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Floor Debate
May 28, 2009

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SPEAKER FLOOD PRESIDING []

SPEAKER FLOOD: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eighty-sixth day of the One Hundred First Legislature, First Session. Our chaplain for today is Father Paul Rutten, Lincoln, Nebraska, Senator Fulton's district. Please rise. []

FATHER RUTTEN: (Prayer offered.) []

SPEAKER FLOOD: Thank you, Father. I call to order the eighty-sixth day of the One Hundred First Legislature, First Session. Senators, please record your presence. Mr. Clerk, please record. []

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

SPEAKER FLOOD: Thank you, Mr. Clerk. Are there corrections for the Journal? []

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

SPEAKER FLOOD: Are there messages, reports, or announcements? []

CLERK: Mr. President, your Committee on Urban Affairs, chaired by Senator Friend, reports LB525 to General File. Executive Board, to whom was referred LR224 for public hearing, reports the resolution back to the Legislature for further consideration. I have a new resolution, LR259, Mr. President; that will be laid over. And I have also a letter of resignation from Senator Gay to the LR11 Developmental Disabilities Special Investigative Committee created by LR11. That's all that I had, Mr. President. (Legislative Journal pages 1747-1748.) [LB525 LR224 LR259 LR11]

SPEAKER FLOOD: Thank you, Mr. Clerk. Members, please find your seats in preparation for Final Reading. Mr. Clerk, the first bill on the agenda is LB35E. The first vote will be to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB35]

CLERK: 41 ayes, 1 nay, Mr. President, to dispense with the at-large reading. [LB35]

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SPEAKER FLOOD: The at-large reading is dispensed with. Please read the title. [LB35]

CLERK: (Read title of LB35.) [LB35]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB35 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB35]

CLERK: (Record vote read, Legislative Journal pages 1749-1750.) 46 ayes, 1 nay, 2 excused and not voting, Mr. President. [LB35]

SPEAKER FLOOD: LB35E passes with the emergency clause attached. Mr. Clerk, LB35A. [LB35 LB35A]

CLERK: (Read LB35A on Final Reading.) [LB35A]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB35A pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB35A]

CLERK: (Record vote read, Legislative Journal page 1750.) 46 ayes, 1 nay, 2 excused and not voting, Mr. President. [LB35A]

SPEAKER FLOOD: LB35A passes with the emergency clause attached. Mr. Clerk, LB36. [LB35A LB36]

CLERK: (Read LB36 on Final Reading.) [LB36]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB36 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB36]

CLERK: (Record vote read, Legislative Journal page 1751.) 34 ayes, 12 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB36]

SPEAKER FLOOD: LB36 passes. Mr. Clerk, we now move to LB285E. The first vote will be to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB36 LB285]

CLERK: 42 ayes, 0 nays, Mr. President, on the motion to dispense with the at-large reading. [LB285]

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SPEAKER FLOOD: The at-large reading is dispensed with. Please read the title.
[LB285]

CLERK: (Read title of LB285.) [LB285]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB285 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB285]

CLERK: (Record vote read, Legislative Journal page 1752.) 46 ayes, 1 nay, 2 excused and not voting, Mr. President. [LB285]

SPEAKER FLOOD: LB285 passes with the emergency clause attached. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB35, LB35A, LB36, LB285. Mr. Clerk, we now proceed to the next item on the agenda, motion to override gubernatorial veto on LB626. [LB285 LB35 LB35A LB36 LB626]

CLERK: Mr. Clerk, if I may, right before that just one item for the record: Senator White offers LR260; that will be laid over. (Legislative Journal page 1753.) [LR260]

Mr. President, LB626, Senator Karpisek would move that LB626 become law notwithstanding the objections of the Governor. [LB626]

SPEAKER FLOOD: Senator Karpisek, you are recognized to open on your motion.
[LB626]

SENATOR KARPISEK: Thank you, Mr. President. Good morning, members of the body. This isn't the most fun thing again to do this morning, but as I said yesterday with Senator Hadley, when you bring a bill you need to do what you feel is right to get the bill across the finish line. I have some talking points here. I want to try to clarify some things. I think that there has been a spin put on this bill that it's going to do or not me things that have been taken out of the bill. We've taken them out over the objections of different people. I would like to remind everyone that this bill was in Government Committee for about a month and we met on it about two or three times a week and we worked on it. We worked on it hard. The committee worked on it. We talked about it. It is nowhere near the green copy. Want to remind you that this is the League of Municipalities involved, the counties, the university, the community colleges, NPPD, about school...NSEA, the schools or, I'm sorry, anyone that has elected officials. What brought this bill along actually was the Mike Nolan case. I will get into that a little bit more. The bill deals with incidental and de minimis use of public resources. Again, I will go through some of that. Please listen to what is in the bill and not in the bill and make up your own mind. It is a...this is not an easy subject. Everything that we are trying to do

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in LB626 are things that we feel can already be done. This is just codifying it and making sure that every elected official in the state doesn't have to be worried about what Wi-Fi server their e-mail is going to go over, the small things, if you get a call from your sick child or the nurse at school on your state telephone. Some of these things seem ridiculous and I feel they are. That's why this bill is here today. This is not a bill that will allow the university or anyone else to use a million dollars to campaign against or for a bill. It is not that. That was written in the original language, not intentionally but it could have been construed that way. We've changed that. It's about incidental and de minimis use and if you as a mayor can ask your staff to get drawings or get any sort of bids, say on a swimming pool, if you're going to try to put in a sales tax. Those sort of things are what we're talking about and then can you use those items to talk about it. I'll try to get into my talking points now. LB626 codifies current practices and clearly establishes for the Nebraska Accountability and Disclosure Commission, as well as public officials and public employees, the restrictions on how public officials and employees may use public resources. Without a successful override of the veto, public officials and public employees will face the possibility of complaints filed with the NADC for incidental and de minimis uses of public resources as well as other alleged violations. Defending complaints can cost from \$30,000 to \$50,000 if appealed through the Nebraska Supreme Court. I feel any of us would be well-served to take these kind of things to court. If you didn't mean to break the law, if it was something that you didn't even know you did wrong, I think you would want to defend yourself. The Accountability and Disclosure Commission voted not to oppose LB626, as amended and then passed on Final Reading. Another person we've worked with on this is Frank Daley. I want to say that Frank wasn't always in agreement with all parts of the bill but, again, we worked on that and I think at the end of the day Frank thought that some of these things or all of these things would help, help make a line in the sand so we know where we can cross...or when we cross. We don't want to cross. Public resources are defined in current law to mean personnel, property, resources or funds under the official care and control of a public official or public employee. Two, types of ballot questions: Section 2 clarifies what triggers the restrictions on public officials' or employees' use of public resources in connection with a ballot question. It codifies incidental and de minimis exceptions. This exception was long believed to be the law until the NADC determined otherwise in a case decided in 2008. LB626 authorizes personnel...I'm sorry, personal use of public vehicles by contract or written policy; authorizes the use of public vehicles when travel serves a government purpose and the use is pursuant to a written policy. I know there are some questions on this. Does that mean you can use the car for personal use? It means if you're going to a meeting the next day and you're already halfway there that you can keep the car overnight. It doesn't mean that you can take the car and go drive wherever; means it can wait until tomorrow instead of coming back to home, then starting all over again. It clarifies the use of public facilities pursuant to a collective bargaining agreement; clarifies allowable use of personally owned cell phones, electronic handheld devices, or computers accessing a wireless network provided by a government body. It clarifies allowable use of government-owned phones,

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electronic handheld devices, and computers for essential personal business. I know, colleagues, that we have heard that our BlackBerrys do not fall under this category. The beginning of this session we heard different. The question again is what is and what is out of bounds. This is just trying to put it in statute so we know. LB626 authorizes a public employee, under the direct supervision of a public official, to respond to questions regarding a ballot question. It authorizes allowable use of public resources to research and prepare materials to determine the effect of a ballot question on a government body--again, a sales tax; public officials and public employees allowed to identify themselves by title--something that we as senators can do; clarifies allowable use of state-owned phones, electronic handheld devices, and computers by state officials and state employees for essential personal business. Again, your wife calls or husband that they've been in an accident. It's quick. It's not an extended period of time. It's de minimis. I have, from the Nolan case, just a little bit that I'm going to talk about, Mike Foley. Finally, Nolan contends the violation alleged by the commission is a de minimis use of public resources and relies upon the testimony of Mike Foley, the Auditor of Public Accounts for the state of Nebraska. Foley testified that his office has concurrent jurisdiction with the Accountability and Disclosure Commission on matters relating to the use of public resources, has identified similar e-mails, and that it has taken no action because the use of a state server under such circumstances is a de minimis use of public resources. He further expressed his opinion that it would be irresponsible to prosecute people in such cases. Auditor Foley: I think we need a little common sense in this law. We can't help...you can't help where your e-mail...what server is going to get it on a wireless connection. [LB626]

SPEAKER FLOOD: One minute. [LB626]

SENATOR KARPISEK: Thank you, Mr. President. The commission concluded...concludes that there was a violation by Nolan of the Accountability and Disclosure Act in the transmission of Exhibit 2, which was the e-mail. The de minimis and incidental nature of the public resource used is not a matter to be considered in determining whether a violation occurred. So just got two different ideas there, what Auditor Foley thought and then what the commission did. I've got some more talking points I'll get into next time. Again, this bill is not something to try to let anyone out. It's not tried to be abused. It is not meant for money to be used in a campaign. Incidental, de minimis, the way that you normally go about your business. I've also heard something about senators not being included in this. [LB626]

SPEAKER FLOOD: Time, Senator. [LB626]

SENATOR KARPISEK: Thank you, Mr. President. [LB626]

SPEAKER FLOOD: (Doctor of the day and visitors introduced.) Members, you've heard the opening on Senator Karpisek's motion. Starting discussion, Senator Avery, you are

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recognized. [LB626]

SENATOR AVERY: Thank you, Mr. President. Good morning, colleagues. It will be no surprise to you that I stand in support of this motion to override. The Government Committee worked very hard on this piece of legislation. What I want to do right now is to address the specific issues raised in the Governor's letter explaining his veto of LB626. The Governor writes that he believes very strongly that government resources should not be used for political purposes. Could I have a gavel, Mr. President? [LB626]

SPEAKER FLOOD: (Gavel) [LB626]

SENATOR AVERY: The Governor writes that he believes very strongly that the government resources should not be used for political purposes. On this issue there should be a bright line. In current law...let me explain, in current law there are many exceptions to the general rule of no use of public resources for political purposes. For example, public bodies are allowed to vote on a resolution supporting or opposing a ballot question. Public corporations organized under Chapter 70 may use public resources to support or oppose a ballot question concerning the sale or purchase of its assets. Public officials may respond to inquiries from the press or the public regarding their opinions on ballot issues. Members of the Legislature can use public resources to express their opinions on candidates or ballot questions. Employees of the Legislature may use public resources to research or campaign for or against a ballot question if the employee is under the direction of a senator. Also, the law allows a member of the Legislature to install and use private funds with a telephone line, telephone, or a fax machine for private use. As you can see, there are already many examples in statute where public resources are used for campaigning. LB626 creates one narrow exception for public officials which is narrower than the exception given to us in the Legislature. Under the bill, public officials or employees may use public resources to research and prepare materials to assist a governing body in determining the effect of a ballot question on that body. I believe this is consistent with what the public would expect. The public would expect local officials to research whether it was a good idea to, say, build an arena or to build a swimming pool or to adopt a local option sales tax before putting the issue on the ballot. Again, this exception is a narrow one. It is not broad at all. It does not allow the use of mass mailings. It does not allow mass duplication or even mass communication. Public officials would not be able to engage in TV ads and that kind of thing. The Governor also states that LB626 has the potential to erode the integrity of the public positions we hold. Again, many of the provisions of LB626 are simply common sense. I believe allowing public officials and employees to call home or to call a baby-sitter or a doctor during work time, using a work phone and reimbursing the public body for those expenses, is not bad public policy. It doesn't erode the integrity of the positions we hold. It doesn't damage the trust of the public. It is common sense that public officials should be allowed to make calls on urgent personal matters. Also, it's common sense to have a de minimis or incidental exception to the use of public

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resources. We're not talking about extensive use. We're talking about de minimis,...
[LB626]

SPEAKER FLOOD: One minute. [LB626]

SENATOR AVERY: ...incidental, de minimis meaning unworthy of the attention of the law. Sending a personal e-mail at work time is incidental use of public resources, does not erode integrity. Finally, this bill clarifies the issue of using electronic handheld devices in accessing a public wireless system. There is a potential problem when senators use their personal handheld devices to campaign in their public offices, but I don't think that we have to worry about us doing that. This bill does clarify this issue. This would...this bill was developed out of extensive negotiations among the interested parties. We listened, compromised, we rewrote, we consulted, and ultimately we all came together in agreement. This is a good bill. It should become law and I urge you to vote for the override. Thank you, Mr. President. [LB626]

SPEAKER FLOOD: Thank you, Senator Avery. Senator Stuthman, you're recognized.
[LB626]

SENATOR STUTHMAN: Thank you, Mr. President, members of the body. I would...I would like to engage in a little conversation with Senator Karpisek, if Senator Karpisek would respond. [LB626]

SPEAKER FLOOD: Senator Karpisek, will you answer a question from Senator Stuthman? [LB626]

SENATOR KARPISEK: Yes, I will. [LB626]

SENATOR STUTHMAN: Senator Karpisek, you know, I really think if the individuals would use a little...a lot of common sense, we wouldn't have to be dealing with this situation. But could you tell me what do you have in mind when you say incidental use? What would be incidental or how broad could "incidental" be? [LB626]

SENATOR KARPISEK: Incidental, I meant to look it up, Senator, because there is a definition. I haven't got there yet. My definition, which is not Webster's, I'm sure, would be your wife calling you to tell you that she's been in a car wreck, to say that the kids are home sick from school, the nurse calling you to tell you that the kids are home sick, something has happened, not to...not to call and talk about the weather. [LB626]

SENATOR STUTHMAN: Okay. And I truly agree with. I think that the incidental would be something that you hadn't anticipated but it just would come up and it would just be...just be maybe a small portion of the time or small portion of the month or anything like that, that maybe even, like I said, a small portion of time, maybe a couple-minute

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call or anything like that, just something that is not the normal, day-to-day occurrence. Would you agree with that, Senator Karpisek? [LB626]

SENATOR KARPISEK: Yes, I absolutely would, Senator. [LB626]

SENATOR STUTHMAN: Well, I want to get on the record this morning another issue, and I felt this is an appropriate time. We have a lot of...we've got a good audience here today and it deals with incidental use and it was a bill that I had introduced this year. It was a bill that had to do with property that was owned by a governmental subdivision, a municipality, cities, and the property that they own was leased out to an individual and they claimed that it was an incidental use. This bill was killed in committee. The incidental use that I'm talking about is property that was...land that was owned by airport authorities, cities, leased out for a farming operation and generating \$250 an acre of rent and no taxes being paid on that ground because it was declared an incidental use. I will be pursuing that in the next year to try to make sure that that incidental use of that amount of property does generate taxes for all of the entities that deserve tax dollars, such as fire districts, schools, highway department, libraries, NRDs, all of those that they can...that they would generate some revenue from that property that was taken off of the tax rolls because of incidental use; because of the fact that someone owned it and the fact was that because of that ownership and the real intent of that property was for public use. But the Supreme Court decided that it was incidental use that they was leasing it out and that's what it was. Well, I am...now getting back to the subject, I think if there was a lot of common sense used we wouldn't have to be dealing with this,... [LB626]

SPEAKER FLOOD: One minute. [LB626]

SENATOR STUTHMAN: ...and I really think the majority of the people, you know, keep that in mind. I think...I think that if there's a political person that's using it for campaign purposes, I think that's an absolute no-no. But I think, you know, an incidental use and what I've learned in the last couple years, you know, how do you identify what incidental use is, and I think Senator Karpisek pretty well explained it to me and which I truly believe is the right way. It's a situation where an individual, you know, would have an emergency and would call and, you know, maybe don't have a cell phone with him and he would return the call on his office phone. I think that's an incidental use and I think that's the right thing to do. So with that,... [LB626]

SPEAKER FLOOD: Time, Senator. [LB626]

SENATOR STUTHMAN: ...thank you. [LB626]

SPEAKER FLOOD: Thank you, Senator Stuthman. Senator Adams, you're recognized. [LB626]

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SENATOR ADAMS: Thank you, Mr. President, members of the body. As I looked over the agenda in preparation for today and I saw that this bill was going to come up, I read back through it again and again and again. And as I read back through it, I was reminded how we as public officials, in an effort to meet all the demands of our job and respond to constituents, tread in a very, very sensitive area of not violating the public trust and public resources, and we want to do what's appropriate, ethically appropriate, and we want to do what is legally right. And you know what? It's not just us here. From the village board member in the smallest village in this state right on up to us, we want to do what's right. As a matter of fact, I'll go so far as to say that I think most elected officials in this state are scared to death they're going to mething wrong, and a little of that fear is just all right. But you know what this bill does? It doesn't blur anything. It clarifies the common sense that Senator Stuthman was just talking about. As I read it, I was reminded of my former job as a mayor and went through all of these items: collective bargaining unit using a building. Our FOP wanted to know if they could hold a meeting inside of the building where they were all employed at. This clarified it for us. We weren't sure. We tried to develop a policy on use of cell phones and computers for our city employees. We wrangled with that for a year and ended up coming up with nothing because we just weren't sure what the law wanted us to do. But the reality was we had 89 city employees who wanted to do things right, but they had that computer sitting in front of them and there were those incidental times when the kid would e-mail from school or the baby-sitter would call on the cell phone and, oh my gosh, are we breaking the law? We had a sales tax issue and our city attorney reminded us, be very, very careful here. Mayor, don't take a position on it; unless somebody asks you, don't take a position on it. And we had constituents calling the city office wondering, well, how will the sales tax impact me and how will it impact...well, can we use the copy machine? Can we use the city employee, the city clerk to look up that information to compare to other towns and give out that information? All we wanted to do was the right thing. And as I read and reread this bill, rather than blur things, I think it clarifies, and probably a few years from now, as technology changes, we'll be right back at clarifying a little bit more. Most, I'm going to go so far as to say virtually all elected officials in this state, from NRD boards to village boards, want to do the right thing. Why can't we clarify some of the common-sense things that they run into every day? That's all this bill does. Thank you, Mr. President. [LB626]

SPEAKER FLOOD: Thank you, Senator Adams. Senator Wightman, you're recognized. [LB626]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. I, too, rise in support of the override. I've been lobbied by both sides, as I suppose many of you have been. One side is saying that we are clarifying; the other side says we're blurring the bright line. Quite frankly, I think there are many instances that are in question, things that we may all do, including the use of our own cell phone. I'm so low tech that I don't

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have a BlackBerry so that's not an issue with me, but I do use my cell phone all the time and in most instances I'm saving the state money. I'm not making long-distance telephone calls to my constituents. I'm using my cell phone to do it. I'm told on one side that that isn't a violation but I think there is a question as to whether that's a violation. I'm certainly not using it for personal gain; I'm saving the state money. I'm not going to go on at length. I think Senator Adams, as usual, said what I intended to say with a lot more flair than I would be able to say it. So I do intend to support the override. And with that, if Senator Karpisek would like the time, I will yield the remainder of my time to Senator Karpisek. [LB626]

SPEAKER FLOOD: Senator Karpisek, you have 3 minutes 30 seconds. [LB626]

SENATOR KARPISEK: Thank you, Mr. President. And thank you, Senator Wightman. I did get a couple of definitions here. For de minimis use, the law does not care for or take notice of very small or trifling matters. The law does not concern itself about trifles; thus, error in calculation of a fractional part of a penny will not be regarded so the law will not, in general, notice the fraction of a day. Incidental: Depending upon or appertaining to something else as primary; something necessary appertaining to or depending upon other...another which is termed the principal; something incidental to the main purpose. I think those clarified what we mean there, and there are, there are definitions in this bill. I talked the other day about a veto and an override and I talked about it's the Governor's job to look at these bills. It's absolutely his job to look at them and, if he doesn't feel comfortable, to veto. And it's our job, that if we feel that it's okay, to override. This is nothing personal. I understand. When I agreed to take this bill I hesitated because there is a lot that we're talking about. However, once again from the green copy to the copy that passed with 42 votes on General and 44 on Final, it has changed immensely. It's not near as worrisome as it was. When I said that there's a spin being put on it, the spin has been in the paper, it has been on e-mails. I'm not directing that spin toward anyone. No one has brought that up but after I said it, I thought about it. I'm not trying to make this personal at all. What I'm trying to do in not near as eloquent manner as Senator Adams is to try to help public officials stay within the law and know what the law is. [LB626]

SPEAKER FLOOD: One minute. [LB626]

SENATOR KARPISEK: Thank you, Mr. President. I absolutely think that everyone who is a public official in Nebraska wants to do the right thing. We all want to do the right thing. This is not a bill, again, that just lets us run rampant, lets the university spend a million dollars on a ballot issue. That is not the case here at all. It's not what is intended, it's not what the bill wants to do, and I am confident, with all the people we had working on it, that that's how we had it. I would hope for your support on this. I think it's just good common sense. Thank you, Mr. President. [LB626]

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SPEAKER FLOOD: Thank you, Senator Karpisek. Senator Campbell, you're recognized. [LB626]

SENATOR CAMPBELL: Thank you, Mr. President. I must say that Senator Karpisek and I are enjoying being on the same side of this issue, and so I rise in support of LB626. And I want to take off a little bit from where Senator Adams left off because I think there's another side of this bill that we tend not to think about and that is that it allows the citizens to have some guideline of the expectation for their elected officials. As a county commissioner, there were times in which I think our constituents didn't quite know what should be expected of an elected official, and I'm going to give you some examples, concrete examples that we dealt with as a county board. One of the issues was the county board decided that they would allow the sheriff's deputies to take cruisers home to save tax dollars, because when you're trying to cover a large county and think about all across the state, this isn't just in Lancaster, it's important for that sheriff deputy or the sheriff to be able to get in their car and go to the scene of an accident, or if someone needs help in their home, but if they had to drive all the way back downtown, get the cruiser, and then drive out. But we wondered about that and citizens questioned that. This bill helps clarify it. There was a time in which we questioned, shall we give other elected officials a cell phone to use? Well, right now in our county we allow the county attorney, the public defender, and the sheriff to have a cell phone, a public cell phone, and to use it because it's important for those officers of the law to be able to respond to a citizen's needs. But we questioned it and we had questions on it. The third example is a very simple one. I wrote a recommendation for a student from East High School to go to the Naval Academy and we wondered and questioned, just as Senator Adams talked about, should I put this on an official stationery? Should I use my title as a county commissioner? I mean we spent days trying to figure things out. This bill clearly gives the citizen clarity and some expectations of what they should look for in the behavior and how we carry out our duties. It isn't just a bill that affects us but affects every local elected official across the state. They are looking for guidance, and therefore I would urge you to support the override and...on LB626. Thank you, Mr. President. [LB626]

SPEAKER FLOOD: Thank you, Senator Campbell. Senator Dubas, you're recognized. [LB626]

SENATOR DUBAS: Thank you, Mr. Speaker, members of the body. Perception is reality, for most people anyway, and so what people are seeing, even though it may not be really what is happening, it's what they're seeing and perceiving is the reality. And I think that's what we're trying to address somewhat through this bill, is to put some facts to perceptions. We as elected officials, whether it's in state government or local government, are under a microscope and there's nothing wrong with that. We should be. We need to remember who it is that we work for. And I think, by and large, most public officials are hypervigilant about making sure that we're following the rules, and, I

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think as Senator Adams said earlier, that's good, we should be. We should always be cognizant of our actions and that the rules are there to help not only protect us but protect the citizens that we serve also. And I think, as with most laws that we pass, we're really targeting a small percentage of people who have no regard for the law. We're trying to reach those people who are out there blatantly disregarding the laws and the rules and the regulations that are in place. By and large, most of us want to know what those rules and regulations are and then make every effort to follow those rules and regulations. But times have changed. Technology has made communication so much more instantaneous that oftentimes we might not have the ability to not communicate with someone because of that instantaneous phone call or e-mail or whatever it is, and so our laws are going to have to continue to try to keep up with the ever-changing technology. I think the fact that we are even having this conversation this morning is indicative of our concerns and of our willingness to want to follow the rules and the regulations and to be in compliance. I think the final version of this bill is a great example of how this whole process works. Senator Karpisek and the Government Committee worked very, very hard with all of the interested parties so that at the end they could craft a bill that would recognize the importance of accountability and transparency, that would define things, that would try to clarify those things that seem to be somewhat in question or somewhat a little blurry. So again, I think it's a great example of how the process works to serve the greater good. I don't think we should ever, ever be afraid to shine a light on our actions, and we must always encourage our constituents to ask questions because that's the only way that you can start to sift through what's fact and what's fiction and it gives our constituents an opportunity to air their concerns and, for us, it gives us an opportunity to help them understand, you know, what are the facts, what are the rules, what are the regulations. And everybody wins when there's good communication. So I intend to support this motion to override. I think it's good that we're having this conversation and hopefully it will help all of us on both sides of the issue understand at the end of the day what it is we're trying to do. Thank you, Mr. Speaker. [LB626]

SPEAKER FLOOD: Thank you, Senator Dubas. Senator Hadley, you're recognized. [LB626]

SENATOR HADLEY: Mr. President, members of the body, I'm going to be short and quick. After serving on city council, the mayor and such as that, I would agree exactly with what Senator Adams said and Kathy Campbell, Senator Campbell did. I kind of refer to this bill as the 10 percent rule. Early in life I learned the 10 percent rule, that there's always 10 percent of the people that are going to try and figure out some way to get around a rule. So if you spend all your time trying to catch the 10 percent, you punish the 90 percent that are trying to do the right thing and that are doing the right thing. So I stand in favor of LB626 because I think this does clarify it for people and it does take a little of the worry away. Because the 90 percent that are trying to do the job right, they're not doing it for financial remuneration. They're not doing it for anything but

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trying to help the people of the state. So I stand in favor of LB626. I would yield any of my time left to Senator Karpisek, if he wishes it. [LB626]

SPEAKER FLOOD: Senator Karpisek, you have 4 minutes. [LB626]

SENATOR KARPISEK: Thank you, Mr. President, and thank you, Senator Hadley. I appreciate all of the people who have stood that have served on boards before. I think that we understand exactly where this bill is going. It's hard enough to be a public official, an elected official, without always being scared of doing the wrong thing. We get accused of it all the time. We know it's not true. We know how hard we try to stay within the bounds. Why would you want to put yourself in a position, any elected position, and try to bring even more scrutiny to yourself by doing the wrong thing on purpose? We don't take it lightly in here either. We want to do the right thing. We need to be the example for the rest of the public officials and try to get them to run, try to get average Nebraska people to run for those positions and then come here, especially with term limits. We know that we need people to step up. Although I love this place with all my heart, some days it's tough, especially when you're being accused of something that you didn't do or maybe you didn't mean to do. So I hope that this will help some of those. Some of those people want to run for those positions. We all know none of them pay very well. I don't think any of us here do it for the pay. We can't. Again, this bill is just trying to brighten the line. I hope that it does. I'm sure that it does, as many people, again, as we've had work on this, excellent staff and excellent people from all over, every walk, and I appreciate that too. Again, I would hope that we can get this into law because I think it is just good common sense. Thank you, Mr. President. [LB626]

SPEAKER FLOOD: Thank you, Senator Karpisek. Senator Friend, you're recognized. [LB626]

SENATOR FRIEND: Thank you, Mr. President, members of the Legislature. I've said this once, I've probably said it twice, I've said it three or four times: I've seen a lot of these. When the Governor vetoes an item it changes the complexion of a discussion. It hasn't changed it in here yet this morning and I respect that, but for me it always has. I haven't always agreed with those vetoes but it's always changed the complexion of the discussion. We've had another branch of government take a look at this and make a determination about its value, and now let's discuss what this body sees as its value, what I've just heard in about the last hour. We've heard clarification, we've heard that this bill has been worked very hard and accommodations have been made and now there are clear lines drawn. We've heard that there should be a bright line and we should be able to identify that. This provides an example, examples in statutes where there are exceptions, more clarification. We've also heard comments that are totally un-germane, which is fine. We've all done that. And my friend Senator Adams, I don't mean to pick on him, I agree with probably 95 percent of what that man says, I think. This is one of the 5 percent that I don't. I don't think this clarifies anything. I went

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through the bill. I've been through it on General File, if you go back and look at the transcript. Even though I voted for this particular bill, I don't think it clarifies anything. Let me give you a quick example. On General File I brought up a resource of government. I think committee counsel for the Government Affairs...or Government, Military and Veterans Affairs and also Senator Avery will remember that I brought that up and I had an issue with that type of...did I pursue it? No. Shame on me. It's on my shoulders. It also goes in to tell us and codifies when you can actually make a...tells a government official when they can actually make a personal phone call. You can call a child at home, you can call a teacher, a doctor, a day-care center, a baby-sitter, a family member or any other person to inform any such person of an unexpected schedule change or for any other essential personal business. You know what? That's not clarity. I have no idea, based on that, what I can make a personal phone call for. Members of the Legislature, we're not clearing up any confusion. I would submit to you that the confusion continues. That's why this thing was vetoed. Now I will say that I think that veto is going to get overridden, and I'm fine with that. I think that's where this body is going to go. I will tell you I will not vote to override because I don't think we're solving any problem with this particular bill; I didn't before, I didn't, I don't now. I think it certainly codifies behavior that's going on right now, and I would agree with Senator Karpisek about that, but we run the risk of codifying it incorrectly or laying out standards that are difficult to meet based on the language in this bill. Members of the Legislature, I appreciate the work that Senator Karpisek, the Government, Military and Veterans Affairs Committee have done on this bill. The Governor may be wrong. We may be right. I think it's going to be overridden. I'm not going to be the ones...I'm not going to be one of the people that's pushing the button to . Thank you, Mr. President. [LB626]

SPEAKER FLOOD: Thank you, Senator Friend. Senator Hansen, you're recognized. [LB626]

SENATOR HANSEN: Thank you, Mr. President, members of the Legislature. Would Senator Karpisek yield for a moment? [LB626]

SPEAKER FLOOD: Senator Karpisek, will you yield to a question from Senator Hansen? [LB626]

SENATOR KARPISEK: Yes, I will. [LB626]

SENATOR HANSEN: Thank you, Senator Karpisek. I think I have the same set of talking points that you probably do, so number six, where it talks about codifies incidental de minis... [LB626]

SENATOR KARPISEK: Yeah. [LB626]

SENATOR HANSEN: ...exceptions, this exception was long-believed to be the law until

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the Accountability and Disclosure determined a case otherwise in August 2008. [LB626]

SENATOR KARPISEK: Yes. [LB626]

SENATOR HANSEN: Could you explain that briefly? [LB626]

SENATOR KARPISEK: That is the Mike Nolan case in Norfolk where he used his personal computer to make two e-mails about... I believe it was the amendment 423 a couple years ago. One went over a city server. It was a wireless. One went over a city server, one went over a private server. He was fined \$1,000 for the one that went over the city's server. [LB626]

SENATOR HANSEN: Okay. Thank you. And then if we...I had my LA go down through your talking points and we came up with number six was probably talked about in Section 3 where it actually states the law, 49-14,101 and 49-14,101.01. Both of those have to do with public officials using public computers, phones and all that. Thank you, Senator Karpisek. That's all I had,... [LB626]

SENATOR KARPISEK: Thank you. [LB626]

SENATOR HANSEN: ...the only questions I had. But Senator Campbell brought up the point where, you know, as public officials we don't know what to do about phones and all that. That's not the problem with this bill. The problem with this bill is two things, and I, you know, I talked to the Governor's Office today, too, because we got a letter from the Governor, so the Governor got back in this discussion, and they have two problems with the bill and the first is the ability for public officials to have...to obtain financial gain. Should they be using city property to be making stock trades or to do anything...any other thing that's financial? Those are the questions that the Governor had and has a problem with this bill. And secondly, that public officials or public employees shall not use or authorize the use of public resources for the purpose of campaigning for or against nomination of election of a candidate or the qualification, passage, or defeat of a ballot question. And I think what Section 6 and what LB626 does in those two cases, and those are the only two cases the Governor's staff brought up, are that we're liberalizing the laws on personal gain and what a public employee can do for a ballot question. And I think that that was a court case last August that the gentleman got in trouble with sending...he was against a ballot initiative. I was against the ballot initiative, too, but that was prior to when I was elected. But still, he used public resources to do that campaigning against the ballot initiative. And I only bring that up because almost everyone in here within the next few years will find a ballot initiative that you agree with and you want to partake in that. But you need to be careful of what laws we pass to limit the ballot initiatives in this state. I think we've done several things in this, since I've been in the Legislature, that have been harmful to the ballot initiative... [LB626]

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SPEAKER FLOOD: One minute. [LB626]

SENATOR HANSEN: ...and it is a tool that we can use if we use it right. If we misuse it, we're going to lose that tool too. Thank you, Mr. President. [LB626]

SPEAKER FLOOD: Thank you, Senator Hansen. Senator Sullivan, you are recognized. [LB626]

SENATOR SULLIVAN: Thank you, Mr. President and colleagues. Again, I...sorry for my voice. It's getting better. And I felt compelled to speak on this bill because I was one of the members of the Government Committee that...who did not vote to send this forward and I was part of the lone duo who voted against this bill in Final Reading, and I will continue to stand behind that response and not vote for this override. My constituents have weighed in and they expect a high standard of me and all public officials, so, in part, I was bound by that in my decision. The bar should be high. And you know what? As public officials, we should probably all be used to it by now but we should expect and anticipate criticism from our constituents and the public. And in my estimation, while some may say this bill clarifies some of the situations, I think it will probably bring on more criticism. And the thing that has continued to baffle me in all of this, we've got some rules and regulations in place and if there's any question on the part of a public official as to their actions, then why don't they just ask before they act? So again, I stand against overriding this veto. Thank you. [LB626]

SPEAKER FLOOD: Thank you, Senator Sullivan. Senator Nelson, you are recognized. [LB626]

SENATOR NELSON: Thank you, Mr. President, members of the body. I'd like to ask a question of Senator Karpisek, if he will yield. [LB626]

SPEAKER FLOOD: Senator Karpisek, will you yield to a question from Senator Nelson? [LB626]

SENATOR KARPISEK: Yes, I will. [LB626]

SENATOR NELSON: Senator, thank you, Senator. In your open remarks, you talked about university officials and employees. Are employees of the university, public employees? [LB626]

SENATOR KARPISEK: Yes. [LB626]

SENATOR NELSON: Does that include the chancellor, all of the...the president? Are they public employees? [LB626]

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SENATOR KARPISEK: I would say so, yes. [LB626]

SENATOR NELSON: Well, you would say so. I can't determine myself whether they are or not or whether they come under these things. I did go to the trouble, just as you did, and this...thank you, Senator Karpisek,... [LB626]

SENATOR KARPISEK: Thank you. [LB626]

SENATOR NELSON: ...to...I remember the term *de minimis* in law school, and afterwards I looked it up. Just as Senator Karpisek says, it means trifling, minimal, of a fact or thing so insignificant that a court may overlook it in deciding an issue or case. It comes from *de minimis non curat lex*, which, by the way, Senator Friend, that's not French, that's Latin: The law does not concern itself with trifles. I am not...I intend to sustain or vote to sustain the Governor's veto. There are some good things in this bill. I think that it's all right to set out some of the things which we can do as legislators, but as far as I'm concerned we still get to the issue of what is *de minimis*, what is insignificant, where do you draw the line. We can't begin to cover that in a bill. It still is going to boil down to how the Accountability Commission interprets it. We are still going to have questions. Senator Campbell talked about the question about using stationery. The bill says nothing in this section prohibits a public official or public employee from identifying himself or herself by his or her official title. That doesn't answer the question of whether you can use stationery or whether it's appropriate to use it certain times. What about the thank-you cards or the notes that we can use as thank you? Can we use those to thank people for contributions, campaign contributions? I don't think so, but I'm not sure that that's covered by the language in this bill. There are still a lot of things that we're going to be concerned about is it insignificant, is it *de minimis*. With regard to my question about the university officials, I have a hard time distinguishing sometimes between research, what is research on an issue and on a ballot question, and what is promotion, when you give the answers, when you put out material, when you speak in public places. I don't think we've covered that in this bill. In my estimation, even though the bill does have some good points, I think there are still a lot of deficiencies. I think, by some of the language that the committee has seen fit to use, that we are actually lowering standards, we're diluting some things, we're giving people, officeholders, public officials, public employees a little more license to go a little farther than they ordinarily would if they'd just use common sense and based on the opinions and the definitions that have been promulgated by the Accountability Commission. I don't know what the body is going to do on this. I did not look at this bill as closely as I should have on General File and Select. We're all busy. [LB626]

SPEAKER FLOOD: One minute. [LB626]

SENATOR NELSON: We all have a lot of things to , as Senator Friend says, shame on me. But having read this through several times and taking a look at the Governor's

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objections, I do feel that they are valid and I will not vote to override the Governor on this matter. Thank you, Mr. President. [LB626]

SPEAKER FLOOD: Thank you, Senator Nelson. Senator Gloor, you're recognized. [LB626]

SENATOR GLOOR: Thank you, Mr. President, members of the body. Like every other senator here--and I feel comfortable saying this having known them for a year or a session or, as Senator Janssen aptly points out, 86 days anyway--I want to do the right thing. And when I think back of elected officials that I have been involved in talking about on these same issues, disclosure issues, avoiding conflicts of interest, elected officials I know outside this body also want to do the right thing, and anything that helps provide that degree of clarification, to me, is a good thing, although I'm being told on the one hand that this blurs that line, I'm being told on the other hand that clarifies that line. And I'd like to pursue a question to Senator Karpisek, if he would yield for a question that... [LB626]

SPEAKER FLOOD: Senator Karpisek, will you yield to a question from Senator Gloor? [LB626]

SENATOR KARPISEK: Yes, I will. [LB626]

SENATOR GLOOR: I'd like to follow up on some of the comments made by Senator Nelson. This may help in the eyes of some folks, but clearly there's a lot more work to be done. Is there a possibility that we're in fact going to be, on a session-by-session basis, trying to provide some greater degree of clarity on what is a fuzzy, fuzzy issue at best? [LB626]

SENATOR KARPISEK: Absolutely. I...there's parts of this bill that were taken out that I think that will be looked at again next year. I think as technology changes, this will have to change all the time. I think this is a good first step to try to set some better ground rules. This doesn't cover everything but it gets to the de minimis and incidental. Senator Nelson talked about the thank-you notes, not for campaign contributions. That's a no. I know that. But incidental and de minimis, that is neither incidental nor de minimis if you use it for that. So I think that's clear. I think it clears that up. Incidental and de minimis are...they're defined. They're not...you can't always get your hands around it but I point out right now we don't have anything. We don't have...there's not...that's not in statute now. So this gets it much closer to where I think that we need to be. [LB626]

SENATOR GLOOR: So if we did not override the veto, where would we be the next go-round with this? Would we take this same piece of legislation and add to it? You know, where does this put us in terms of moving forward and clarifying this issue? [LB626]

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SENATOR KARPISEK: We would have to start all over again and I'm sure that we would get a bill, again from all the entities that I brought up before, to try to...try to narrow it down. Would it be added to? I don't know if we would add anything unless something new came up. I think we got a clear message from the Government Committee on what they could live with and what they couldn't. Some of it, on the opinion of the elected official, the committee didn't and that's what we took out of the bill and I don't know that I would want to tackle that one next year right away regardless of how this comes out. But I think we need to keep talking about it. [LB626]

SENATOR GLOOR: Thank you, Senator Karpisek. Thank you, Mr. President. [LB626]

SENATOR KARPISEK: Thank you. [LB626]

SPEAKER FLOOD: Senator Louden. Thank you, Senator Gloor. Senator Louden, you're recognized. [LB626]

SENATOR LOUDEN: Thank you, Mr. President and members of the body. I've had problems with this bill ever since it's came through on some of the issues in it and, as I look at it, usually Section 5 is probably some of the gist of it. I think, as was stated, the incident in Norfolk there that they got fined \$1,000 because they used a city server, well, the one claim is they used a Wi-Fi and the other claim is that he didn't; he was plugged into the city server. Now there's a big difference there. For instance, right here, what we have in the Capitol, we got a Wi-Fi here. If I had my private laptop, I can go outside here someplace and pick up the Wi-Fi. In fact, in the apartment where we live, I can sometimes pick up the Wi-Fi from the Capitol Building here. I can call all over the world, do whatever I so desire with my Internet service using this Wi-Fi here and it's not...it's not illegal because every other person in Lincoln has the same access to this Wi-Fi that the Capitol provides here. You can use your Wi-Fi down here, and disconnect from it here on the floor if you so wish. So I think we have some problems with that. I think we're trying to address something that probably isn't that big of a deal. As I think Senator Stuthman said, it's mostly a common-sense problem more than anything. I guess some of the stuff I have in it is something about it would prohibit a public official from identifying himself or herself by his or her official title, and times that has to be a question raised on that. There's times that if you're representing someone or some state or something like that, that's a question whether you should use your title. We've gotten mixed up on that when I've been on boards of directors on electrical co-ops and that sort of thing, and I've seen people that would sometimes be a board member of something and they would use that title to push through an idea or an agenda they had, and usually they always got into some type of a problem with that. So as I look at this, they've done a lot of work on it, but just because you do a lot of work on something doesn't mean you solved the problem. I mean you can chop ice all winter long in a tank and it will still freeze over. So I think that's what you have here. You've done a lot of

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work on it but I don't know as you've exactly solved the problems. And I appreciate what they've done, but I think there's probably a chance here to go back to the drawing board and so I, consequently, won't vote for the override. Thank you, Mr. President. [LB626]

SPEAKER FLOOD: Thank you, Senator Loudon. Senator Price. [LB626]

SENATOR PRICE: Question. [LB626]

SPEAKER FLOOD: The question has been called. Do I see five hands? I do see five hands. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB626]

CLERK: 31 ayes, 7 nays to cease debate, Mr. President. [LB626]

SPEAKER FLOOD: Debate does cease. Senator Karpisek, you're recognized to close on your motion. [LB626]

SENATOR KARPISEK: Thank you, Mr. President. I would like to request a call of the house. [LB626]

SPEAKER FLOOD: A call of the house has been requested. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB626]

CLERK: 40 ayes, 0 nays, Mr. President, to place the house under call. [LB626]

SPEAKER FLOOD: The house is under call. Senators, please record your presence. Those senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Karpisek, your time is running. While members check in, you may continue in your closing. [LB626]

SENATOR KARPISEK: Thank you, Mr. President. And I would like to request that in regular order, please. Colleagues, this bill does do a lot of things. We talk about that it doesn't get us there. If it doesn't get us all the way there, at least it gets us started down the road. We have a lot of questions that we don't know how to go about. This starts that process. I have not ever heard in the Mike Nolan case that his computer was plugged in. I've never heard that till right now. I think one place he was at a sports bar and one was at his home, so I haven't heard that. Again, the Government Committee wrestled with many parts of this bill and, again, I think those parts have been taken out. I didn't want all of them to be taken out but we did. Speaker priority bill, we took it out, and I think it's a good bill. I think it's a common-sense bill, a bill that will help all elected officials to know. Also, I don't want to pick on Senator Loudon in my closing but we don't

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know that we can use our personal laptop in this Chamber. We don't know that. We were told that maybe we can't. That's what I'm trying to get at with this bill, is to put it in statute. Again, these are things that the league, the counties, the university, anyone with elected officials thinks that they can already do. This codifies that. It doesn't make any new exceptions. It's what we already think we can do until somebody gets in trouble and their name is tainted. They spend thousands of dollars to try to get themselves out of the jam that they're in that they didn't even mean to do. I think I've heard that we just need to be careful. Obviously, we need to be careful. And why don't we just ask? Many times people have asked. They've called the commission, and sometimes they change their minds. They reread it and say, oh, well, maybe it's different now. We've seen that with this bill, as we've worked through it. Opinions have changed through it. Again, I think Frank Daley does an outstanding job. He's easy to work with. He's helped all of us here to try to stay within the rules. I just want to make sure that we know what the rules are when you don't mean to cause any harm. This, again, goes for incidental and de minimis use of public resources. Anything that you do on purpose, you can't. Anything that you can't control, a phone call coming in to you or an e-mail that may get you in trouble, you won't. You can't control that. And if somebody does call you and say, Senator, your wife has just been in an accident, you don't have to worry about somebody turning it in and you end up with a fine. And if you don't fight it, then you're going to say, yeah, I was wrong but I didn't know it. I think the other... [LB626]

SPEAKER FLOOD: One minute. [LB626]

SENATOR KARPISEK: Thank you, Mr. President. The other point of this bill is to say, okay, now we do have it down, and if you are out of bounds, you should have known better. It doesn't cover everything. There's always going to be another question that will come up, just like on any bill. Well, what if this would happen? What if that would happen? You have to look at each individual case and I am...I'm sure that this will help the Accountability and Disclosure Commission. Again, they voted not to oppose this bill the way it was passed. I think that speaks a lot for the bill. I would appreciate a green vote on this. I think we need it for some common sense in our statute. Thank you, Mr. President. [LB626]

SPEAKER FLOOD: Thank you, Senator Karpisek. The house is under call. Senators have been accounted for. The question before the body is, shall LB626 become law notwithstanding the objections of the Governor? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, a roll call vote in regular order has been requested. Please read the roll. [LB626]

CLERK: (Roll call vote taken, Legislative Journal pages 1753-1754.) 35 ayes, 10 nays, 2 present and not voting, 2 excused and not voting, Mr. President. [LB626]

SPEAKER FLOOD: LB626 passes notwithstanding the objections of the Governor. At

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this time, I will sign a certificate to be delivered to the Secretary of State that states LB626, having been returned by the Governor with his objections thereto, and after reconsideration, having passed the Legislature by the constitutional majority, has become law this 28th day of May 2009. I do raise the call. Mr. Clerk, items for the record? [LB626]

CLERK: Mr. President, items: Bills read on Final Reading were presented to the Governor at 9:35 a.m. (Re LB35, LB35A, LB36, and LB285.) Explanation of vote: (Senator Haar, re LB35, LB35A, LB36, and LB285.) Business and Labor Committee chaired by Senator Lathrop reports LB573 to General File with amendments. Communication from Senator Adams regarding resigning his membership on the LR11 Committee. And a new resolution: Senator Price offers LR261. That will be laid over. That's all that I had, Mr. President. (Legislative Journal pages 1754-1757.) [LB35 LB35A LB36 LB285 LB573 LR261 LR11]

PRESIDENT SHEEHY PRESIDING []

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We will now proceed to legislative resolutions. The first legislative resolution is LR125. [LR125]

CLERK: Mr. President, LR125, resolution by Senator Wightman calling for the Legislature to support the efforts of the United States Bureau of Census to achieve a complete and accurate census. [LR125]

PRESIDENT SHEEHY: Senator Wightman, you're recognized to open on LR125. [LR125]

SENATOR WIGHTMAN: Thank you, Mr. President and members of the body. I have submitted this resolution and introducing it today because I do believe it is in the best interest of the state, and as the Chair of the Executive Committee I think it behooves this Legislature to take every step we can to make sure that every vote is counted in the state of Nebraska. There are a number of reasons that that's necessary. Certainly one of those is that we may be fighting to keep our three representatives in Washington in the House of Representatives. I think that's fairly close. Most of the accounts today would indicate that we probably will keep three, but I don't think that possibility will be aided any if we don't get a complete vote of our residents. So basically, this resolution is nothing more than to raise the visibility of that question to give us something to go forward to the various mayors of the communities, the county officials, do everything we can to have local officials assisting in getting an accurate vote count all across the state of Nebraska. And we are approaching, next year at this time, we will be in the middle of taking that census, and so I am asking the...the Speaker thought this should go on for a vote rather than just be a resolution that they just...one that does not require a vote. I think it does raise the visibility and I'm asking that all of you consider strongly supporting

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this so that we do have an accurate count and we have everybody included to the extent that that's possible. I think we need to make it known that all residents of the state of Nebraska do count. That maybe even though they are considered illegal, illegally here, or not legal residents of the United States, this is confidential, and I think this needs to be made known because these people are paying tax dollars in many instances. Some of them are receiving some benefits and those benefits are going to be determined in large instance from the federal government based upon the population of various communities. So again I ask your support for LR125. Thank you, Mr. President. [LR125]

PRESIDENT SHEEHY: Thank you, Senator Wightman. You've heard the opening of LR125. Member requesting to speak: Senator Friend, you're recognized. [LR125]

SENATOR FRIEND: Thank you, Mr. President and members of the Legislature. I was wondering if Senator Wightman would yield to a question, please. A couple questions. [LR125]

PRESIDENT SHEEHY: Senator Wightman, would you yield? [LR125]

SENATOR WIGHTMAN: I will. [LR125]

SENATOR FRIEND: Do you...Senator Wightman, I've read through this and I don't usually make a big deal over resolutions, even ones that we're actually voting on unless I actually disagree with them. And I haven't seen too many of those. But I do have a question, a couple of questions. Was this actually your idea or were there a group of folks that you had sat down with and said, this would be good in resolution form that we push something like this forward? [LR125]

SENATOR WIGHTMAN: I attended a meeting that was put on by the Census Bureau, Senator Friend, and so it was my idea as far as presenting it to the Legislature. [LR125]

SENATOR FRIEND: Okay, and I don't think that necessarily--and don't misunderstand this question, I don't want anybody to--that there's an implication that we wouldn't help in any way, shape or form that we...is there...do you have reason to believe that this wouldn't happen, that all of the things in this resolution would not happen? [LR125]

SENATOR WIGHTMAN: I think...my idea in bringing it, Senator Friend, is that we raise the awareness across the state of Nebraska, and that perhaps we have something to go forward in maybe columns that we write to our constituents in various newspapers across the state, in visiting with local officials, just to raise the awareness. So I think most of it would happen, but I think anytime that we can talk about it and raise that awareness, I think that it is to the benefit of the citizens of the state of Nebraska. [LR125]

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SENATOR FRIEND: Okay. And in fairness, Senator Wightman, thank you very much. In fairness, he did mention that in his opening. Members, I just thought it was kind of strange when I read through this resolution that we're resolving, that we're going to do everything that we can. Of course, of course we're going to do everything we can. I wanted to make sure, and I guess I wanted to sort of put it on the record for my own trivial reasons, that there was no reason to suspect that in the past...there is no reason to suspect that we would be a problem because there was some information in the past and indicated that we as a Legislature, we as a state have created problems for the federal government and the United States Bureau of Census. That's...that's all I'd have. Thank you, Mr. President. [LR125]

PRESIDENT SHEEHY: Thank you, Senator Friend. (Visitors introduced.) Seeing no additional requests to speak, Senator Wightman, you're recognized to close on LR125. Senator Wightman waives closing. The question before the body is on the adoption of LR125. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR125]

CLERK: 37 ayes, 0 nays, Mr. President, on the adoption of LR125. [LR125]

PRESIDENT SHEEHY: LR125 is adopted. We will now proceed to LR171. [LR125 LR171]

CLERK: LR171, Mr. President, was a resolution originally introduced by Senator Ashford and Council. It directs the Legislature to call on the Executive Board to meet and appoint a special committee. The resolution was referred to the Executive Board for public hearing purposes. They have reported it back to the Legislature. There are Executive Board Committee amendments. (AM1507, Legislative Journal page 1743.) [LR171]

PRESIDENT SHEEHY: Senator Ashford, you're recognized to open on LR171. [LR171]

SENATOR ASHFORD: Thank you, Mr. Lieutenant Governor and members. And I'm going to defer to Senator Council on a lot of this, but I think this is an important effort to...and I appreciate the support of the Executive Board to move this resolution to the floor. We have throughout this session talked about the burdens of high incarceration rates both fiscally on the budget and on the individuals involved. The purpose of this task force which will...and I'm very thrilled with the idea of having this task force collect members from many different committees, Health Committee, the Business and Labor Committee, Appropriations Committee, that would sit on this task force and work together to find common ground on a way, ways to address the recidivism rate which is high in Nebraska, and also to think about different initiatives that we could, on the sentencing process itself. This is a critical issue for Nebraska. We've talked about it over and over again this year. Violent crime is...puts tremendous stress on our system and

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certainly with the passage of some legislation we've had this year, it will put more stress on the system. We need to look at how we address nonviolent offenses more deliberately and methodically, and look at alternatives and options for those people to try to at least divert them from incarceration, if appropriate. And when individuals are ready to come back out of the correctional facilities that they're in, that they have opportunities for jobs. They have opportunities to come back into the communities from which they came in a positive and constructive manner. I'm just so sure that this task force will come up with initiatives and proposals and ideas that will be evidenced-based that will help our state address this issue. Thank you, Mr. Lieutenant Governor. [LR171]

PRESIDENT SHEEHY: Thank you, Senator Ashford. You have...were you yielding time to Senator Council? [LR171]

SENATOR ASHFORD: Yeah, I would yield the remainder of my time. Thank you. [LR171]

PRESIDENT SHEEHY: Senator Council, you're being yielded 7 minutes 50 seconds. [LR171]

SENATOR COUNCIL: Yes, thank you, Mr. President. Thank you, Senator Ashford, and I want to thank Senator Ashford for his willingness to pursue this very important issue. I want to thank the Executive Committee for recognizing and appreciating the value of this undertaking. As we reflect back on this session, there are at least three pieces of legislation that this body advanced that has become law or will soon become law which provide for the creation of new criminal penalties that result in incarceration. They result in increases in existing sentences, all of which place a tremendous burden on our current correctional system. And if we look at the makeup of the population of our correctional system at this point in time, the vast majority of individuals incarcerated in the state correctional system are there for nonviolent offenses. And I believe that we have an obligation to make sure that we are expending taxpayer dollars wisely in the area of crime and punishment. And just a couple of weeks ago it was reported that our correctional facilities were above 140 percent of capacity. That 140 percent of the capacity is the threshold after which this body could be placed in a position to determine whether or not we need to construct additional correctional facilities. I believe a study of our sentencing procedures, particularly in the area of juvenile crime and violence, because when we look at the correctional facility data, the overwhelming majority of those numbers reflected in the 140 percent are the adult population, but we have serious concerns with the facilities that are available for our juvenile populations. There was a point in time in Douglas County where the Douglas County juvenile facility there, the detention facility, was inordinately over its maximum capacity. And I think that this study will allow us to thoroughly and objectively consider the effect of our sentencing procedures, whether there needs to be any adjustment in those procedures, and particularly in the area of juvenile crime and juvenile violent crime, whether or not the

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assessments that many of the county attorneys testified were occurring before juveniles are progressed through the criminal justice system, that they are, in fact, occurring and that we are, in fact, incarcerating juveniles who deserve to be incarcerated, and that we're not incarcerating juveniles who need other kinds of treatment services. I believe that this committee will carefully review all of those factors and with the eye towards providing us with information needed to address the sentencing, which may lead to additional legislation, but also to reduce recidivism. A lot of our sentencing does contribute to recidivism rates. When we remove individuals from the population for unnecessarily long periods of time and then expect them to reenter our communities and to be successful, I think is wishful thinking. One of the other areas that this committee can look at is offender reentry. And I think that is a serious problem in this state that we are not providing the kinds of services, or not providing them to the appropriate level, services to enable inmates to reenter our communities in a manner that will increase their ability to be successful members of the community as opposed to returning through the criminal justice system. So I would urge this body's support of LR171, with the amendments proposed by the Executive Board, which is something that, quite frankly, Senator Ashford has to concur with, and I'm sure that he does, because it places the bulk of the staffing requirements on the Judiciary Committee. And with that, Mr. President, if there is any time remaining, I return to Senator Ashford. [LR171]

PRESIDENT SHEEHY: Senator Ashford, you have about a minute and a half. Senator Ashford waives. As was stated, there is an Executive Board amendment. Senator Wightman, you're recognized to open on AM1507. [LR171]

SENATOR WIGHTMAN: Thank you, Mr. President and members of the body. I do rise in strong support of LR171. The Executive Board did meet. We made some changes to that but...and the amendments include, we made the Sentencing and Recidivism Committee a task force instead of a special committee. We strike the reference to the Executive Board providing the task force with staff and an outside consultant, and insert that the staff of the task force shall be from the Judiciary Committee and provides a sunset date for the task force of January 1, 2011. I do think that...I do strongly support LR171 with the amendments that are included in AM1507. I do think that we are facing a critical situation with regard to our inmate population. If we don't look at recidivism and alternative sentencing, potential alternative sentencing, I think we will probably be building new penal complexes not very far down the road. And I don't think any of us are looking at wanting very badly to have to have that kind of expenditures in the next few years. I think that with regard to sentencing, there's always the possibility...I know Senator Carlson has spoken a number of times on these issues, that sometimes maybe house arrest monitoring systems, particularly for nonviolent crimes, may well be an alternative that we need to look at. I think we have to look at prison programs. I know, and I suppose there would be people within this body that would object to that, but to have prison ministries. I think that has been very successful and I think it's turned

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around a lot of lives. But anything that we can do to promote a program that will reduce recidivism, I think are extremely important, and I think this task force can take a real look at some of these alternatives and hopefully reduce our penitentiary population. As this body knows, we have passed several items of legislation that are likely to increase the length of stay in penal complexes, probably also increase the numbers of people that may be prosecuted. We have changed the misdemeanor acts to felonies that will result in imprisonment. And I think as a result of all of these, it is absolutely necessary that we take a look at this and I think this LR171 with the amendments is a good opportunity to review all of this during the next year. Thank you, Mr. President. [LR171]

PRESIDENT SHEEHY: Thank you, Senator Wightman. You have heard the opening of AM1507. (Visitors introduced.) Senator Wightman, you are in the queue to speak. [LR171]

SENATOR WIGHTMAN: I just...this could almost be a point of privilege but we will have a number of committees, including this one if it does pass, that the Executive Board will probably be meeting on, maybe tomorrow. And we're going to have an e-mail coming out on all of these various boards where there will be vacancies to be filled and so I would ask you to look at your e-mail very carefully, see if you're interested in any of those positions. And you're going to have a very short time frame, probably early tomorrow morning to respond to those, so I would ask you to let us know if you have an interest in any of these positions, and this committee hopefully will be one of those that we will have seven positions to be filled on. With that, I think I've spoken as much as I need to on LR171 and AM1507. Thank you, Mr. President. [LR171]

PRESIDENT SHEEHY: Thank you, Senator Wightman. Senator Wightman, do you also want to consider that your closing on AM1507? [LR171]

SENATOR WIGHTMAN: Yes. [LR171]

PRESIDENT SHEEHY: You have heard the closing. The question before the body is on the adoption of AM1507 to LR171. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR171]

CLERK: 38 ayes, 0 nays, Mr. President, on adoption of committee amendments. [LR171]

PRESIDENT SHEEHY: AM1507 is adopted. [LR171]

CLERK: Nothing further on the resolution, Mr. President. [LR171]

PRESIDENT SHEEHY: Senator Ashford, you're recognized to close on LR171. [LR171]

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SENATOR ASHFORD: Senator Price suggested that I waive closing, so that's my closing. Thank you. Thank you, Senator Price. [LR171]

PRESIDENT SHEEHY: Thank you, Senator Ashford. Senator Ashford waives closing. The question before the body is on the adoption of LR171. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR171]

CLERK: 39 ayes, 0 nays, Mr. President, on the adoption of LR171 as amended. [LR171]

PRESIDENT SHEEHY: LR171 is adopted. (Visitors introduced.) Mr. Clerk, we will now proceed to LR257. [LR171 LR257]

CLERK: LR257, Mr. President, resolution offered by Senator Price asking the Legislature to support the collection of private donations for purposes of constructing courtyards in the Capitol building area. [LR257]

PRESIDENT SHEEHY: Senator Price, you're recognized to open on LR257. [LR257]

SENATOR PRICE: Thank you, Mr. President and members of the body. As we just saw up in the balcony today, we saw our fourth-graders of Nebraska who come to the Capitol to view the splendor of the Capitol and to see the legislative process in action. We've also seen our citizenry come and do the same. LR257 is an answer to an ongoing issue we've had since the building of this fine landmark we call our Capitol building. Earlier this year in session, bills came before the Government Committee and in discussions there was an action to ask for monies to complete some of the projects here at the Capitol. And that project is, that in each one of the four courtyards there is to be a fountain, not just a regular fountain, not a fountain of...you would find of just concrete and a spewing cherub, but rather a beautiful fountain that was designed by the original architect with a reflecting glass lining that was to finish off the courtyards. And for years and years there's been a request to the Government Committee to fund this and to finish it. It was never finished in the beginning because of the Depression. And they just could never find an opportunity during the Depression to fund the completion of those fountains. Ladies and gentlemen, that Depression ended a long, long time ago. And I would say that we've gone through some rather remarkable financial good times and yet we couldn't find within ourselves the where for all to complete the construction that was laid out originally. So I leaned over to one of the senators on the committee and I said, why don't we just raise the money ourselves, and that was the genesis for what you see before you today. I've talked to Mr. Ripley about what needs to be done. I've asked him, has he...does he have the plans, does he know what we need to do? And he assured me that, in fact, he does know what needs to be done. He does have the original artist rendition and I believe that Mr. Ripley would be more than happy to continue the maintenance of the fountains if they could be brought forward. So I've

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taken on myself to begin a process to go out and raise the needed funds to do this. My vision...and I'll lay out for you very succinctly, yet quickly, the vision. The vision is to ask Nebraska to help us to do this, because this is Nebraska's house. And so what I'd like to do is I'd like to engage with the fourth-graders across Nebraska and ask them to assist in raising these funds to which I will have private foundation, private individuals, and corporations, matching and working to raise the required capital so we can finish this project, so that when they come back in future years they can look out and see the job is done. And then they can take ownership and pride and said I had a part of doing this, that Nebraska did it. And I believe in these fiscally constrained and trying times, that while we may not be able to release the funds to do it from within the Capitol, that the people of Nebraska want this done and it will get done. And that they'll look back on it with pride and with ownership at these wonderful fountains that will be in each of the courtyards and that we'd finally be able to say that it has come to a final note. So this, ladies and gentlemen, is why I'm doing this. This is the resolution I have before you, that we'd raise these monies privately and finish the job. Thank you, Mr. President. [LR257]

PRESIDENT SHEEHY: Thank you, Senator Price. You've heard the opening of LR257. Senator Campbell, you're recognized. [LR257]

SENATOR CAMPBELL: Thank you, Mr. President. I had occasion earlier this spring to visit with Senator Price about this idea, and I thought that it truly warranted consideration by this body and became enthused about it. And I pledged to Senator Price that I would be willing to go to the Nebraska Landscape Association and see if the nursery people across the state would be willing to help also in the landscaping in terms of the courtyards. It's important to protect the courtyards from the aggressive invasive phragmites that might come to it. I think this is a very unique project and important to engage younger generations to be ready to preserve and care for this magnificent building. Thank you, Mr. President. [LR257]

PRESIDENT SHEEHY: Thank you, Senator Campbell. Senator Nelson, you're recognized. [LR257]

SENATOR NELSON: Thank you, Mr. President and members of the body. I'd like to ask a question or two of Senator Price. [LR257]

PRESIDENT SHEEHY: Senator Price, would you yield to Senator Nelson? [LR257]

SENATOR PRICE: Absolutely. [LR257]

SENATOR NELSON: Thank you for bringing this resolution, Senator Price. You spoke with the Capitol architect. Do we have the actual designs that Goodhue put together at the time of construction of the Capitol? [LR257]

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SENATOR PRICE: It is my understanding, yes. I actually have seen them myself. Mr. Ripley came up and visited with me. So the answer is yes. [LR257]

SENATOR NELSON: I refer to paragraph 1 at the bottom of your resolution there where you say we will accept private donations to design, construct, and install. It's not your intention that we're going to vary from the design in any way that Goodhue put forth, is that correct? [LR257]

SENATOR PRICE: That is correct. I believe the design had more about the aspects that go around it, not the hardscape, the softscape, the plants and everything. [LR257]

SENATOR NELSON: Are all the four fountains identical or are they different in some...? [LR257]

SENATOR PRICE: My understanding that they are the same. [LR257]

SENATOR NELSON: All right. Thank you. That answers my question, Senator Price, and I certainly support your resolution. Thank you, Mr. President. [LR257]

PRESIDENT SHEEHY: Thank you, Senator Nelson. Seeing no additional requests to speak, Senator Price, you're recognized to close. [LR257]

SENATOR PRICE: Thank you, Mr. President. I will take this opportunity to close because I do feel passionate about this that I believe any opportunity we have to engage the citizens of the state on a large scale project, that this is a good thing. And I would like to ask that all the senators give a green light to this to show that we support it also. Thank you, Mr. President. [LR257]

PRESIDENT SHEEHY: Thank you, Senator Price. You have heard the closing to LR257. The question is on the adoption of LR257. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR257]

CLERK: 37 ayes, 0 nays, Mr. President, on the adoption of LR257. [LR257]

PRESIDENT SHEEHY: LR257 is adopted. Mr. Clerk, we'll now move to items under legislative confirmation reports. [LR257]

CLERK: Mr. President, first report, General Affairs, involving an appointment to the State Racing Commission. (Legislative Journal page 1600.) []

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

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SENATOR KARPISEK: Mr. President, could you tell me which it is? I have two. []

CLERK: Senator, It's Janell Beveridge, State Racing Commission. []

SENATOR KARPISEK: Thank you, Mr. Clerk. Janell Beveridge of Paxton is being reappointed to the Nebraska Racing Commission. Her length of term will be April 1, 2009, to March 30, 2012. Janell received a bachelor's degree in education from the University of Nebraska at Kearney. She has taken additional classes in continuing education at Chadron State College. She was president, chairman of the board, and owner of the Bank of Paxton from 1989 to 2006. In addition to her work in banking, she has been a head volleyball coach, basketball and track. She also has worked...served as board member of the Nebraska Independent Community Bankers and also was a board member of the Keith County Community Foundation. She wishes to serve another term as commissioner for the State Racing Commission and she is a very qualified person, has done a wonderful job for them, and I would ask that you give a green light for Ms. Beveridge. Thank you, Mr. President. []

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

CLERK: (Record vote read, Legislative Journal page 1758.) 37 ayes, 0 nays, Mr. President, on the adoption of the General Affairs confirmation report. []

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

CLERK: Senator, two appointments to the Ethanol Board. (Legislative Journal page 1654.) []

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

SENATOR LANGEMEIER: Mr. President and members of the body, the first nominee is Paul Kenney from Kearney, Nebraska, who is appointed to the Nebraska Ethanol Board. We did have a hearing on May 20, 2009. He is to represent the business representative on the seven-member board for a four-year term. He is a graduate of the University of Nebraska who has a B.S. degree in agriculture and economics. He's an agri-businessman, a farmer-rancher and the chairman of the KAAPA Ethanol Corporation. He did attend the hearing and stood the questioning of the committee and was approved by all those in attendance, and was approved by 6 with 2 absent. The

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second one we have is Galen Frenzen from Fullerton, Nebraska. He also was appointed to the Nebraska Ethanol Board, attended the hearing on May 20, 2009. He is to represent the corn representative on the seven-member board for a four-year term. He, too, is a University of Nebraska graduate with a B.S. degree in animal science, and is actively engaged in production agriculture in Nebraska. He's past served on the Environmental Quality Council, the Water Policy Task Force, and the Cornhusker Public Power District Board. He, too, was advanced from the committee unanimously, 6 with 2 absent, and I'd ask for your adoption of the confirmation report approving these two individuals. Thank you. []

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

CLERK: (Record vote, Legislative Journal pages 1758-1759.) 38 ayes, 0 nays, on adoption of the report. []

PRESIDENT SHEEHY: The confirmation report is adopted. We'll now move to the Agriculture Committee confirmation report. []

CLERK: Mr. President, Agriculture reports on the appointment of Al Berndt to the Climate Assessment Response Committee. (Legislative Journal page 1670.) []

PRESIDENT SHEEHY: Senator Carlson, you're recognized to open on your first Agriculture Committee confirmation report. []

SENATOR CARLSON: Mr. President and members of the Legislature, the Agriculture Committee wishes to report favorably on the appointment of Al Berndt to the Climate Assessment Response Committee and recommends that the Legislature approve the appointment. He would fill a position representing the Nebraska Emergency Management Agency on the Climate Assessment Response Committee. It's a new appointment replacing Roger Lempke, former Adjutant General, who has left state government. Mr. Berndt has held the position of assistant director of the Nebraska Emergency Management Agency since 2000. As such, Mr. Berndt is responsible for day-to-day operations of the agency and oversees the state response to state and federally declared disasters and emergencies. Mr. Berndt also serves on the board of directors of the National Emergency Management Association. Since 2001, Mr. Berndt has been the state administrative agent for Nebraska, overseeing the state's interaction with the federal Department of Homeland Security and supporting the Lieutenant Governor in his role of state Homeland Security director. Prior to coming to NEMA, Mr. Berndt retired from the Lincoln Police Department where he supervised technical

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investigations of liquor and vice checks and fraud units. A public hearing for Mr. Berndt was held before the Ag Committee on May 21. Mr. Berndt appeared in person. The committee voted 7-0, with 1 absent, to forward its recommendation. I move the approval of the Ag Committee report. Thank you, Mr. President. []

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

CLERK: (Record vote, Legislative Journal pages 1759-1760.) 41 ayes, 0 nays, Mr. President, on the adoption of the report. []

PRESIDENT SHEEHY: The confirmation report is adopted. Next Agriculture Committee report. []

CLERK: Mr. President, appointment to the Nebraska State Fair Board of Mr. William Marshall. (Legislative Journal page 1671.) []

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

SENATOR CARLSON: Mr. President and members of the Legislature, the Agriculture Committee wishes to report favorably on the appointment of William Marshall to the Nebraska State Fair Board. Mr. Marshall would fill a position representing the business community of the most populous community in the county where the State Fair is scheduled to be relocated. Mr. Marshall is a founder of the Five Points Bank in Grand Island and has been chairman of the bank since 1989. He's a graduate of the University of Nebraska with a degree in economics and history; also a graduate of UNL Law School and Colorado School of Banking. He's a native of Niobrara, Nebraska, and later graduated from Grand Island High School. His community and leadership background includes the following: member of the board of directors for Grand Island Chamber of Commerce; member of the board of trustees for Hastings College; former membership on the State Board of Education, St. Francis Medical Center Foundation, Grand Island Industrial Foundation, Grand Island Community Foundation, and the board of directors of College Park; former chair of the Nebraska Bankers Association. The committee conducted a public hearing on the question of Mr. Marshall's appointment on May 21, and the appointee appeared in person, and the Nebraska Bankers Association also testified in favor of his appointment. The committee voted 7-0 with 1 absence, to recommend approval. I move the adoption of the Ag Committee report and the confirmation and appointment of William Marshall to the State Fair Board. []

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

CLERK: (Record vote, Legislative Journal page 1760.) 40 ayes, 0 nays, Mr. President, on the adoption of the report. []

PRESIDENT SHEEHY: The confirmation report is adopted. We will now proceed to the confirmation report from the Retirement Systems Committee. []

CLERK: Senator, three appointments to the Public Employees Retirement Board. (Legislative Journal page 1695.) []

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

SENATOR PANKONIN: Thank you, Mr. President and members of the Legislature. The Nebraska Retirement Systems Committee held a confirmation hearing on May 20 for Denis Blank. Mr. Blank has a long history of service on the Nebraska Public Employee Retirement Board. He was initially appointed in 1990 to fill a vacated position on the board. He was appointed to his first full-term in 2001, appointed again in 2005, and has now been reappointed by the Governor to serve another five-year term on the Retirement Board as the representative for state employees. He is currently the Retirement Board chairman, a position he has held for the past two years. The Nebraska Public Employee Retirement Board oversees all of the state retirement accounts, or plans and accounts. The Retirement Committee unanimously voted to move Mr. Blank's appointment to the Legislature for confirmation. I would ask for your support in confirming this appointment to the Nebraska Public Employee Retirement Board. Thank you. []

PRESIDENT SHEEHY: Thank you, Senator Pankonin. You have heard the opening of the Retirement Systems Committee confirmation report. Seeing no requests to speak, Senator Pankonin, you're recognized to close. []

SENATOR PANKONIN: I have three, so this is just on the first one. []

PRESIDENT SHEEHY: You include all three in one report. Thank you. []

SENATOR PANKONIN: Okay. All right, I will do that. Thank you. Our next nominee for reappointment is Sergeant Glenn Elwell. The Nebraska Retirement Systems Committee held a confirmation hearing on May 20 for Sergeant Glenn Elwell. Sergeant Elwell has

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been reappointed by the Governor to serve another five-year term on the Nebraska Public Employee Retirement Board representing the State Patrol. He was originally appointed to the board in 2005. He currently serves as the vice-chair of the Retirement Board and is also chairman of the Audit Committee for PERB. The Nebraska Public Employee Retirement Board oversees all the state retirement plans. Glenn Elwell is an investigative sergeant with the Nebraska State Patrol. He has been with the State Patrol since 1986. The Retirement Committee unanimously voted to move Sergeant Elwell's appointment to the Legislature for confirmation. And then our third nominee is...was also held on May 20 for Mark Shepard. Mr. Shepard has been reappointed by the Governor to serve another five-year term on the Nebraska Public Employee Retirement Board as one of the two members representing schools. He was originally appointed to the board in 2005. The Nebraska Public Employee Retirement Board, as I've said, oversees all of the state retirement plans. Mr. Shepard serves as the associate superintendent of schools at Lincoln Public Schools. He has his master's in school business management and is currently working on his Ph.D. He also taught in Fremont for 13 years. The Retirement Committee unanimously voted to move Mr. Shepard's appointment to the Legislature for confirmation. I would now ask for your support in confirming these three appointments, reappointments to the Nebraska Public Employee Retirement Board. Thank you, Mr. President. []

PRESIDENT SHEEHY: Thank you, Senator Pankonin. You have heard the opening of the Retirement Systems Committee confirmation reports. Seeing no requests to speak, Senator Pankonin you're recognized to close. Senator Pankonin waives closing. The question before the body is on the adoption of the Retirement Systems Committee confirmation report. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal pages 1760-1761.) 38 ayes, 0 nays, Mr. President, on the adoption of the report. []

PRESIDENT SHEEHY: The confirmation report is adopted. We will now proceed to the Government, Military and Veterans Affairs Committee confirmation report. []

CLERK: Mr. President, Government Committee reports on an appointment to the Accountability and Disclosure Commission. (Legislative Journal pages 1710.) []

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

SENATOR AVERY: Thank you, Mr. President. The Committee on Government, Military and Veterans Affairs has one candidate for appointment to the Accountability and Disclosure Commission, Mr. Kevin Brostrom from Grand Island. He is being recommended for a six-year term to begin July 1, 2009. Mr. Brostrom is a graduate of

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the University of Nebraska with a Bachelor of Arts degree with distinction. He graduated from the University of Nebraska Law College in 1980; is a member of Phi Beta Kappa. This is a new appointment. The hearing was held on Tuesday, May 26, by telephone, and the committee voted unanimously to advance this to the floor for your consideration. I recommend that you confirm this appointment. Thank you. []

PRESIDENT SHEEHY: Thank you, Senator Avery. You have heard the opening of the confirmation report from Government, Military and Veterans Affairs. Seeing no requests to speak, Senator Avery, you're recognized to close. Senator Avery waives closing. The question before the body is on the adoption of the confirmation report. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal pages 1761-1762.) 40 ayes, 0 nays, Mr. President, on adoption of the report. []

PRESIDENT SHEEHY: The confirmation report is adopted. The next item on the agenda was the Judiciary Committee confirmation report which will be heard on Friday, May 29. Mr. Clerk, we'll now continue with the confirmation report from General Affairs. []

CLERK: General Affairs, Mr. President, an appointment to the Nebraska Liquor Control Commission. (Legislative Journal page 1719.) []

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

SENATOR KARPISEK: Thank you, Mr. President and members of the body. Janice Wiebusch of Kearney is being appointed to the Liquor Control Commission. Her length of term will be May 25, 2009, to May 24, 2015. Janice received her bachelor's degree in music from the University of Nebraska-Lincoln. She is a real estate broker and is employed with Century 21 Midlands in Kearney from 1979 to present. In addition, she is past Kearney City Council member; past chairman of the Kearney Area Chamber of Commerce; past president of the Nebraska Realtor Association Foundation; Yanney Heritage Park Foundation member; and Good Samaritan Hospital board of directors. Janice wishes to serve a six-year term to the Liquor Control Commission. She is very involved with her community and will be an excellent member of the Liquor Control Commission. Thank you, Mr. President. []

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

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CLERK: (Record vote, Legislative Journal page 1762.) 40 ayes, 0 nays, Mr. President, on adoption of the report. []

PRESIDENT SHEEHY: The confirmation report is adopted. We will now proceed to the confirmation report from Business and Labor. []

CLERK: Mr. President, an appointment to the Commission of Industrial Relations. (Legislative Journal pages 1719.) []

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

SENATOR LATHROP: Thank you, Mr. President and colleagues. The Business and Labor Committee unanimously approved the Governor's reappointment of Loren Lindahl to the Commission of Industrial Relations. Commissioner Lindahl was first appointed by Governor Johanns in 2001 to replace Roderic Anderson. In 2003, Governor Johanns reappointed Commissioner Lindahl for a six-year term that expires this June. Prior to his 2001 appointment, Commissioner Lindahl served as a delegate to the Nebraska State Bar Association House of Delegates and represented his community of Wahoo as Saunders County Attorney and as a school board member. Commissioner Lindahl currently practices law in Wahoo as a partner with Edstrom, Bromm, Lindahl, Freeman-Caddy law firm. He practices primarily in the areas of real estate, business organization, municipal law, and estate planning. Commissioner Lindahl not only has experience to continue in his post, but has since his time with the commission developed an excellent reputation as a fair-minded commissioner. Accordingly, I ask you to approve the Business and Labor Committee's report. Thank you. []

PRESIDENT SHEEHY: Thank you, Senator Lathrop. You have heard the confirmation report from the Business and Labor Committee. Seeing no requests to speak, Senator Lathrop, you're recognized to close. Senator Lathrop waives closing. The question before the body is on the adoption of the confirmation report. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal pages 1762-1763.) 39 ayes, 0 nays, Mr. President, on adoption of the report. []

PRESIDENT SHEEHY: The confirmation report is adopted. We'll now proceed to the Education Committee confirmation report. []

CLERK: Education reports on three appointments to the Coordinating Commission for Postsecondary Education. (Legislative Journal page 1736.) []

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PRESIDENT SHEEHY: Senator Adams, you're recognized to open on the Education Committee confirmation report. []

SENATOR ADAMS: Thank you, Mr. President and members of the body. The Education Committee moves forward three names for the Coordinating Commission for Postsecondary Education. All three are reappointments. The first one is Colleen Adam from Hastings, Nebraska; is a graduate of the University of Nebraska. The second is Ron Hunter. Ron is from North Platte, Nebraska; is a retired farmer and rancher and a dentist. Eric Seacrest...excuse me, Ron Hunter is from Hay Springs. I apologize. Eric Seacrest is the third appointment from North Platte; works as a community foundation executive. All three are reappointments moved by the Education Committee earlier this week. Thank you, Mr. President. []

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

CLERK: (Record vote, Legislative Journal pages 1763-1764.) 42 ayes, 0 nays, Mr. President, on adoption of the report. []

PRESIDENT SHEEHY: The Education Committee confirmation report is adopted. We will now proceed to the confirmation report for Transportation and Telecommunications Committee. []

CLERK: Mr. President, it involves two appointments to the Motor Vehicle Industry Licensing Board. (Legislative Journal page 1744.) []

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

SENATOR FISCHER: Thank you, Mr. President and members of the body. The Transportation and Telecommunications Committee held a confirmation hearing on Wednesday, May 27, for two appointments to the Motor Vehicle Industry Licensing Board. The two most recent appointees to serve for a term from May 19, 2009, to May 18, 2012, are Roy Neneman, a new car dealer from Doniphan, and a reappointment to the board. He is from the 3rd Congressional District. And Paul Gerber, a used car dealer from Omaha. Mr. Gerber is a new appointee to the board from the 2nd Congressional District, and he was appointed to replace Kelly Smith, whose term had expired. Both men did appear before the committee at our hearing yesterday and the committee recommends this confirmation with the record vote of 8 voting yes, 0 no. Thank you, Mr. President. []

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PRESIDENT SHEEHY: Thank you, Senator Fischer. You have heard the opening of the confirmation report. Seeing no requests to speak, Senator Fischer, you're recognized to close. Senator Fischer waives closing. The question before the body is on the adoption of the Transportation and Telecommunications Committee confirmation report. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal page 1764.) 43 ayes, 0 nays, Mr. President, on the adoption of the confirmation report. []

PRESIDENT SHEEHY: The confirmation report is adopted. We will now proceed to the legislative resolutions. Just reminding the members, we'll be voting upon these as a group, but the introducer will have an opportunity to speak briefly on their resolutions. Mr. Clerk, we'll move to LR242. [LR242]

CLERK: LR242, Mr. President, by Senator Stuthman congratulates Scotus Central Catholic High School boys' soccer team. [LR242]

PRESIDENT SHEEHY: Senator Stuthman, you're recognized to open on LR242. [LR242]

SENATOR STUTHMAN: Thank you, Mr. President. LR242 congratulates the Scotus Central Catholic High School boys' soccer team that is the champion for the 2009 Class B Boys' Soccer Tournament. These Shamrocks, with a 1-0 victory over Columbus High School in the championship game, capped a 16-6 season to give them their third state title. Thank you, Mr. President. [LR242]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. Mr. Clerk, we'll move to LR243. [LR243]

CLERK: LR243, Mr. President, Senator Cornett congratulating Omaha Gross High School baseball team. [LR243]

PRESIDENT SHEEHY: Senator Cornett, you're recognized to open on LR243. [LR243]

SENATOR CORNETT: Thank you, Lieutenant Governor and members of the body. I just wanted to congratulate Gross Catholic High School from Bellevue for winning the boys' Class B baseball. Thank you. [LR243]

PRESIDENT SHEEHY: Thank you, Senator Cornett. We'll proceed to LR244. [LR244]

CLERK: Senator Mello would offer LR244 congratulating Social Settlement for being honored by the Greater Omaha Chamber of Commerce. [LR244]

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PRESIDENT SHEEHY: Senator Mello, you're recognized to open on LR244. [LR244]

SENATOR MELLO: Thank you, Mr. President and members of the Legislature. LR244 congratulates the Social Settlement agency in south Omaha for winning the Nonprofit of the Year award by the Greater Omaha Chamber of Commerce. Thank you. [LR244]

PRESIDENT SHEEHY: Thank you, Senator Mello. We'll now proceed to LR246. [LR246]

CLERK: LR246, Mr. President, by Senator Hadley. It congratulates Kearney's boys' track team. [LR246]

PRESIDENT SHEEHY: Senator Hadley, you're recognized to open on LR246. [LR246]

SENATOR HADLEY: Mr. President and members of the body. I just wish to congratulate the Kearney High School boys' track team and I believe this is like 13 out of the last 15 years that they have won the state championship. Thank you. [LR246]

PRESIDENT SHEEHY: Thank you, Senator Hadley. We will now proceed to LR247. [LR247]

CLERK: LR247 by Senator Pahls congratulating James Allen Roberts for achieving the rank of Eagle Scout. [LR247]

PRESIDENT SHEEHY: Senator Pahls, you're recognized to open on LR247. [LR247]

SENATOR PAHLS: Thank you. I stand to honor James Roberts for his attaining the Eagle Scout award. Thank you. [LR247]

PRESIDENT SHEEHY: Thank you, Senator Pahls. We will now proceed to LR248. [LR248]

CLERK: LR248 by Senator Cook designating the week of September 6 through September 12 as Information and Referral Services Week. [LR248]

PRESIDENT SHEEHY: Senator Cook, you're recognized to open on LR248. [LR248]

SENATOR COOK: Thank you, Mr. President and members of the body. The resolution recognizes and designates September 6 through September 12, 2009, as Information and Referral Services Week here in the state of Nebraska. You may recognize this as a recognition of 2-1-1 service across the state. It's brought on behalf of the United Way of the Midlands. Thank you. [LR248]

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PRESIDENT SHEEHY: Thank you, Senator Cook. We'll now proceed to LR249. [LR249]

CLERK: LR249 by Senator Sullivan congratulates the Ord High School Envirothon team. [LR249]

PRESIDENT SHEEHY: Senator Sullivan, you're recognized to open on LR249. [LR249]

SENATOR SULLIVAN: Thank you, Mr. President and members of the body. I do congratulate the 2009 Nebraska Environthon group of students from Ord High School. They will be going forward. They, first of all, received a \$1,000 award and they will be competing nationally, and hopefully going on to careers in such things as forestry, wildlife, range management. These are the kinds of careers that hopefully will keep these bright young people in Nebraska. So again I congratulate them. [LR249]

PRESIDENT SHEEHY: Thank you, Senator Sullivan. Senator Hadley, you're recognized. Senator Hadley waives. We will now proceed to LR250. [LR250]

CLERK: LR250, a resolution by Senator Sullivan congratulating Burwell for winning the Class C Boys' State Track and Field Championship. [LR250]

PRESIDENT SHEEHY: Senator Sullivan, you're recognized to open on LR250. [LR250]

SENATOR SULLIVAN: Thank you, Mr. President and members of the body. I congratulate the Burwell Longhorns 2009 Class C boys' state track and field champions. It should be noted that there were only five athletes in this team that qualified for state and took the championship and they really wanted to win the title for their coach Allen Boucher who has coached the same team for 46 years. Thank you. [LR250]

PRESIDENT SHEEHY: Thank you, Senator Sullivan. We will now proceed to LR251. [LR251]

CLERK: LR251, Mr. President, by Senator Stuthman congratulating the Scotus Central High School girls' track team. [LR251]

PRESIDENT SHEEHY: Senator Stuthman, you're recognized to open on LR251. [LR251]

SENATOR STUTHMAN: Thank you, Mr. President. Again, I would like to congratulate Scotus Central Catholic High School girls' track team. They were the winners of the Class B Track and Field Championship and I want to congratulate them. [LR251]

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PRESIDENT SHEEHY: Thank you, Senator Stuthman. We'll now proceed to LR252. [LR252]

CLERK: LR252 is by Senator Stuthman congratulating the Lindsay Holy Family High School girls' track team. [LR252]

PRESIDENT SHEEHY: Senator Stuthman, you're recognized to open on LR252. [LR252]

SENATOR STUTHMAN: Thank you, Mr. President. And I would like to also congratulate Lindsay Holy Family High School girls' track team and they were the winners of the Class D State Track and Field Championship. And I would also like to mention that these two schools, these are private schools in my district, and I really want to congratulate them on their efforts. Thank you. [LR252]

PRESIDENT SHEEHY: Thank you, Senator Stuthman. We will now proceed to LR253. [LR253]

CLERK: LR253 by Senator Pirsch recognizing Dennis Pavlik for his efforts in establishing a monument for American POWs. [LR253]

PRESIDENT SHEEHY: Senator Pirsch, you're recognized to open on LR253. Senator Pirsch waives. We'll now proceed to LR254. [LR254]

CLERK: LR254 by Senator Giese congratulating the Laurel-Concord High School girls' track team. [LR254]

PRESIDENT SHEEHY: Senator Giese, you're recognized to open on LR254. [LR254]

SENATOR GIESE: Thank you, Mr. President and members of the body. I just want to congratulate the Laurel-Concord girls' track team on their second consecutive state title and thank Senator Dierks for his cosponsorship on this. Thank you. [LR254]

PRESIDENT SHEEHY: Thank you, Senator Giese. Senator Dierks, you're recognized. [LR254]

SENATOR DIERKS: Thank you, Mr. President. I am very pleased to be able to be a cosponsor of this resolution. I also want to take the opportunity to tell you I'm just a little bit miffed. I have had three resolutions introduced but we never did get to talk to them. In the heat of the legislative process, why, those were advanced without discussion, and I'd like to take the opportunity to enumerate those. The Ewing Class 2, D-2 football team won the championship last fall. The Ewing girls' volleyball team won the Class D championship last fall. The Ewing girls' basketball team won the Class D-2

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championship in March. And the Ewing boys' basketball team was a runner-up for championship in the boys tournament in D-2 in March. I think that's extremely unusual. I think it's rare and I don't know that it's ever happened before. And also I would like to say at this point in the process of the golf tournament, the boys' Class 2-D golf...I guess they don't do Class D-2, but they're in Class D, they're in second place as they started the tournament in Kearney this morning. So I just had to take the opportunity to mention those things because I think it's a great thing that they've done. They've had a...and these kids mostly are honor students and most of them are planning on some further education, so I'd just like to take the opportunity to announce that to you. Thank you, Mr. President. [LR254]

PRESIDENT SHEEHY: Thank you, Senator Dierks. We will now proceed to LR255. [LR255]

CLERK: LR255 by Senator Cook designating the week of July 29 through August 3 as Omaha Days in Nebraska. [LR255]

PRESIDENT SHEEHY: Senator Cook, you're recognized to open on LR255. [LR255]

SENATOR COOK: Thank you, Mr. President and members of the body. We are actually designating July 29 through August 3, 2009, at Native Omaha Days. It's a biennial celebration, housed on the near north side of Omaha but people are going to be coming in from all over the United States and the world to reunite with old friends and see the changes in the city, so thank you very much. [LR255]

PRESIDENT SHEEHY: Thank you, Senator Cook. We will now proceed to LR256. [LR255 LR256]

CLERK: LR256 by Senator Mello designates July 25 as Farmer Appreciation Day in Nebraska. [LR256]

PRESIDENT SHEEHY: Senator Mello, you are recognized to open on LR256. [LR256]

SENATOR MELLO: Thank you, Mr. President and members of the Legislature. LR256 designates July 25, 2009, as Farmer Appreciation Day. My predecessor, Senator Don Preister, who has worked with various farm and agriculture groups requested me to introduce this resolution as well as a proclamation from the Governor, which I believe we will be receiving, which ultimately appreciates and thanks farmers and family farmers particularly for the work they do in regards to the Nebraska economy, but also just in general what they do for stewards of the land for the state of Nebraska. Thank you, Mr. President. [LR256]

PRESIDENT SHEEHY: Thank you, Senator Mello. You've heard the opening to LR256.

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Members requesting to speak: Senator Hadley and Senator Dierks. Senator Hadley, you're recognized. [LR256]

SENATOR HADLEY: Would Senator Mello yield to a question? [LR256]

PRESIDENT SHEEHY: Senator Mello, would you yield to Senator Hadley? [LR256]

SENATOR MELLO: Absolutely. [LR256]

SENATOR HADLEY: Senator Mello, you have been quoted often that anything west of 72nd and Dodge is outstate Nebraska. Is this resolution consistent with that thought? [LR256]

SENATOR MELLO: Senator Hadley, I would say this resolution is more of a global perspective on agriculture and what family farmers and farmers in the agriculture industry does for our state west of 72nd Street in Omaha, but also east of 72nd Street as well. [LR256]

SENATOR HADLEY: (Laugh) One other question, Senator Mello. We don't have to thank anybody in Washington for this, do we? (Laughter) [LR256]

SENATOR MELLO: Senator Hadley, I don't think we have to thank anyone in Washington, but I do think we should thank and appreciate the family farmers. Thank you. [LR256]

SENATOR HADLEY: Thank you. Would Senator Cook yield to a question? [LR256]

PRESIDENT SHEEHY: Senator Cook, would you yield to Senator Hadley? [LR256]

SENATOR COOK: With great pleasure, Mr. President. [LR256]

SENATOR HADLEY: Senator Cook, I'm confused. I thought the last 85 days have been Omaha Days here in the Chamber. Why do we have to have a week? (Laughter) [LR256]

SENATOR COOK: Well, as we've discussed privately, Senator Hadley, I've been elected to represent the interests and the good people of the state of Nebraska who happen to reside in the city of Omaha and the County of Douglas just north of the city limit, and I do with that with great pride and relish. And I would like to add that there is indeed agricultural life and farm work east of 72nd Street. It takes place in northern Douglas County. Thank you. [LR256]

SENATOR HADLEY: Thank you, Senator Cook. I will now sit down. [LR256]

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PRESIDENT SHEEHY: Thank you, Senator Hadley. Senator Dierks, followed by Senator Heidemann. Senator Dierks, you're recognized. [LR256]

SENATOR DIERKS: Thank you, Mr. President. I think that the act is pretty tough to follow, so I'll just add my thanks to Senator Mello's resolution today. It's always good to know that we have the support of the urban senators for the urban (sic) issues. And I think that this year I think that that has been the case. We've had good support from across the state for these urban or rural issues. Thank you very much, Mr. President. [LR256]

PRESIDENT SHEEHY: Thank you, Senator Dierks. Senator Heidemann. [LR256]

SENATOR HEIDEMANN: Thank you, Lieutenant Governor, fellow members of the body. I was wondering if Senator Mello would yield to a question. [LR256]

PRESIDENT SHEEHY: Senator Mello, would you yield to Senator Heidemann? [LR256]

SENATOR MELLO: Yes. [LR256]

SENATOR HEIDEMANN: First of all, I do want to thank you for carrying LR256. I think there are a lot of people across the state that will appreciate it very much. And I was just wondering, next year I was thinking about carrying a bill that was going to lower ag land valuations from 75 percent to 70 percent. And just to help show their appreciation, I was wondering, being as you're carrying this, would you like to sign on to that? (Laugh) [LR256]

SENATOR MELLO: Well, Senator Heidemann, I appreciate the question. I think since this resolution really focuses on the Nebraska Sustainable Agriculture Society and their appreciation for farmers, I'd have to look into your legislative bill a little bit further before I would commit publicly. [LR256]

SENATOR HEIDEMANN: Thank you, Senator Mello, so much for carrying LR256. Thank you. [LR256]

PRESIDENT SHEEHY: Thank you, Senator Heidemann. Senator Nelson, you're recognized. [LR256]

SENATOR NELSON: Thank you, Mr. President. I'd like to ask Senator Mello a question. [LR256]

PRESIDENT SHEEHY: Senator Mello, would you yield to Senator Nelson? [LR256]

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SENATOR MELLO: Yes. [LR256]

SENATOR NELSON: I do want to thank you for bringing LR256, Senator Mello. Are you familiar with John Deere equipment? [LR256]

SENATOR MELLO: I am, Senator Nelson, yes. [LR256]

SENATOR NELSON: All right. I thought it might be of interest to you that I saw a John Deere planter, 16-row planter for 30-inch rows the other day. The thing has to be folded up to get it into a building or through a fence gate. If you spread the thing out, it's half the width of this Chamber right here. I'm just wondering have you seen any of those in your district? (Laughter) [LR256]

SENATOR MELLO: I have not seen any John Deere planters, so to speak, recently in Legislative District 5, no. [LR256]

SENATOR NELSON: What would you estimate to be the largest field in...is it District 7? [LR256]

SENATOR MELLO: District 5. [LR256]

SENATOR NELSON: District 5, sorry. [LR256]

SENATOR MELLO: The largest area that I believe is undeveloped, and right now I think it's...it looks like alfalfa land, is just west of 42nd Street and south of Q. [LR256]

SENATOR NELSON: It looks like a what? [LR256]

SENATOR MELLO: It's a large undeveloped I think alfalfa field right now. [LR256]

SENATOR NELSON: Alfalfa field? [LR256]

SENATOR MELLO: Yeah. [LR256]

SENATOR NELSON: Perhaps a former cattle feedyard... [LR256]

SENATOR MELLO: Possibly, yeah. [LR256]

SENATOR NELSON: ...something like that? [LR256]

SENATOR MELLO: Yes. [LR256]

SENATOR NELSON: You can grow very good alfalfa there. Seriously, this is important

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that we appreciate our farmers, and I was especially interested in your use of stewardship. I know that Senator Preister was interested in that. I think we just really need to point out that as part of our agriculture across the state of Nebraska that it's very important to preserve our soil to rotate to do everything that we can to maintain the land which is becoming increasingly valuable. The farmers work very hard to do that, I know, and I think it's important that we show appreciation. So again, I thank you for bringing this resolution. [LR256]

PRESIDENT SHEEHY: Thank you, Senator Nelson. (Visitors introduced.) Members requesting to speak are Senator Fischer, followed by Senator Pankonin and Senator Langemeier. Senator Fischer, you're recognized. [LR256]

SENATOR FISCHER: Thank you, Mr. President and members. I just want to stand and thank Senator Mello for introducing this resolution. I believe it shows that we are one state and we recognize the importance of all areas of the state--urban, suburban, and rural. Would Senator Mello yield to questions, please? [LR256]

PRESIDENT SHEEHY: Senator Mello, would you yield to Senator Fischer? [LR256]

SENATOR MELLO: Yes. [LR256]

SENATOR FISCHER: Senator Mello, it's my understanding you were born and raised in Omaha. Is that correct? [LR256]

SENATOR MELLO: Yes. [LR256]

SENATOR FISCHER: I don't mean to get personal here, but could you tell me how far west you've been in the state of Nebraska? [LR256]

SENATOR MELLO: I've actually traveled the state extensively, Senator Fischer, as a former aide to our senior United States Senator, to Scottsbluff, to Valentine, to Ainsworth, McCook, South Sioux City, Mitchell, Gering. [LR256]

SENATOR FISCHER: In your travels, were you able to have any home visits out on farms, ranches? Did you ever sit down and have a Bluestem steak in Cedar Rapids, Nebraska? [LR256]

SENATOR MELLO: You know, I've never had a Bluestem steak, but I have had a nice cut of meat from one of our colleagues, Senator Dubas, in Fullerton who lives on a farm, and I visited her farm for a few days back a few years ago actually. [LR256]

SENATOR FISCHER: And I don't again want to put you on the spot, Senator Mello, but I was just wondering if I could get a commitment from you that you'd be willing to take a

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little tour of my district. You might have to take a couple weeks off work (laughter) but, you know, if you'd be willing to take just a little tour of my district or at least maybe commit to come out to Valentine and to God's country this summer and sit on the deck with me and have a steak. [LR256]

SENATOR MELLO: Senator Fischer, I'd love to be able to travel your district, and I'd have to check my schedule, but I will look to try to take you up on that offer. [LR256]

SENATOR FISCHER: That will be great. And just one more thing then, Senator Mello. Next year I would hope you would introduce a similar resolution and maybe have a ranchers appreciation day. Do you think that might be possible? [LR256]

SENATOR MELLO: That is something that I could look into but, once again, I brought this on behalf of the Nebraska Sustainable Agriculture Society. So if the Nebraska Cattlemen's Association would be willing to help draft this, I would be willing to help carry it. [LR256]

SENATOR FISCHER: I'm sure we can do that. Thank you very much, Senator Mello. And again, I appreciate your view of the state as a whole and look forward to working with you on issues that affect all Nebraskans. Thank you, Mr. President. [LR256]

PRESIDENT SHEEHY: Thank you, Senator Fischer. Senator Pankonin. [LR256]

SENATOR PANKONIN: Thank you, Mr. President. Senator Mello, you'll be glad to know I'm not going to ask you a question. But I did...when we're talking about agriculture, I just want to relate that it has been so important to my family. The Pankonin family has spent five generations selling and serving farm equipment in Cass County, Nebraska, since 1883 and so proud of that tradition. But also I think the thing we've got to recognize with agriculture is how much manufacturing is done in the state. The company that I represent, Case-IH, has a large manufacturing facility in Senator Gloor's district in Grand Island that ships the big red combines from there to points all over the globe and is a major, major manufacturer and employer in the state of Nebraska. And I also want to note that Senator Nelson mentioned about the John Deere planter that was 40 feet wide, 16 rows. The reason he was able to determine those dimensions is that planter was probably sitting in the field idle because it was broke down. Thank you. (Laughter) [LR256]

PRESIDENT SHEEHY: Thank you, Senator Pankonin. Senator Langemeier, you're recognized. [LR256]

SENATOR LANGEMEIER: Question. [LR256]

PRESIDENT SHEEHY: There has been a call for the question on LR256. Do I see five

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hands? I do. Mr. Clerk, we will now proceed to LR...the question before the body is, shall debate cease on LR256? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR256]

CLERK: 35 ayes, 5 nays to cease debate. [LR256]

PRESIDENT SHEEHY: Debate does cease. Mr. Clerk, we'll now proceed to LR258. [LR256 LR258]

CLERK: LR258 by Senator Ashford congratulates the Omaha Westside High School baseball team. [LR258]

PRESIDENT SHEEHY: Senator Ashford, you're recognized to open on LR258. [LR258]

SENATOR ASHFORD: I'd waive. [LR258]

PRESIDENT SHEEHY: Senator Ashford waives. Thank you, Senator Ashford, waives opening and closing. The question before the body will be on the adoption of the resolutions, LR242 through LR258 as read. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR242 LR243 LR244 LR245 LR246 LR247 LR248 LR249 LR250 LR251 LR252 LR253 LR254 LR255 LR256 LR258]

CLERK: 40 ayes, 0 nays, Mr. President, on adoption of the enumerated resolutions. [LR242 LR243 LR244 LR245 LR246 LR247 LR248 LR249 LR250 LR251 LR252 LR253 LR254 LR255 LR256 LR258]

PRESIDENT SHEEHY: The legislative resolutions as read are adopted. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR125, LR257, LR242, LR243, LR244, LR245, LR246, LR247, LR248, LR249, LR250, LR251, LR252, LR253, LR254, LR255, LR258, and LR256. Mr. Clerk, do you have items for the record? [LR125 LR257 LR242 LR243 LR244 LR245 LR246 LR247 LR248 LR249 LR250 LR251 LR252 LR253 LR254 LR255 LR256 LR258]

CLERK: I do, Mr. President. I have a motion filed from the Speaker regarding the indefinite postponement of certain bills (re: LB39, LB47, LB64, LB71, LB76, LB103, LB104, LB128, LB132, LB145, LB172, LB172A, LB173, LB199, LB220, LB250, LB221, LB233, LB273, LB287, LB290, LB290A, LB305, LB335, LB338, LB354, LB367, LB371, LB374, LB375, LB390, LB429, LB451, LB462, LB471, LB515, LB530, LB588, LB599, LB647). LR263 is a study resolution by Revenue; LR264 is a resolution by Senator Pahls. (Also LR262 introduced by Education Committee.) That will be laid over. Enrollment and Review reports LR171 as correctly enrolled. Two announcements: Exec Board will meet tomorrow at 11:00 in Room...I assume in your hearing room, Senator, Room 2102, right? Room 2102, 11:00, Exec Board. And Judiciary will have a meeting

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upon adjournment under the south balcony. Mr. President, that's all that I have. (Legislative Journal pages 1765-1768.) [LB39 LB47 LB64 LB71 LB76 LB103 LB104 LB128 LB132 LB145 LB172 LB172A LB173 LB199 LB220 LB250 LB221 LB233 LB273 LB287 LB290 LB290A LB305 LB335 LB338 LB354 LB367 LB371 LB374 LB375 LB390 LB429 LB451 LB462 LB471 LB515 LB530 LB588 LB599 LB647 LR262 LR263 LR264 LR171]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. (Visitors introduced.) Mr. Clerk, do you have a motion on your desk? []

CLERK: Senator Nelson would move to adjourn the body until Friday morning, May 29, at...or Friday afternoon, May 29, at 1:30 p.m. []

PRESIDENT SHEEHY: You have heard the motion to adjourn until Friday afternoon, May 29, 2009, at 1:30 p.m. All those in favor say aye. Opposed, nay. We are adjourned. []