

JANUARY 4, 2001

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

January 4, 2001

SPEAKER KRISTENSEN PRESIDING

SPEAKER KRISTENSEN: Welcome to the George W. Norris Legislative Chamber. This morning, our chaplain for the day is Father Thomas Leitner from the Saint Benedict Center, which is in Senator Robak's district. Father.

FATHER LEITNER: (Prayer offered.)

SPEAKER KRISTENSEN: Thank you, Father. I call the second day of the Nebraska Unicameral Legislature to order. Senators, please record your presence. Roll call. Please record.

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

SPEAKER KRISTENSEN: Thank you, Mr. Clerk. Senator Hudkins, you're recognized for a motion for the adoption of the temporary rules.

SENATOR HUDKINS: Thank you, Mr. President. I move that the rules, as now in our possession, be adopted for today only, Thursday, January 4, 2001.

SPEAKER KRISTENSEN: You've heard the motion. Discussion? All those in favor of the adoption of the rules say aye. Those opposed say nay. They are adopted. Any corrections to the Journal, Mr. Clerk?

CLERK: I have no corrections, Mr. President.

SPEAKER KRISTENSEN: Any reports, messages or announcements?

CLERK: I do, Mr. President, thank you. Begin with an appointment or a resignation letter by former Secretary of State Scott Moore, submitting his resignation to the Governor. Subsequent to that resignation, an appointment letter from Governor Johanns of Mr. John Gale as Secretary of State. In addition, Mr. President, a series of appointment letters from the Governor to the Legislature regarding legislative confirmation: appointments to the State Emergency Response Commission; the Coordinating Commission for Postsecondary

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Education; the Dry Bean Commission; the Nebraska Healthcare Council; State Emergency Response Commission; the Nebraska Arts Council; the Commission for the Visually Impaired; the appointment to the Accountability and Disclosure Commission; to the Dry Bean Commission; to the Rural Health Advisory Commission; to the Child Abuse Prevention Fund Board; the Nebraska Ethanol Board; to the Climate Assessment and Response Committee; Crime Victims' Reparations Committee; the State Board of Parole; the Nebraska Arts Council; the Nebraska Environmental Trust Board; Director of the Finance and Support for HHSS; Board of Emergency Medical Services; the State Electrical Board; the State Personnel Board; the State Board of Health; the Board of Emergency Medical Services; the Board of Educational Lands and Funds; State Emergency Response Commission; the Rural Health Advisory Commission; and the Military director; and the Board of Emergency Medical Services; the Nebraska Investment Council; the Climate Assessment and Response Committee; the Ethanol Board; Board of Trustees of the Nebraska State Colleges; the Boiler Safety Advisory Board; the Public Employees Retirement Board; the Board of Emergency Medical Services; the Games and Parks Commission. Those will all be submitted to the Reference Committee for referral to Standing Committee for confirmation hearing, Mr. President.

A series of Attorney General Opinions: one to Senator Jensen; a second Opinion to Senator Hilgert; an Opinion to the Director...Commissioner of Labor; an Opinion to Senator Jim Jensen, as Chairman of Health; Senator Jones also an Opinion.

In addition, Mr. President, a series of reports received during the interim since the Legislature adjourned: a series of reports from the Department of Administrative Services; the Risk Management Claims Board; State Technology Plan, Biennium Progress Report of the Information Technology Commission; report from the Department of Agriculture; from the Nebraska Arts Council. A series of audits from the Auditor of Public Accounts. Those will be on file in the Clerk's Office, available for member review. Annual report of the Dairy Industry Development Board; the Department of Education; the State Energy Office; the Environmental Quality Department; Ethanol Board; Health and Human Services, a series of reports;

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the Highway Commission; the Insurance Department; the Investment Finance Authority, a series of bond issues; the Department of Labor; Law Enforcement and Criminal Justice Commission; our Legislative Fiscal Office; Legislative Program Evaluation Committee; the Liquor Control Commission; the Department of Motor Vehicles; Department of Natural Resources; the Nebraska's Children Health Insurance Program; GIS Steering Committee; Postsecondary Education...Coordinating Commission for Postsecondary Education; the Ombudsman's Office; the Public Service Commission; the Department of Revenue; a series of reports and minutes from the Department of Roads; State Patrol; a final report to the Teachers' Salary Task Force created by statute; University of Nebraska-Lincoln; and the Workers' Compensation report.

In addition, Mr. President, I received from the Governor a proclamation declaring January 5 as George W. Norris Day. That proclamation required to be issued by statute.

Mr. President, in addition to those items, you will find on your desks this morning the preliminary report of the Committee on Committees. It's offered by Senator Pedersen, as Chair of the Committee on Committees. Senator Preister has been selected as Vice Chair of the Committee on Committees. Senator Thompson has been selected as Vice Chair of the Rules Committee. Mr. President, there will be a meeting of the Revenue Committee in Executive Session at 10:30 in Room 2022 this morning; there will be a meeting of Health and Human Services at eleven o'clock this morning in Room 2022, those signed by their respective Chairpersons. And, Mr. President, a hearing notice from the Revenue Committee regarding a hearing pursuant to Section 77-3446 of the Nebraska Statutes; hearing scheduled for Thursday, January 11, upon adjournment. It's offered by Senator Wickersham, as Chair. That's all that I have at this time, Mr. President. (Legislative Journal pages 19-78.)

SPEAKER KRISTENSEN: Thank you, Mr. Clerk. (Doctor of the day introduced.) Members, before we move on further today, and we'll be doing bill introductions here and reading bills across, you'll find on your desk a memo from my office. This year is going to certainly be a busy year. We expect that with the

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added responsibility of redistricting that the last third of this session may well be spent doing redistricting and doing budget matters. With that in mind, I'm going to make some minor changes in how we take up priority bills. I would like to make sure that everybody knows what all the bills are when they're introduced before those priority bill selections are made. Thus, I'm not going to be accepting any priority bill designations until after the tenth day. At that point in time, I'll let you know the procedure on how we're going to deal with priority bills, how they're going to be scheduled, and I think that you'll find this will meet our needs better this year. Also, the tentative calendar that was released in November is now final. That should be on the web site, as well as being in your mail boxes. I've also included in the memo, on the back of it, a tentative schedule for you to follow for the next roughly ten to twelve days here on the floor. We'll meet tomorrow and next Monday at 10:00 a.m. Starting next Tuesday we'll start at 9:00 a.m. That's when the rules debate will begin. I would also bring to the attention of the committees that if you want to have committee hearings on the 16th, you need to get those hearing notices in. That is a January 9th deadline for that. We will start committee hearings on January 16th. The last day for bill introductions is January 17th. All this is in the memo. I know that you'll read it carefully and your staff will be well advised. Thank you very much. Members, we're going to deviate slightly from the agenda. We're going to move to a motion to appoint the Escort Committee. Again, I want to remind you that we're going to take bill introductions this morning. We're going to recess right around noon. I'd like you to come back about 1:30 and so we can be here, so we can start promptly at 1:45 for the Inaugural Ceremonies. So we will recess, but come back. I would appreciate if we could have as many members present for the Inaugural Ceremonies. We'll obviously have a lot of guests here today and a good showing by the Legislature would be appreciated. Senator Coordsen, you're recognized for a motion.

SENATOR COORDSEN: Thank you, Mr. Speaker. I move that a series of committees be appointed to escort the various state and constitutional officers for the purpose of administering their Oaths of Office.

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SPEAKER KRISTENSEN: Thank you, Senator Coordsen. You've heard the motion. Any discussion? Seeing none, those in favor of the motion for the appointment of the Escort Committees say aye. Those opposed say nay. They are appointed. We'll next move to bill introductions. Mr. Clerk.

CLERK: Mr. President, before that, if I might, the Rules Committee will have an Executive Session underneath the north balcony now; Rules Committee will be meeting, north balcony right now. Education Committee will have an Executive Session at 10:45; Education Committee, 10:45, underneath the north balcony. And Senator Bromm would like to have the Transportation Committee meet at 10:30 underneath the north balcony; 10:30 for Transportation.

SPEAKER KRISTENSEN: Mr. Clerk, you're recognized for the reading of bills.

ASSISTANT CLERK: Thank you, Mr. President, new bills. (Read LB 1-60 by title for the first time. Legislative Journal pages 79-89.)

CLERK: Mr. President, new bills. (Read LB 61-80 by title for the first time. Legislative Journal pages 89-92.)

Mr. President, I might indicate some announcements. Transportation Committee will have their Executive Session at 11:30 underneath the north balcony. Natural Resources will meet at 11:30 in Room 2022. Business and Labor will have an Executive Session at 11:15 underneath the north balcony.

Mr. President, new bills. (Read LB 81-106 by title for the first time. Legislative Journal pages 92-96.)

Mr. President, a reminder that Natural Resources will meet at 11:30, Transportation at 11:30, Business and Labor at 11:15, all those underneath the north balcony.

ASSISTANT CLERK: Mr. President, I have more new bills. (Read LB 107-140 by title for the first time. Legislative Journal

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pages 96-101.)

SPEAKER KRISTENSEN: Mr. Clerk, items for the record?

CLERK: Thank you, Mr. President. I have a series of Vice Chair announcements. Senator Wickersham announces Senator Coordsen has been selected as Vice Chair. Senator Connealy announces Senator Vrtiska has been selected Vice Chair of Business and Labor. Senator Jensen announces Senator Byars is Vice Chair of Health and Human Services. And Committee on Committees will meet at noon in Room 1510, Mr. President. That's all that I have. (Legislative Journal pages 101-102.)

SPEAKER KRISTENSEN: Thank you, Mr. Clerk. Members, I want to remind you that if you would, please, we're going to recess here, come back at 1:30. You'll see on the agenda that the Inaugural Ceremony starts at 1:45. We're going to try to read some bills across from 1:30 to 1:45. We won't take any bills being introduced at that time, but you can turn them into to the Clerk's Office if you have bills this afternoon. We just want to try to avoid as much confusion during the Inaugural Ceremonies as we can. Again, I'd ask for your assistance and be back here at 1:30. Senator Dierks, you're recognized for a motion to recess us until 1:30.

SENATOR DIERKS: Thank you, Mr. Speaker. Members of the Legislature, I move that we recess until 1:30.

SPEAKER KRISTENSEN: Thank you. You've heard the motion. All in favor say aye. Those opposed say nay. We are recessed.

RECESS

SPEAKER KRISTENSEN PRESIDING

SPEAKER KRISTENSEN: Good afternoon and welcome to the George W. Norris Legislative Chamber. Members, would you please check in.

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 LR 1, 2

Roll call. Please record.

ASSISTANT CLERK: There's a quorum present, Mr. President.

SPEAKER KRISTENSEN: Thank you, Mr. Clerk. Any messages or announcements? Mr. Clerk, reading new bills.

ASSISTANT CLERK: Mr. President, I have...I have new bills. (Read LB 141-168 by title for the first time. Legislative Journal pages 102-107.)

CLERK: (Read LB 169-223 by title for the first time.) In addition, Mr. President, I have two...two constitutional amendments: LR 1CA by Senator Stuhr, to propose an amendment to Article I, Section 27, of the Nebraska Constitution; and LR 2CA by Senator Quandahl, propose an amendment to Article I...Article III, Section 7, of the Constitution of the state of Nebraska. Mr. President. (Legislative Journal pages 107-118.)

SPEAKER KRISTENSEN: (Gavel) Members, would you please take your seats for the Inaugural Ceremonies. To our many friends and guests and honored guests of those being inaugurated, we welcome you to the Nebraska Legislature this afternoon. We're glad that you are here. We hope that you share in the joy of those people that are going to be inaugurated soon. Would the members of the Escort Committee for the Workers' Compensation Court judge please retire to the back of the Chamber to escort those members. Madam Sergeant at Arms.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting a member of the Workers' Compensation Court, J. Michael Fitzgerald.

SPEAKER KRISTENSEN: Would the Escort Committee for the Board of Regents please retire to the back of the Chamber. Madam Sergeant at Arms.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting University of Nebraska Regents, Randy Ferlic and Jay Matzke.

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SPEAKER KRISTENSEN: Would the Escort Committee for the Board of Education members please retire to the back of the Chamber. Madam Sergeant at Arms.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting State Board of Education members, Rachel Bone, Kim Peterson.

SPEAKER KRISTENSEN: Would the Escort Committee for the Public Service Commissioners please retire to the back of the Chamber. Madam Sergeant at Arms.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting Public Service Commission members, Lowell C. Johnson and Frank Landis.

SPEAKER KRISTENSEN: Would the Escort Committee for the Secretary of State please retire to the back of the Chamber. Madam Sergeant at Arms.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting the Secretary of State, John Gale.

SPEAKER KRISTENSEN: Would the Escort Committee for the Chief Justice of the Nebraska Supreme Court and the judges of the Supreme Court please retire to the back of the Chamber. Madam Sergeant at Arms.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting the Supreme Court Chief Justice, John Hendry, and two Supreme Court judges, Michael McCormack and Kenneth C. Stephan.

SPEAKER KRISTENSEN: You may be seated, please. We will now proceed to the swearing in portion of our proceedings today. I present to you the Chief Justice of the Nebraska Supreme Court, Justice John Hendry.

CHIEF JUSTICE HENDRY: Thank you, Mr. Speaker. Ladies and gentlemen of the Legislature, guests, at this time I would call up Mr. J. Michael Fitzgerald to be sworn in, member of the Worker's Compensation Court. (Oath of Office administered.)

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SPEAKER KRISTENSEN: Mr. Chief Justice, would you administer the oath to the Board of Regents.

CHIEF JUSTICE HENDRY: Thank you. Mr. Randy Ferlic, Mr. Chuck Hassebrook, Mr. Jay Matzke, come forward, please. (Oath of Office administered.)

SPEAKER KRISTENSEN: Mr. Chief Justice, would you administer the oath for the State Board of Education.

CHIEF JUSTICE HENDRY: All right. Would Rachel Bone and Kim Peterson come forward. (Oath of Office administered.)

SPEAKER KRISTENSEN: Mr. Chief Justice, would you administer the oath to the Public Service Commissioners.

CHIEF JUSTICE HENDRY: All right. Would Mr. Lowell Johnson and Mr. Frank Landis come forward, please. (Oath of Office administered.)

SPEAKER KRISTENSEN: Finally, Mr. Chief Justice, would you administer the oath to the Supreme Court judges present.

CHIEF JUSTICE HENDRY: All right. Would Judges Michael McCormack and Kenneth Stephan come forward, please. (Oath of Office administered.)

SPEAKER KRISTENSEN: Thank you, Mr. Chief Justice. On behalf of all Nebraskans, we congratulate each and every one of you on your service to the state of Nebraska, and we look forward to seeing you again in this Chamber. Thank you. Would the Escort Committee for the Chief Justice and the judges of the Supreme Court please come forward and escort the judges. For all of you who are here, now that we have the judges out of the Chamber...ah, no, there is a receiving line for everyone and you're all very welcome to that receiving line across the way in the Great Hall, and we would encourage you to do so. We did not inaugurate our Secretary of State. He's in office and he's going strong, but we would like to take the opportunity today to publicly recognize and congratulate our new Secretary of State John Gale. Welcome, Mr. Secretary. Would the Escort Committee

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for the Secretary of State please escort the Secretary of State. Would the Escort Committee for the Public Service Commissioners please escort them to the rear of the Chamber. Would the Escort Committee for the State Board of Education members please come forward and escort them to the rear of the Chamber. Would the Escort Committee for the Board of Regents please come forward and escort those members to the rear of the Chamber. Would our last Escort Committee please come forward and escort the Workers' Compensation Court judge to the rear of the Chamber. Thank you, everyone, for coming and being part of those Inaugural Ceremonies. Senator Aguilar, you're recognized for a motion to adjourn until tomorrow at 10:00 a.m.

SENATOR AGUILAR: Thank you, Mr. President. I move that we adjourn till tomorrow, 10:00 a.m.

SPEAKER KRISTENSEN: You've heard the motion. The question before the body is, shall we adjourn? All those in favor say aye. Those opposed say nay. We are adjourned.

Proofed by: S. Ryan