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# Common Cause Nebraska

NEWSLETTER / JULY 2007

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## ETHICS MATTERS

Term limits will affect the state legislature in many ways. One of the most important will be the loss of senators who have given years of services to the people of Nebraska.

Since 1970 common Cause has fought for good government. Openness, honesty and ethics are its principles.

We believed that senators who, through their actions—important legislation, accompanied by long hours of hard work, and their vote--had demonstrated their belief in those principles and should be recognized.

On June 29th, a Common Cause Nebraska dinner for 160 was held at Hillcrest Country Club in Lincoln to honor six senators. We were pleased that Pete Maysfield from the national office joined us. He spoke of the history of the organization and of projects now being advanced and sponsored nationwide.



160 people attended the June 29th Awards Dinner

### Tom Osborne, Keynote Speaker

Tom Osborne, when he agreed to be keynote speaker, said he would like to speak to the issue of campaign spending. We were delighted: limiting campaign spending has

always been primary issue for National and of special interest to Common Cause Nebraska.

As we know, Dr. Osborne refused to accept PAC money or contributions of over \$2,000 in his campaigns. Special interest groups, when he would not accept PAC money, thought that meant they could not talk to him. That was not the case, he said. Rather, they did not have to pay to get to talk to him.

He told of attending a workshop on campaigning for newly elected Republican Congressional Representatives that concerned only negative campaigning—how to tear down your opponent. He whispered to Nancy, “Can you believe this?” and resolved not to stoop to that level.

So then, he said, in the crucial weeks before the primary election for governor, he was left with few dollars. An anti-Osborne campaign by his well-oiled opponent flooded television.

Dr. Osborne was stating hard facts: unless there is a limit on spending, the big money—forget where it comes from—almost always wins.



Jack Gould congratulates Tom Osborne

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*The Salvation of the State is Watchfulness in the Citizen*

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## The Common Cause Nebraska 2007 Ethics in Government Awards

Carl Eskridge, Board Member and Treasurer, spoke of the accomplishments of each recipient. Jack Gould, Issues Chair, presented plaques to the honorees. Here, in brief, are Eskridge's remarks.

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### **Tom Osborne, 3rd Congressional District, 2001-2007**

Our first recipient came to politics as a second career. Before that he had a long and distinguished career working tirelessly, trying to outsmart the big boys...if you bleed red, you know the whole thing...The decision to go into politics came from the highest motives. He saw things that troubled him and sincerely thought he could do something to make a difference in Congress and then as governor...In victory and defeat, Tom Osborne was always consistent and, most of all, true to himself...

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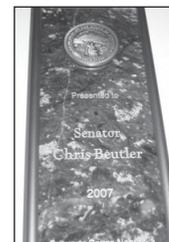
*Chris Beutler at event*

### **Mayor Chris Beutler (Lincoln), Legislative District 28, 1978-2006**

Senator Beutler was term-limited out of the legislature in 2006 and elected mayor of Lincoln in May of 2007. During his long tenure in the legislature, Senator Beutler was a champion of campaign finance reform, seeking to reduce the influence of "big money" and to increase the power of Nebraska citizens at the ballot box.

He served on the original CFLA Task Force created by Bill Avery, his successor in District 28, and Ruth Thone, former Nebraska first lady and national board member of Common Cause. In his final years as state senator, Senator Beutler strongly defended the Campaign Finance Limitation Act that eventually led to the removal of David Hergert from the Board of Regents.

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*Champion of Good Government Award*

### **Senator Don Preister (Bellevue), Legislative District No. 5, Beginning in 1992**

Senator Preister is dedicated to important principles of government accountability, public empowerment, and in promoting policies that prevent harm to the public as well as to the environment. He introduced the first legislation putting the Unicameral on-line, making government more accessible to the people. He has been a strong supporter of Open Meetings and Public Records laws...and has been an advocate for the Campaign Finance Limitation Act. Senator Preister has one year of service remaining until term-limits force him to the sidelines.

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### **Senator DiAnna Schimeck (Lincoln), Legislative District No. 27, Beginning in 1989**

Senator Schimeck is best known for her many years of service as Chair of the Government, military and Veteran's Affairs Committee, but throughout her 18 years of service, she has



*Senator Schimeck receives her award*

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worked tirelessly to ensure that that government is accessible, fair and transparent. She has been a strong supporter of the Campaign Finance and Limitation Act, working with Senator Beutler to pass LB188, which helped to strengthen the CFLA. In 2005 Senator Schimeck introduced legislation that was enacted granting voting rights to convicted felons who had served their terms. She has been instrumental in working for a redistricting process that is open, fair, and without bias.

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**Senator Nancy Thompson (Papillion), Legislative District No.13, appointed in 1997 to replace Senator Ron Withem.**

Senator Thompson was term-limited out of the legislature at the end of her term in 2006. She believed that the fundamental role of the Legislature is to develop sound public policy in state government, (and) that all should have a voice in developing this policy, particularly in those areas that had strong impacts on their lives. (She) sought to assist many groups which did not have the support of paid lobbyists, helping them to achieve their goals. Senator Thompson's service to the legislature was a reflection of her personal and professional passion to advance the cause of good government in Nebraska.

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**Senator Ed Schrock (Elm Creek) appointed in 1991 to represent the 39th Legislative District**

He replaced Bill Barrett, who was elected to Congress. Senator Schrock left office in 1993, as a result of redistricting, and was elected the following year to represent District 38.

He was term-limited out of the legislature at the end of the 2006 session. Senator Schrock sought to expand the opportunities for access to broadband internet services in rural areas. He played a pivotal role with rural senators during the impeachment hearings of Regent David Hergert.

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**Senator Ernie Chambers (Omaha) Legislative District No. 11, beginning in 1970.**

Senator Chambers 37 years of service in the Unicameral makes him the longest serving senator in the history of the legislature. He will be term-limited in 2008. To try to list Senator Chambers legislative accomplishments is an impossibility, so we will highlight the following: He introduced legislation to eliminate the Governor's Council Funds; introduced legislation to expand disclosure requirements of University officials, introduced legislation to require disclosure of gifts to government employees and their value. Senator Chambers is not here this evening...he has consistently refused to attend any functions of any groups, and after 37 years we were not going to change Senator Chambers, even though he will be term-limited in 2008. We express our joint appreciation for the many positive contributions of Senator Chambers in making government better and more responsive to all people.

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Common Cause Nebraska thanks all those who came to honor honesty and ethics in government as shown by these seven people. We were also pleased that so many members and non-members had the opportunity to meet with one another and learn more about our organization.

Addendum

It was a good party, and we all had a really good time, but...

For Jan Rogers, Nancy Comer, Charlotte Manton and Roger Holmes, it was a first attempt at anything this complex and we were novices. We bumbled our way through. After we sent invitations and made arrangements with Hillcrest, we waited. And waited. And it was a success! Thanks to all who participated!

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## **SAME OLE BULL, LESS PORK?**

### **Effects of Term Limits On Our Legislature**

Limiting the terms of state legislators has had some unpredicted results, according to a national study by researchers at the University of Iowa. "...Term limits have had considerably less effect on state legislatures than proponents predicted, ." they say.

*For example:*

- The demographics of the new senators remain essentially the same: attorneys, prosperous business people, retired citizens, and the like.
- The type of bills submitted for consideration essentially remains generally the same.

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## BULL

However, some outcomes were probably not intended by the voters of term limits:

- The governors in states with term limits have increased their power, as have the bureaucracies supporting state government.
- Attention to constituents and the needs of the districts they serve has decreased.



## PIG

- In states with bicameral systems, term-limited legislators ran for positions in opposite houses.



For more information on the national study, please read:

*The Effects of Term Limits on State Legislatures:*

*A New Survey of the 50 States*

*Authors:* Carey, John M.; Niemi, Richard G.; Powell, Lynda W.; Moncrief, Gary F

*Source:* Legislative Studies Quarterly, Volume 31, Number 1,

February 2006, pp. 105-134(30)

*Publisher:* Comparative Legislative Research Center, The University of Iowa

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**In our unicameral system**, our term-limited senators do not have the option of running for a position in the other house., but they can run again later. They may stay in the legislative loop by becoming lobbyists or work for a political party. Districts appear to be hiring former legislators to continue to provide pork to their area.

Five senators have chosen to become lobbyists or political activists during the first year of leaving elected office:

- Don Pederson has accepted a \$20,000 fee for representing a 12 million dollar project for the North Platte area involving Assurity Life. He states that this is a one-time lobbying role for this development.
- Doug Cunningham, a former grocer, and holder of a part-time job as Government Relations Director for Affiliated Foods, has also accepted the role of lobbyist for the firm.
- Dave Landis has accepted a one-time position as lobbyist for the Nebraska Medical Center.
- Matt Connealy has become the Executive Director of the Nebraska Democratic Party.
- Kermit Brashear has become a lobbyist for the Metro Student Achievement Steering Committee.

Both the national and Nebraska and national offices of Common Cause recommend that public officials wait two years until becoming lobbyists for the same body they used to represent.

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## What else has been impacted in the Nebraska Unicameral by the implementation of term limits?

### **Institutional Memory.**

Institutional Memory is the retention of memories of the day-to-day conversations and background concerning legislation that cannot be found in the official records. It could also be called "I remember the nuances, the body language and the intent of that discussion."

Sen. Bill Avery is concerned that by the time all senators are replaced, there will be no one but the bureaucrats and the lobbyists who remember the legislative history of the past few decades.

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A July 3, 2007 article in NewsNet Nebraska, Reille Creighton reports: *Sen. Avery is one of the incoming rookies newly elected to the state senate. As a retired political science professor from the University of Nebraska-Lincoln, Avery... considers term-limits to be just "bad business."*

Though he believes term limits can bring a fresh perspective to the legislature, he also says that the original term-limit is the election itself. Unlike from other two-chamber legislatures, the senators term-limited out here "won't have the option of running again in the other house," said Avery. One of his biggest concerns is the preservation of an "institutional memory," that knowledge of how things are done and the oral tradition.

In the same article, Senator Chambers believes that voting senators out of office serves the purpose of getting rid of bad officials:

Ernie Chambers, Nebraska's longest-serving state senator, got his day in court this month, this time to determine whether the 37-year veteran puts the word "former" before his title. Seven years after Nebraska voters passed a law prohibiting state senators from serving more than two consecutive four-year terms, Chambers is finishing what is likely to be his last term in office.

But as if on a cue taken from Chambers himself, his Omaha supporters are still fighting. They took their argument to the Nebraska State Supreme Court to challenge the constitutionality of the

term-limit initiative. The suit cites a violation of the right to equal protection and freedom of speech. But the court's decision, which will decide Chambers fate, is probably months away. \*(The NE Supreme Court recently upheld term limits.)

With his unconventional and outspoken legislative style, Chambers thinks that term-limits were designed specifically to push him out of office. He says that the people who spearheaded the initiative openly declared him their target, circulating petitions with the message "the only way to get Chambers out, is to vote term limits in."

Common Cause Nebraska will continue to study the effects of term limit amendment in our state.

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## **As The Old Movie Says, "Shane, Come Back!"** **Come Back from Omaha and Serve as State Treasurer Full Time!**

State Treasurer Shane Osborn wrote an article in the July 2, 2007 Lincoln Journal Star, which itemized the changes he has made in his department during his tenure in office. He has claimed to add vitality and efficiency to the State Treasurer's department.

Of course, this is the same former Lt. Shane Osborn who is remembered for landing his disabled spy plane in China in April, 2001 and who was held in captivity for eleven days.

There is no doubt that the hours Osborn spends as a state employee are benefitting Nebraskans. And, there is no doubt that Osborn is an energetic and active businessman as well, being a co-owner and stockholder in the SilverStone Group, a financial firm in Omaha. Osborn has been involved in the Aviation Risk Services Division of that company.

But the issue remains: should elected state officials who hold high public office also be actively involved in a second

job while in office? Jack Gould of Common Cause, among others, thinks the answer is no: "...that's not what the public expected."



Secretary of State John Gale, as quoted in the June 20, 2007 Omaha World Herald, said "he thinks people expect top constitutional officers—governor, lieutenant governor, auditor, secretary of state, attorney general and treasurer- to be full time, especially at their level of pay." And Senator DiAnna Schimek was quoted in the same article, saying "I find it an unusual arrangement."

Regardless of the hours spent at each position, perception is reality Mr. Osborn. And the reality is the citizens think you are a part-timer in Lincoln. Please make a decision—and quickly, to give the people of Nebraska your full attention during your term of office.

## WE'RE WATCHING...

### The Public Service Commission

Senator Bill Avery (District 28) introduced LB61 in the past legislative session. When reintroduced, this bill limits public board members and commissioners from taking campaign contributions from those they oversee. Currently, the Public Service Commission members accept campaign money from the utilities they oversee, including the telephone companies, broadband companies, etc.

Here is the list of contributions made to the Commissioners' election funds by the utilities they supervise, as reported by Jack Gould, CCNE Issues Chair:

<b>Cox Communications</b> \$6462.43	<b>AT&amp;T</b> \$3,500	<b>Fiberlink</b> \$1,000	<b>NE Telecommunications Assoc.</b> \$600
<b>Great Plains Communications</b> \$4,403.08	<b>Ne. State Transportation Pol. Ed.</b> \$10,000	<b>Union Pacific</b> \$2,000	<b>Steamfitters Labor Union</b> \$500
<b>Huntel</b> \$5,300	<b>Brotherhood of Locomotive Engineers</b> \$500	<b>Aquila</b> \$2,650	<b>Northern Gas</b> \$400
<b>NE Telecommunications business Users</b> \$3,250	<b>Burlington Northern</b> \$1,000	<b>MCI</b> \$1,500	<b>Quest PAC</b> \$300

*(18 month election cycle plus 18 months prior.)*

Senator Avery will reintroduce legislation to halt this campaign giving in the next session. Please support his efforts!

### NE Department of Labor Nepotism

Common Cause Nebraska supports the opinion of Governor Heinemann when he said that there should be no gray areas in government. He said that hiring the children of Labor Department officials for summer jobs should not continue. We agree that hiring in governmental offices should be an open and publicly advertised procedure and that those who hired their own children should be held accountable.

### The Open Meetings Bills *(On Hold For Now)*

Senator Priester's (District 5) bill, LB7, was a reaction to Senator Mick Mine's (District 18) bill asking citizens to submit a request to speak at a public meeting in writing one week before the meeting occurs. Sen. Mines wanted the public to notify a public body about the topic of the testimony before the meeting.

Sen. Preister disagreed. His bill stated: "No public body shall require members of the public to identify themselves as a

condition for admission to the meeting. Nor shall such body require that members of the public be placed on the agenda prior to such meeting in order to speak to the body regarding items on the agenda or any new business."

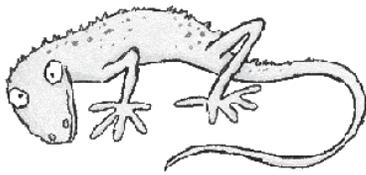
Although people who attend or conduct public meetings are sometimes bogged down in long-winded unannounced speakers from the audience, free and open conversation is essential in a democracy. And, public entities under current law can already set time limits on any public forum and on individual speakers! When hurdles to free discussion are placed in the way of the citizenry, open government suffers.

### Manual Recounts

Senator Russ Karpisek (District 34) had a good idea last session. In close elections, generally with a margin less than one percent, why not count the ballots manually. Currently, the ballots are run back through the same machines they used in the first place. With 12 other senators also sponsoring LB284, why didn't it get out of committee?

## Gerrymandering is Not Allowed...

Gerrymandering is the drawing of legislative boundaries to help an incumbent or a political party in future elections. The name came from an incident in Massachusetts in 1812, in which the Governor and former Founding Father, Elbridge Gerry, allowed the redrawing of boundaries to help the Democratic Party defeat the Federalists. The district looked like a salamander, which was then named a Gerrymander, after the governor.



The redistricting plan, LB402, introduced by Senator DiAnna Schimek, did not advance in the last legislative session. The plan would make congressional and other redistricting required after each national census a standardized and transparent procedure. The Nebraska Legislature would establish a Redistricting Committee which would include nine members of the Legislature; three from each Congressional district. This board then would appoint other members of the committee, with no more than five members being of the same political party. No gerrymandering, as in the 1990 redistricting plan that was eventually contested and redrawn, would be allowed.

The bill would insure that the guidelines for redistricting would be based solely on population and would not include the addresses of incumbent senators, the political affiliation of registered voters in a geographic area or any other specialized demographic information. Most of the lines would be drawn from existing county lines, townships, etc. and not individual ranches or neighborhoods.

Once the committee develops its plan, public hearings would be held. Maps and the rationale for changes in the previous districts would be presented to the public.

It is imperative that Nebraskans adopt an open redistricting plan before the next national census in 2010. Having the procedures and guidelines established, the Redistricting Committee would not be able to draw districts which would favor any political party or incumbent senator. Please support a good, solid redistricting plan!

## WE'RE GLAD...

### Public Office/Private Documents

The University of Nebraska-Lincoln's changes in hiring policies led Senator Ray Aguilar(District ) to sponsor LB 389. According to Jack Gould, CCNE Issues Chair, things have changed at the university over a decade:

In the past, all candidates invited to interview for public positions at UNL were identified. Then, UNL officials held a private meeting in Kansas and decided that only the final 6 candidates would be made public. Now, it is limited to naming only 4 finalists. The University supports this practice by noting that potential candidates should not have to inform their current employers that they are applying for other jobs; only finalists should. Gould states that apparently, "The University has a hard time with the fact that it is a public entity."

Senator Auiglar has redefined the term 'finalist' for a public office: "...Finalist is defined as any applicant for employment by a public body who is offered and accepts an interview by a person or group having authority to make the hiring decision for the public body. "

Opponents to the bill quoted the existing laws: "Records ...may be withheld from the public by the lawful custodian of the records...." Now, they cannot.

The bill passed, and we thank Senator Aguilar for this positive legislation.

### Campaign Finance Limitation Act

Should there be consequences for lying or misleading the public about their financing of a public campaign? LB464 tried and succeeded to address that issue. Senator Chambers introduced the bill, which states in part, "A person who makes a false statement under oath or equivalent affirmation, or swears or affirms the truth of such a statement previously made, when he or she does not believe the statement to be true, is guilty of a Class I misdemeanor. If the falsification a) occurs in an official proceeding, or b) is intended to mislead a public servant in performing his or her official function."

It is necessary to put teeth into ethical financing of campaigns of public officials. It is up to the state to regulate campaigns. Now is the time. Thank you, Senator Chambers.

# Common Cause Nebraska

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## THE NEWSLETTER OF **Common Cause Nebraska**

# Join Us!

We are looking for people to join Common Cause Nebraska who value ethics in government. Now in our 37th year, we will continue in our nonpartisan, nonprofit and completely volunteer way to work for good government – and the good life – in Nebraska and nationally.

Common Cause Nebraska  
7221 South Street, Suite 17  
Lincoln, NE 68506  
(402) 489-6902  
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*Questions, comments:*  
Jan Rogers, Editor

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