withdrawn.

CLERK: Mr. President, that completes the Rules Committee recommendations. I now

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have a proposal, Senator Krist. I might indicate to the membership, copies have been passed out. They're available on your desk. Please note that the copy you should be looking at to consider is the one that's designated number 2. It's handwritten by Senator Krist. It's designated number 2.

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Krist, you're recognized to open on your proposed rule change.

SENATOR KRIST: Thank you, Mr. President. I stand here today because I have pulled this proposed rule change out of the committee without a vote, primarily because this isn't the first time that Senator Utter will be missed. He is a member or was a member of the Rules Committee and with his vote, either yea or nay, I can assure you I would have not voted this...or put this out for your debate on the floor. I would have taken the committee's response to this rule as yes or no. With that, I would humbly suggest to the Committee on Committees that Senator Utter's presence is going to be further missed in this session and I think if he were standing at his mike today, he would say, let's get on with business. Let's put somebody in his place who understands the issues because he is on critical committees. And after all, whoever the Governor appoints to take his position will indeed be number 49 out of 49 and we all know what that means. I've been there. You get no choice. I'd like you to look at the proposed change and I'd like to just talk to you for just a second about why I think it's important. In real estate it is said that the most important three things are location, location, and location. In government, especially as an elected official, I find that the three most important things that I deal with on a daily basis are transparency, transparency, and transparency. What I say I'm going to do for my constituents, I follow through with and I do. What I tell you, my other 47 colleagues here in this room, I will do, I will do. I think that a change in this rule guarantees a moral compass for those that may not have a moral compass to follow through with one of the most critical decisions in votes we make. Arguably, the first might be the Speaker. But I think the chair positions on our standing committees are very, very important. We've already heard today a chair saying they disagree, they have run their committee their own way, they do their own things. That's because you're qualified to be there, and I don't think we should be ashamed on that board to reflect that we voted for Senator Lathrop or Senator Carlson or Senator Fischer or Senator Wightman for the leadership positions that they're in. I'd like to have a fair and honest debate today. I'd like to hear what you think because once again, I don't think it had that fair and honest debate with all the members that should have been on the Rules Committee, should have been there. And again, I would not have brought this forward had that committee been 100 percent whole and given me the reasons why or why not this rule change was not supposed to be in effect. With that, I welcome your comments. I hope to have just a bit of a fair and honest debate on this issue.

PRESIDENT SHEEHY: Thank you, Senator Krist. You have heard the opening to the Krist proposed rule change. Members requesting to speak: Senator Lathrop, followed by

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Senator Dubas, Senator Gloor, Senator Carlson. Senator Lathrop.

SENATOR LATHROP: Thank you very much, Mr. President and colleagues. Good morning, once again. I do...I stand in opposition to this proposed rule change and I'd like to preface my remarks by acknowledging the reason given by Senator Krist for introducing this, because that's going to be in contrast to what I think would be the effect of this rule change. Senator Krist has indicated having gone through this process of trying to be elected to a chairmanship, received assurances from people, and didn't have as many votes as he did assurances, and that meant people weren't telling him the truth when they promised to vote for him for a particular chairmanship. And that is...that happens every two years and it probably happens in every single committee chairmanship. And it may demonstrate...it may demonstrate that a particular senator has maybe it's a--I don't want to call it a spine issue,--but it's a...trouble being candid with a friend who says, will you support me for a particular committee chairmanship. That's the problem that Senator Krist was trying to address with this and I accept his rationale for introducing this. Here's my concern. My concern is that it will have a partisan effect. I appreciate Senator Krist's rationale for introducing it. My concern is the effect this will have on this body. And I expressed this in the Rules Committee. My judgment is that this is going to become a partisan issue and we are now going to look at people and say, you're one of us, you vote with me. I'm running for Government, you vote for me. Or I'm running for Business and Labor, I'm a Republican, you vote for me, because that's the way we do it. And you say, no, that's not going to happen. I will tell you--you all know it--many of you have received calls from the partisans to support this rule change, which makes my point. This is not going to be put into the rules so that we'll have fair chairmanship races. It's going to be put into the rules to advance partisanship and I want to talk about that. At a time when we look to Washington and see partisan politics paralyzing Washington, D.C., the approval rating of the Congress is at 9 percent because of partisanship politics. We can't get anything accomplished in Washington, D.C. because of partisanship. And the Nebraska Unicameral is a shining example of democracy because...precisely because it is nonpartisan. The hallmark of the Nebraska Legislature is we solve problems. We come here without labels. We take up the people's problems and the business of running the state and we do it without partisan considerations. I believe that if this institution gets away from its nonpartisan nature, it will not happen in one bill, it will not happen overnight, it will be incremental. This would be the first block in the wall and we would be on our way to partisanship and that is a bad thing. We are all elected to come here. This is the people's house. The people want this place nonpartisan and it is our duty as stewards during our tenure here not just to work on the best policy for the state, but to protect this institution; to protect it from the outside forces that would rather see partisan politics because those who have an interest in issues that might benefit from making this place partisan, want to advance partisanship...

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SENATOR LATHROP: ...and we must be vigilant. We must be vigilant stewards of the nonpartisan nature of this institution. And I believe, notwithstanding Senator Krist's purpose, that it would have the effect of taking us down the road of partisanship and for that reason we should vote against and not adopt this proposed rule change. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Lathrop. Senator Dubas.

SENATOR DUBAS: Thank you very much, Mr. Lieutenant Governor. Good morning, colleagues. I think probably every person will stand up that's going to stand up and talk today will probably preface their remarks with how much they love the Legislature and the Unicameral and the nonpartisan nature of this Unicameral. And so that's how I will certainly start my remarks. I am honored to serve in this Legislature in this nonpartisan Unicameral. And as I have the opportunity to talk to my counterparts across the country, that's normally the first question they ask, they'll say, tell me, does this really, really work? And I am able to say, yes, it does. And when I look at the gridlock, as Senator Lathrop just outlined, across the country, at the state level and federal level, it's something that demonstrates just how well the Unicameral does work. And I certainly respect my colleagues and no matter which side of the aisle they're on, even when I disagree with them, I respect them because I know that their motives are pure. And I think...I believe Senator Krist is coming forward with this rules change because he believes in the nonpartisan Legislature and how well it works. But I just have to disagree with the approach that he's taking. We do have a very transparent system. I think it's one, again, that serves our citizens and each of us in here very well. But I think when we're voting for committee chairs, that is a different type of a vote that we're taking. I ran for a committee chair several years ago and I approached it...I approached running for that committee chair position just like I approached running for the Legislature. I talked to my colleagues individually. I put myself out there. I made my case. But I didn't necessarily say, can I have your support? Will you give me your support? Some of them said yes right away. Some of them said no right away, but those who were somewhat noncommittal, I didn't push them for a vote. Because, again, I think running for a committee chair is a different type of a vote. And we are all humans first. And our human nature kicks in. One of the things people would often tell me when I was talking about running for the Legislature is, you have to learn to not take things personally. Easy advice to give, not so easy to follow. We are a small group of people. We are a one house Legislature. We don't have that other house to run a check and a balance. We have our citizens who play that role. But when we do things that could perhaps put us a little bit at odds with each other, personally, I think it begins to erode and undermine our ability to work with each other. I lost my election for committee chair. I lost it to a very, very capable person who I have utmost respect for. I ended up continuing to serve on that committee, on the Ag Committee. I served as Vice Chair. Senator Carlson and I--I hope he would agree with me--had a very good working

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relationship and we continue to do so. But I think if we move this direction, as Senator Lathrop just so aptly put out there, we will just begin to chip away at this nonpartisan body, that as much as anything can be nonpartisan, works so well for us individually as senators and for our constituents at-large. So, you know, was everybody honest with me when they told me how they were going to vote for me or why they would or wouldn't vote for me? I don't know, but I didn't consider that important. Again, I made my case, I ran my campaign, and I lost.

PRESIDENT SHEEHY: One minute.

SENATOR DUBAS: And, you know, that's where things lie. But I won't support this rules change and I would yield the balance of my time to Senator Carlson.

PRESIDENT SHEEHY: Senator Carlson.

SENATOR CARLSON: Thank you, Senator Dubas. And I'll make mine very quickly, that's what I have. I'm in agreement with Senator Dubas and Senator Lathrop. Many of us, I know, really respect the entire process of the Unicameral. Bipartisanship is one of the most great strengths that we have. And when I go to meetings in other states and hear other people, it's not the same. And certainly our parties would kind of like it to be more partisan. I don't think we need that. I think this is...it's good the way it is, and so I would ask that we not adopt this rule. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Carlson. Additional members requesting to speak on the Krist proposed rule change, we have Senator Gloor, followed by Senator Carlson, Senator Krist, and Senator Campbell. Senator Gloor.

SENATOR GLOOR: Thank you, Mr. President. And I will give the appropriate comment about the nonpartisan nature of this body and how much...and how important it is to me. I would not have run for office, I've told people, had we a partisan Legislature. Life is too short. My career was too enjoyable for me to want to come down here and have functionaries of one party or the other, many of whom are young enough to be my son or daughter telling me how I'm supposed to vote. And that's the way I take a look at life and my position here. But let me approach this a little differently if I could and I approach from both a personal perspective and a career development standpoint. I applied for jobs in the early stages of my career for which I did not get selected. And I did what I was told to do, training, career development classes, and that is, go back to the people whose responsibility it was to make that decision and say, why did I not get this job? Why was I not hired? Tell me so that I can structure my resume better, perhaps get additional training, emphasize certain aspects of my background to improve my chances of getting a job the next go-around. That's career development. And we all know that and we hear that. So I came to this body with the request for a position development. I wanted to go from being a legislator to being a committee chair. I was

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encouraged by a lot of folks to do this, make this consideration. There may or may not have been partisanship as part of this, but the reality is, it was something that I wanted to do. And I didn't get that position. And I know for me not to have gotten that position, and trust me, I didn't obsess about this, I don't yet, except there was one challenge that I had that I couldn't address. Unlike my training in career development, I couldn't go to people who I know had to have voted for the other individual, whose opinion I valued, whose feedback I would like to have had, where I could have sat down and said, what would you have liked to have seen from me for you to vote for me? What should I work on legislatively? How can I be a better legislator in your eyes so that the next go-around, I have a better chance at getting selected as committee chair? And I can't do that, and that's not my training and background. And I understand the partisan concern, but we're adults here. And I would liked to have had the opportunity in an adult professional manner to talk to colleagues and say, help me be a better legislator. I can't do that. I really can't do that with this closed vote. We all know vice chairs can be a route to be chairs and that's an open vote. We all know how people vote on vice chairs. We treat chairmanship differently, and I don't think appropriately. And I think we hamper ourselves in developing ourselves as better legislators when we can't have that face-to-face dialogue about, you told me yes, you voted no. I'm not mad. You need to explain to me why and I'll take that information as an adult, as a professional legislator, and I'll use it to better myself so that next time you can vote for me. Thank you for my perspective, listening to my perspective. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Gloor. Senator Krist.

SENATOR KRIST: I made a promise. I also made a promise to the Speaker today. Should be no surprise that I keep my promises. I'd like to talk about the perceived partisanship that may or may not apply. Let me tell you a story. When I first got here, we'll call it Senator R and Senator D met in the hallway on our way back from lunch, and Senator D said, you know what, we just went to lunch and caucused with all my other Senator D's and we know how we're going to do something. And Senator R replied, you know, if I could find a room big enough to caucus, I'd tell you how we're going to do things. And those of you who know the story and know the individuals know who I'm speaking of. But I think partisanship goes on in this body today and I have used this as a platform not to cry for my misgiving of running against Senator Avery on the Government, Affairs Committee, but also to remind us if you're serious about nonpartisanship as you say you are, then be aware. It goes both ways. Because today or tomorrow or in 2013, all of one or the other could say, you know what, he's going to be the committee chair here. She's going to be the committee chair here, and it's not happening. It hasn't happened yet because we are the people we are. If someone told you to jump off at the end of the dock, would you do it? No. In Senator Gloor's perception, we are all professionals. I give you much more credit than that. But let's be serious about the actions that are happening even today. There is an effort ongoing to move a senator out of a Congressional district because the balance will be tipped in one

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way or the other. Is that partisanship? I would suggest that it is. There was a particular move to move a senator from one committee to another to prevent--to prevent a piece of legislation from ever coming to this floor for fair and honest debate. You notice I'm not naming any names and I'm not calling anybody out. I'm reminding us if we are so proud of the heritage that we have inherited and we want to go forward, then we need to be nonpartisan and we need to talk the issues out and not stack the deck. I want to thank you for the opportunity to listen today. I don't mean to sermonize, but I had to put a little bit in there myself because it is very important to me that this body and its integrity stays in the way that it should be, which is nonpartisan. With that, I'd like to withdraw the amendment.

PRESIDENT SHEEHY: The Krist proposed rule change is withdrawn. Mr. Clerk, we will continue with introduction of...members we will now move to the motion to adopt the permanent rules. The question before the body is...Senator Lautenbaugh, could you return to the Chamber for closing of the adoption of permanent rules. Senator Lautenbaugh, you're recognized to close on the adoption of permanent rules.

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. Thank you, Senator Krist for your thoughtful comments on this on your proposed rule that did not come through, that we did not take to a vote. I understand what you're talking about. I hope I've made that clear, and I apologize I had to be elsewhere for the last few moments here. This has gone on, and this is my fault this has gone on longer than I planned today, and so I will be very brief. I think, and I do urge all of you again to get in touch with me if you want to discuss our technological future. I can't stress enough that I hope you will do that. But in any event, leaving that aside for the moment, I would request that you vote favorably upon the permanent rules and adopt them.

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. You have heard the closing. The question before the body is on the adoption of the permanent rules. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk.

CLERK: 36 ayes, 0 nays, Mr. President, on adoption of the permanent rules.

PRESIDENT SHEEHY: The permanent rules are adopted. Mr. Clerk, we will now proceed to introduction of new bills and items for the record.

CLERK: Mr. President, thank you. (Read LB947-960 by title for the first time.) In addition, Mr. President, to those items, hearing notices from the Natural Resources Committee signed by Senator Langemeier as Chair. And that's all that I have. (Legislative Journal pages 207-210.) [LB947 LB948 LB949 LB950 LB951 LB952 LB953 LB954 LB955 LB956 LB957 LB958 LB959 LB960]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We will now move to items under General

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File.

CLERK: Mr. President, the first bill for General File discussion is LB66 offered by Senator Cornett. (Read title.) The bill was introduced on January 6, 2011, referred to the Judiciary Committee, advanced to General File. There are Judiciary Committee amendments pending, Mr. President. (AM241, Legislative Journal page 517, First Session, 2011.) [LB66]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Cornett, you're recognized to open on LB66. [LB66]

SENATOR CORNETT: Thank you, Lieutenant Governor and members of the body. LB66 clarifies that probation officers are responsible for taking DNA samples from convicted felons who are placed on probation and who will not enter into a prison, jail, detention facility, or institution. LB66 also provides that if a court waives the fee or a defendant fails to pay the fee for the collection of the DNA sample, then the county will not be financially responsible for the cost of that collection. During the 2010 legislative session, the Legislature passed LB190. LB190 was Senator Avery's priority bill. And prior to the bill going into effect on July 15, 2010, meetings were held between Nebraska State Patrol, courts, probation, and the Attorney General's Office, sheriff's and county detention facilities on how to implement the provisions of the bill with no agreement between the sheriff's detention facilities and probation as to what agency was responsible for collecting DNA samples from those felons currently or subsequently placed on probation. LB66 addresses the implementation of the DNA collection by making clear that the DNA collection of felons will be shared between jails, detention facilities...and will be shared between them and probation officers. Jails and detention facilities are responsible for those sentences to their facilities, and probation is responsible for those placed on probation. Thank you for your consideration of LB66. [LB66]

PRESIDENT SHEEHY: Thank you, Senator Cornett. You've heard the opening to LB66. As was noted, there is a committee amendment. Senator Ashford, you're recognized to open on AM241 from the Judiciary Committee. [LB66]

SENATOR ASHFORD: Thank you, Mr. Lieutenant Governor. And the committee amendments do address some of the concerns that were raised regarding process. Subdivision (1)(a) clarifies to provide that if a person is placed in a county facility, the DNA sample shall be collected by the county sheriff. It's really a clarification amendment. Subdivision (1)(b) was created to provide that in any county containing a city of the metropolitan class, a person placed on probation or who receives a penalty or a fine or time served shall have their DNA sample collected by a probation officer at the probation office, as Senator Cornett has just described. This decision was made because of the unique circumstances in Douglas County where the probation office is in

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the same building as the county courts, which is obviously not the case in all counties. Subdivision (1)(b)(ii) was created to provide that in other counties that do not have a city of the metropolitan class--all other counties other than Douglas--a person placed on probation shall have their DNA sample collected by a probation officer at a probation office. And a person not placed on probation who receives a fine or time served shall have their DNA sample collected by the county sheriff. This amendment has been, I guess I should say, held up to some critique by the probation administration. But the committee did make the changes that I have just described to you. I think the issues raised by probation primarily involve the cost and also the sense that law enforcement officials are better equipped and better able to take these DNA samples in as much as they are involved in the investigatory and apprehension part of the law enforcement continuum. With that, Mr. Lieutenant Governor, that's the opening on AM241. [LB66]

PRESIDENT SHEEHY: Thank you, Senator Ashford. You've heard the opening of AM241 to LB66. Mr. Clerk, do you have an amendment to committee amendment? [LB66]

CLERK: Mr. President, Senator Cornett would move to amend committee amendments with AM386. (Legislative Journal page 598, First Session, 2011.) [LB66]

PRESIDENT SHEEHY: Senator Cornett, you're recognized to open on AM386. [LB66]

SENATOR CORNETT: Thank you, Lieutenant Governor and members of the body. AM386 replaces the committee amendment but would maintain the original intent of the committee amendment, in addition to providing a time frame for DNA samples that need to be returned to the Nebraska State Patrol crime lab. The intent of LB66 is to clarify what agency is responsible for taking DNA from those incarcerated in a prison, jail, or a detention facility, or those placed on probation. It is my understanding when language was added to address the Douglas County concerns with the bill, language was mistakenly added in Section (1)(a), language that has unintended consequences of making the sheriffs responsible for taking DNA samples from those felony inmates committed to a county detention facility. While this language is accurate and applies to the majority of the counties where the sheriff is also responsible for administering the jail, it is not the case in a number of counties where the detention facility is administered separately from the sheriff's office, for example, Douglas and Lancaster County. In other words, the current language in Section (1)(a) without the new language that has been added by the committee amendment more accurately and efficiently addresses how DNA should be collected from those incarcerated. The DNA sample shall be collected at the place of incarceration or confinement. AM386 also provides a time frame for when DNA samples must be sent to the State Patrol for processing. When Section 29-4107 was drafted, blood was taken for DNA samples and then required to be sent within five days. Now DNA samples may be collected through taking blood or what's called a buccal swab. The amendment would allow the buccal cell samples to be sent within ten

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days. Buccal cell samples, or the collection of cells from the inner cheek with a cotton swab, are able to be sent within a larger window of time without the risk of...the sample will be spoiled. I would ask for your support of AM386 and the underlying bill. Thank you. [LB66]

PRESIDENT SHEEHY: Thank you, Senator Cornett. You've heard the opening of AM386, amendment to committee amendment. Members requesting to speak are Senator Avery followed by Senator Fischer. Senator Avery. [LB66]

SENATOR AVERY: Thank you, Mr. President. Good morning, colleagues. I have a real interest in this bill. And these amendments, I have no objection to the amendments at all. This bill actually is designed to resolve something of a dispute that has developed between probation officers and the Correctional Department, or it's sheriffs primarily, as to who will be responsible for collecting the DNA samples. You may remember that it was LB190 sponsored by me a couple of years ago that was passed by this body and signed by the Governor that requires all convicted felons to have a DNA sample taken and have it reported to the State Patrol, Nebraska State Patrol, so it can go into the national CODIS database so that we could use the information provided in these samples to close cold cases and, when appropriate, to exonerate the innocent. The bill was a good bill. The problem was in the implementation. And I think that we ought to pass these amendments and then we ought to pass LB66. One of the obstacles we faced in trying to get this legislation implemented and one of the obstacles I think that you will probably consider in whether to vote for LB66 is the fiscal note. If you look at the fiscal note, the probation department is estimating that it will cost them almost \$234,000 in the first year to administer this program, and then another almost \$144,000 in the next year. That, frankly, is beyond belief. This is not a very honest fiscal note. For example, probation has requested \$25,000 for training probation officers in the proper methods of DNA collection. I have a buccal sample test kit right here. And I have the list of instructions right here that any person who can read can administer this test. The probation department is suggesting that they will need to have \$25,000 to train people to conduct a simple, 12-step test. I am convinced that this is not necessary, that in fact if you can read and you can follow instructions, it is simple. Step 1: Remove all components from the kit and lay them out. Put on the gloves. Number 2: Open one of the sterile packages containing two swabs. That's the kind of simple instructions that are in the packet. It's easy. It does not require a \$25,000 training program. Another item in the fiscal note that I think is important. And, by the way, the Nebraska State Patrol has already developed a training DVD. There's no cost to probation to view that DVD. It's a very simple process. [LB66]

PRESIDENT SHEEHY: One minute. [LB66]

SENATOR AVERY: One other example of an expense that is estimated I think is completely wrong is a one-time expenditure of \$20,000 to modify probation case

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management system to track DNA collection. The Nebraska state crime lab required no updating to their software in order to do their testing. In fact, there is an information system already in place to collect this information. It does not require a \$20,000 additional appropriation. Another item I'd like to call to your attention is an estimate here that they would need to add two additional probation officers to collect the samples at a cost of approximately \$53,800 per officer. Again, this is... [LB66]

PRESIDENT SHEEHY: Time, Senator. [LB66]

SENATOR AVERY: Thank you. [LB66]

PRESIDENT SHEEHY: Thank you, Senator Avery. Senator Fischer. [LB66]

SENATOR FISCHER: Thank you, Mr. President and members. When I looked at the bill and I noticed the fiscal note, I had concerns too. I also have concerns when we seem to question fiscal notes when they don't agree with what we want. And I don't think that's appropriate. Our Fiscal Office looks at proposed bills. They give us the information that they are required to give us, and if we don't agree with it, we question it. I'm not saying that we can't, but we at least need to be aware of what the experts that we hire are giving us. I would ask if Senator Ashford would yield to questions, please. [LB66]

PRESIDENT SHEEHY: Senator Ashford, would you yield to Senator Fischer? [LB66]

SENATOR ASHFORD: Yes. [LB66]

SENATOR FISCHER: Senator Ashford, you and I spoke a little bit off the mike about the fiscal note. And I'm curious, do you believe that the fiscal note will change because of the amendments that have been put up? [LB66]

SENATOR ASHFORD: Thank you, Senator. In my conversations with the Chief Justice and with the others involved that there is a concern about the cost. And that concern, as Senator Cornett has acknowledged, exists and it's real and it's out there. The exact number, my sense is it's going to be less than \$233,000. But the...I think we have, as Senator Cornett suggests, more conversations before Select File to hone down the number. Corrections I think spent, there was a \$50,000 fiscal note for corrections to do this process. So, yeah, it'll be less but I don't know the exact amount. [LB66]

SENATOR FISCHER: Thank you. And I have told Senator Cornett it's always tough to be the first bill up, then have a fiscal note on it then because we enter into this discussion every year on where we are with the budget, to the bills yet to come, what the package is going to be from the Appropriations Committee, the other obligations that we have out there. So the first bill up that has a fiscal note we tend to always have this conversation and it's a good one to have. But I would just try to remind my colleagues

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that we do have a Fiscal Office, we do lean on them for their expertise in this area. And it is disturbing to me that yet when we don't appreciate a fiscal note that's been put on a bill that we support, that we question it. So I would hope we can move beyond that this year and try and work, as Senator Cornett has suggested, to work on bills between General File and Select File and try to hone in a little better on what the cost will be and what needs to be done to bring costs down. So thank you, Senator Cornett, and thank you, Senator Ashford. [LB66]

PRESIDENT SHEEHY: Thank you, Senator Fischer. Senator Avery. [LB66]

SENATOR AVERY: Thank you, Mr. President. I want to continue with my comments about the fiscal note. And I know that everybody can find fault with fiscal notes, but I think this one is particularly so outrageous that we cannot just ignore it. When my time ran out, I was talking about a part of the fiscal note that estimates the cost of adding two additional probations officers to collect samples. Again, let me say, a probationer providing a sample is a condition of the sentence and a condition of the term of probation. It is unclear to me why you would need two FTEs to take a 10- to 15-minute DNA sample. It just does not make any sense. It's easily done in the initial processing of a new probationer. It would be done probably during the initial visit with the probation officer or at a time when the probationer is required to do a substance abuse test. It's a simple thing to do. This fiscal note makes the assumption that two probations officers would spend 40 hours a week just taking DNA samples from those placed on probation. Any person with a reasonable IQ that can read can follow that 12-step instructions. You don't have to have extensive training, so that \$25,000 in the fiscal note is really unnecessary. You do not have to have two probation officers to do this. Existing personnel could easily do it. So that eliminates at least \$53,800 from that fiscal note. In fact, if you go through this fiscal note carefully, you'll see all kinds of additional FTEs, a half-time FTE for a DNA coordinator. Well, no other department that's doing this kind of testing is in need of a new FTE or a half FTE in order to do this. This note is absurd beyond credibility, and it just might be the most dishonest fiscal note that I have seen in the six years I've been here. So I am asking you not to pay attention to the fiscal note from the probation department because it is not accurate and I think that we need to pass this bill in spite of the efforts, it seems to me, by probation to kill it with fiscal note. Thank you, Mr. President. [LB66]

PRESIDENT SHEEHY: Thank you, Senator Avery. Additional members requesting to speak on AM386: Senator Heidemann, followed by Senator Cornett. Senator Heidemann. [LB66]

SENATOR HEIDEMANN: Thank you, fellow members of the body. I do take offense to what Senator Avery just said. Fiscal notes are there for a reason. They are very well-thought-out. They are reviewed by our fiscal staff, and I have put a lot of faith in what they say. And if you question a fiscal note is one, but to go as far as what Senator

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Avery did, I take offense to that, very much. When we present bills in this body, there are consequences and there are costs. And if we want to go forward with those bills, that's fine with me. I don't have a problem with that. But don't question what it's going to cost. If it's worth it, let's do it, let's pay for it, and let's get over it. But each and every thing that he has said when he questioned this, he doesn't think we have to train. If I was a defense attorney when a DNA sample got presented, the first thing I would say: Were the people that collected it, were they trained? And Senator Avery evidently doesn't think it's necessary. I disagree with each and every thing that he said about the fiscal note. If you think this is good legislation, let's pass it, let's pay for it, and let's move on. I don't want to stand up here time and time again this session and have to defend the Fiscal Office. They do a good job. Things cost money. If we want to do things, let's do it, pay for it, and move one. Thank you. [LB66]

PRESIDENT SHEEHY: Thank you, Senator Heidemann. Senator Cornett. [LB66]

SENATOR CORNETT: Thank you very much, Lieutenant Governor. Before we lose sight of the objective here, the objective is the Legislature passed a bill in regards to DNA collection of felons. We are working out how that collection is to be done. It is to be divided between the prisons, the sheriffs, and probation. While I do have questions about the fiscal note, these are ones that I have been working out and working with all parties involved and some of the amendments addressed. While I agree with Senator Ashford, we do not know what the final cost is. I believe it will be less than the fiscal note shows. But beyond what it costs, what are we trying to achieve here? We are trying to get felons into the DNA database. That is the goal of the bill. We all acknowledge it's going to cost something. We are waiting to find out what that note will be between General File and Select File with the amendments. With that, I urge the body to support the amendment and the underlying bill. Thank you. [LB66]

PRESIDENT SHEEHY: Thank you, Senator Cornett. Senator Avery. [LB66]

SENATOR AVERY: Thank you, Mr. President. I need to answer some of the charges made by Senator Heidemann. Today we already have done extensive DNA testing in response to LB190, which LB66 is designed to address, that is the collection of the DNA samples. The Department of Corrections has already completed theirs. They didn't have any special appropriation or any special training in order to collect those samples. Are the sheriffs required to go through special training to collect samples? Not that I know of. It's a simple process. You don't need \$25,000 to do this. It is appropriate to raise questions about this fiscal note. It's always appropriate for us to raise questions if we think...if we have reason to believe that a fiscal note is improper. How do these fiscal notes get developed? The Fiscal Office goes to the agency that would have to administer a program and say: What will it cost you? And that's usually the numbers that go into the fiscal note. Now I am not saying that the Fiscal Office is engaging in some kind of conspiracy here. What I'm saying is that if the probation department...and, by the

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way, I know they vigorously oppose the requirement that they collect the samples. If you don't want to do it, then make it so expensive that you are likely not to get support for it on the floor. And I agree with Senator Heidemann. Yeah, if there's something that we value enough to pass into public policy, let's pay for it. But let's at least have an honest debate about what it's going to cost. Thank you. [LB66]

PRESIDENT SHEEHY: Thank you, Senator Avery. Senator Cornett. [LB66]

SENATOR CORNETT: Thank you very much. While I understand Senator Avery's frustration, I also understand Senator Heidemann being upset on the fiscal note being torn apart, as he so described, on the floor. I do agree the fiscal staff works very hard on these notes and they can only base the notes on the input they are given. Senator Heidemann and I have had a number of discussions over this note in private, and I am supporting the fiscal note at this time. I do believe that that note will go down between now and Select File. And I appreciate all the effort that Senator Heidemann has put into this. And I appreciate the bill that Senator Avery passed that has brought this issue to the forefront. Again, I urge the body to support the amendment and the underlying bill. Thank you. [LB66]

PRESIDENT SHEEHY: Thank you, Senator Cornett. Seeing no additional requests to speak, Senator Cornett, you're recognized to close on AM386. Senator Cornett waives closing. The question before the body is on the adoption of the amendment to committee amendment, AM386. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB66]

CLERK: 34 ayes, 0 nays, Mr. President, on the adoption of Senator Cornett's amendment. [LB66]

PRESIDENT SHEEHY: AM386 is adopted. We will now return to discussion on the Judiciary Committee amendment, AM241. Seeing no requests to speak, Senator Ashford, you're recognized to close. [LB66]

SENATOR ASHFORD: Thank you, Mr. Lieutenant Governor. And let me just comment a bit on what's been said here. This is an incredibly critical area of the law. It is a prevention piece. It engages law enforcement in the kind of...providing to them the kind of information that they need to solve crimes. But also, as we all know, when we debated this bill that it does absolve individuals who are not guilty, did not commit the offense at a very early, hopefully early stage of an investigation. I understand why there's a discrepancy in this. This is new, relatively. It's a new requirement, relatively. I fully understand why there is a difference of opinion on cost. I agree with Senator...I'm not absolutely convinced that probation is the right place for this to go. But on the other hand, I'm not convinced that probation isn't the right place for it to go. You know, so we are in a way...and I applaud the Legislature. Senator Cornett and Senator Avery and

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everyone else that's worked on this bill and the underlying legislation because it shows, I think, a pragmatic pragmatism that this body shows oftentimes on many other issues. And that is, we want to get to the truth. We want to deal with what is information that is actionable, that is real, that can further justice when it comes to cases involving...issues involving criminal justice. And I see this in our body all the time. I see this in the debate, every debate of important issues we have. We may disagree on the outcome, we may disagree on the policy, but there is...seems to me that there is amongst all of us in this place a tremendous thirst for information, for the truth, for what's real. And I think that...and we talked this morning, Senator Lathrop and some of the other speakers spoke about bipartisanship, and that's a concept that I believe is ingrained in all of us. And the other thing that's ingrained in all of us I think is this sense of getting to the facts. So as we wrestle...and Senator Heidemann is absolutely right about the Fiscal Office. I was on the Appropriations Committee years ago, and they are genius in their ability to ferret out the costs of these particular initiatives. This may be too high, but based on the...this cost for this bill may be too high, but it certainly was not out of any malfeasance. It's based...their decision was based on what they had. So my point in elaborating on what should be just an up or down vote here is just to say again and again how important it is that when we deal with these tough issues that we are mindful of what's...of the real issue here. And the real issue is to get to the truth of the matter, to have information that is actionable and accurate and which will enable justice to be furthered. And we have another round of debate and we can talk about costs. So I applaud Senator Avery, Senator Cornett, and Senator Heidemann, and I certainly applaud their passion because all of them are right, in my view. So with that, I would certainly urge the adoption of AM241 with the caveat that we will continue to work... [LB66]

PRESIDENT SHEEHY: One minute. [LB66]

SENATOR ASHFORD: ...on the cost issues involved in the fiscal note. Thank you, Mr. Lieutenant Governor. [LB66]

PRESIDENT SHEEHY: Thank you, Senator Ashford. You have heard the closing on AM241 from the Judiciary Committee. The question before the body is on the adoption of AM241. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB66]

CLERK: 35 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LB66]

PRESIDENT SHEEHY: AM241 is adopted. [LB66]

CLERK: I have nothing further on the bill, Mr. President. [LB66]

PRESIDENT SHEEHY: Seeing no requests to speak, Senator Cornett, you're recognized to close on LB66. [LB66]

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SENATOR CORNETT: Thank you, Lieutenant Governor and members of the body. I just want to remind everyone that the collection of DNA of all felons was a public policy decision made by the Legislature to enhance Nebraska's DNA database and, therefore, assist law enforcement in solving crimes. How we do that is what this bill is about, because some people have fallen through the cracks on having that sample collected. What we need...and what Senator Heidemann and I have talked about multiple times over the course of this bill and this morning is we both recognize there is a cost to collecting this sample. But the underlying principle is that we need to collect this sample, so the cost will be justified. I do believe that the fiscal note will go down between now and Select File. But, honestly, if it doesn't I'm willing to spend that amount to get the felons in the database. Thank you. [LB66]

PRESIDENT SHEEHY: Thank you, Senator Cornett. You have heard the closing to LB66. The question before the body is on the advancement of LB66. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB66]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB66. [LB66]

PRESIDENT SHEEHY: LB66 advances. Next item under General File. [LB66]

CLERK: LB343. (Read title.) Introduced on January 12 of last year. At that time referred to the Government Committee, advanced to General File. I have no amendments pending at this time, Mr. President. [LB343]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Brasch, you're recognized to open on LB343. [LB343]

SENATOR BRASCH: Thank you, Mr. President and good morning, colleagues. LB343 allows the Board of Examiners for Land Surveyors to address the current educational requirement to become registered as a land surveyor in Nebraska. Currently, there is no formal education requirement. However, I should note that LB343 does not make these changes but does allow the board to gradually and thoughtfully take steps to modify their rules and to elevate the educational requirements over an extended period of time. The board is a member of the National Council of Examiners for Engineers and Surveyors, or the NCEES, where land surveyor requirements in Nebraska lag both the NCEES requirements and also those of our surrounding states. Specific qualifications for land surveyors are currently found in the statute. LB343 removes these requirements enabling the board to progressively modify the rules and regulations to establish land surveyor requirements. Currently, the language found in the statutes is also reflected in the board's rules and regulations. So adoption of LB343 will serve as a basis for change to reflect national industry standards and continue the delivery of professional land surveying. LB343 is the first step in the process of the examining board's intention to

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gradually modify the rules and regs to elevate educational requirements of land surveyors. There was no opposition to this bill at the public hearing before the Government, Military and Veterans Affairs Committee. I urge you...your advancement of LB343 to Select File. Thank you. [LB343]

PRESIDENT SHEEHY: Thank you, Senator Brasch. You've heard the opening to LB343. Member requesting to speak: Senator Langemeier. [LB343]

SENATOR LANGEMEIER: Mr. President and members of the body, would Senator Brasch yield to a question or two? [LB343]

PRESIDENT SHEEHY: Senator Brasch, would you yield to Senator Langemeier? [LB343]

SENATOR BRASCH: I yield. [LB343]

SENATOR LANGEMEIER: Senator Brasch, in reading this bill there's currently in state statutes, you had mentioned previously, it requires a four-year degree to become a surveyor. And you're taking that all out of our state statute and allowing a board that is...is it elected? How do you get on this surveyor board? [LB343]

SENATOR BRASCH: It is an elected board and they have qualifications. Excuse me, the Governor appoints this board, yeah. [LB343]

SENATOR LANGEMEIER: So the Governor appoints a board then that will make the future rules and regs. Are there any other licensing credentials in Nebraska we do that with, that we allow a board to create their own rules of who is qualified, who isn't? [LB343]

SENATOR BRASCH: One moment, please. Correct, the Board of Engineers. [LB343]

SENATOR LANGEMEIER: The Board of Engineers, we allow them to do that as well. Okay. I just have some concerns that we're striking this out, a current provision. I don't know how fast this board is going to be able to make new rules. Could I become a surveyor tomorrow or as soon as this, if a bill passes, if the Governor signs it and the appropriate amount of time passes, could I go...become a surveyor quick before they adopt rules and regs to new rules? What's going to happen in that limbo time in the middle? I guess I have some questions to why we would take this out of state statute. If they want to change their rules, more than happy to have them come back to the Legislature and introduce a bill and change their rules like every other licensed individual does in Nebraska. So with that, thank you for your time. [LB343]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. Senator Karpisek. [LB343]

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SENATOR KARPISEK: Thank you, Mr. President and members of the body. I did vote against this in committee and I was going to ask Senator Brasch some of the same questions that Senator Langemeier did. I think we've seen some bills that we have boards that make their own rules and I've had problems with most of those issues. I don't like taking this out of the statutes and then not have legislative oversight, exactly what Senator Langemeier said. I guess there is an issue of how it's being done now and I think it needs to be worked on. But again, I'm just going to echo what Senator Langemeier said. I think that we need to keep our legislative oversight of some of these different boards, because again, we have seen quite a few come through here that are doing things that we don't really get to talk about, or maybe we don't even have the oversight. Thank you, Mr. President. [LB343]

PRESIDENT SHEEHY: Thank you, Senator Karpisek. Additional members requesting to speak on LB343, we have Senator Louden, followed by Senator Schumacher, and Senator Langemeier. Senator Louden. [LB343]

SENATOR LOUDEN: Thank you, Mr. President and members. Would Senator Brasch yield for questions? [LB343]

PRESIDENT SHEEHY: Senator Brasch, would you yield to Senator Louden? [LB343]

SENATOR BRASCH: I will yield. [LB343]

SENATOR LOUDEN: I guess my question is, is what is the reason for bringing this bill forwards? I mean, right now my understanding is the land surveyor, it's set in statute what he has to do in order to be qualified as a land surveyor. And what was the problem with the way we were doing things? Can you answer that for me? [LB343]

SENATOR BRASCH: My understanding is that as technology has involved, methods have advanced that not having even an high school diploma can hinder us with the industry standard that other states, I believe, who don't have those requirements they realize that Nebraska has very lagging laws. So people have been coming over here just to sit for the exam and then return to one of our neighboring states. There is currently many, many students enrolled in our community colleges--a waiting list even--for them to become land surveyors in our state. They would like to be able to have this, so enabling the board to make decisions very similar to the engineers that they can see what is being needed, respond to it at their board rather than coming back to the Legislature each time the technology, the education level, the surrounding state, their criteria, changes. They would like to be able to govern over their industry like the engineers. [LB343]

SENATOR LOUDEN: Well, thank you, Senator Brasch. I guess I'm still wondering what

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the difference because right now I think you have to be...you have to have five or six years experience and I've worked with land surveyors. And especially when you get in some of this wide open country, you have to have some idea of where you're at in the world in order to survey anything. And when you talk about the technology they have there, most of that works off of your GPS, or whatever it's called, and some of those things, but I question whether that is anything that would be in need to change the specifications or change the way business is done now. Would Senator Brasch yield for another question? [LB343]

SENATOR BRASCH: I will yield. [LB343]

SENATOR LOUDEN: Do you have to have an engineering degree now to be a land surveyor or a surveyor of any kind? [LB343]

SENATOR BRASCH: You do not. There are different tiers or levels of existing engineers that...but you do need to do...you're correct, the apprenticeships, the different numbers of years, like...I have them listed here. [LB343]

SENATOR LOUDEN: Okay, well that's fine, because... [LB343]

SENATOR BRASCH: And they plan to continue that. They're not going to require existing surveyors. Everybody will be able to continue in their existing businesses. What they would like to do, as people are coming into land surveying, to encourage and ask that at least a high school with two years of community college or beyond or more. [LB343]

SENATOR LOUDEN: Yeah, what this bill actually does then is, is in order to get a surveyor's license or whatever, you would...an examining board would be the one that would issue that license. [LB343]

PRESIDENT SHEEHY: One minute. [LB343]

SENATOR LOUDEN: Is that correct? That's what mostly this bill does. [LB343]

SENATOR BRASCH: What it's doing is, it's giving the board the ability to specifically elevate educational requirements and have them modified through their rules and regulation meeting. And they do have public meetings and they have a process. They would like to be able to do that within their board and their rules and regulations rather than having it in statute. [LB343]

SENATOR LOUDEN: Okay. But nowhere in the bill does it say anything about what those rules and regulations would be. It would be up to the examining boards to come up with those rules and regs, that's correct? [LB343]

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SENATOR BRASCH: I would need to get more information. [LB343]

SENATOR LOUDEN: Thank you, Senator Brasch. Thank you, Mr. President. [LB343]

SENATOR BRASCH: Thank you. [LB343]

PRESIDENT SHEEHY: Thank you, Senator Louden. Speaker Flood, you're recognized for an announcement. [LB343]

SPEAKER FLOOD: Thank you, Mr. President and members. We're going to go ahead and adjourn today. The Reference Committee is going to be meeting momentarily. Tomorrow, we're going to begin at 9:45 and there will be a check-in and we'll be in our seats at 10:00, and we're expecting the Governor of this state to come down and present his State of the State Address. Following the State of the State Address, we'll continue on General File bills as we have them on your agenda. We'll be adding a few more today, and I do anticipate being done by 11:45 or noon tomorrow at the latest. And, as you know, we have Friday off and then Monday with the holiday, we'll be back again Tuesday morning at 10:00. So tomorrow the State of the State, we begin with check-in at 9:45 in the morning. Thank you very much. [LB343]

PRESIDENT SHEEHY: Thank you, Speaker Flood. Mr. Clerk, you have new bills for introduction and items for the record. [LB343]

CLERK: I do, Mr. President, thank you. (Read LB961-LB967 by title for the first time.) Mr. President, in addition I have some name adds: Senator Mello to LB888, LB937, and Senator Gloor to withdraw from LB825. Reference will meet upon adjournment. (Legislative Journal pages 210-212.) [LB961 LB962 LB963 LB964 LB965 LB966 LB967 LB888 LB937 LB825]

And Speaker Flood would move to adjourn the body until Thursday morning, January 12, at 9:45 a.m.

PRESIDENT SHEEHY: You have heard the motion to adjourn until Thursday, January 12, at 9:45 a.m. All those in favor say aye. Opposed, nay. We are adjourned.