

JANUARY 19, 2005

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Transcriber's Office
FLOOR DEBATE

January 19, 2005 LB 80, 83

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Good morning. Welcome to the George W. Norris Legislative Chamber. Our acting chaplain this morning is Senator Jensen. Senator Jensen is from the 20th District. Senator Jensen.

SENATOR JENSEN: (Prayer offered.)

SENATOR CUDABACK: Thank you, Senator Jensen, for doing that for us. We appreciate it. Call the tenth day of the Ninety-Ninth Legislature, First Session, to order. Senators, please check in. Record please, Mr. Clerk.

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

SENATOR CUDABACK: Thank you, Mr. Clerk. Any corrections for the Journal?

CLERK: No corrections, Mr. President.

SENATOR CUDABACK: Any messages, reports, or announcements?

CLERK: Mr. President, a Reference report referring LB 481 through LB 546, as well as LR 15 and LR 22CA. Mr. President, I have a notice of hearing from the Judiciary Committee; from the Government, Military and Veterans Affairs Committee; and from the Health and Human Services Committee. Those were signed by their respective Chairs. Mr. President, Committee on Transportation, chaired by Senator Baker, reports LB 80 and LB 83 to General File; signed by Senator Baker. And that's all that I have at this time, Mr. President. (Legislative Journal pages 279-282.)

SENATOR CUDABACK: Okay. Thank you, Mr. Clerk. Speaker Brashear, you're recognized to speak.

SPEAKER BRASHEAR: Thank you, Mr. President, and thank you for your service. Members of the body, I'd like to share with you, if I could,...

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SENATOR CUDABACK: (Gavel)

SPEAKER BRASHEAR: ...if I could, thank you, and it isn't...it isn't that I think you all ought to stop when I'm...but I'm trying to communicate things that affect your lives. I'm trying to let you know what's going on so you can know and rely and relax. I would like to share with you, of course you know today is our final day. Gee, you've shown great restraint in terms of the amount of legislation. We're running behind the...running behind the historical average, so we should have more time for the bills we do have. Right? Tomorrow, we will convene at 11:00, and obviously there are no bills to introduce, and there will be nothing substantive on the agenda except that we will be noting, and this is an old Chair trying to share the information, we will be noting that notices for reporting things out, notices of hearings, those kinds of things need to be received and I would encourage all the Chairs to be communicating with the Clerk's Office so that we don't stay in session longer than we need to. Because, like other sophisticated legislative bodies all over the world, you know, we could be in and out sometimes fairly quickly if there's no reason to hold the record open. Friday we're going to simply...I've decided to cut our losses. We are dependent upon a resignation, a confirmation of Governor Johanns and a resignation from Governor Johanns in order to be able to swear in the Lieutenant Governor as the Governor on Friday, but we're going to publish the agenda as if that were going to occur on Friday and then see where we end up; that I think that's easiest for everybody. Then we aren't keeping the print shop extra or anything else. Obviously, if we don't have the resignation then we will convene at 10:00 Friday morning. There will be nothing else of substance on the agenda. We can adjourn as quickly thereafter as possible, or we will be dealing with the Governor and swear...Lieutenant Governor and swearing him in; one or the other. The agenda will be written as if we're going to do that on Friday. Monday, trying once again to follow my philosophy that we want to be good to ourselves, take care of you, we will convene at 11:00, because there's no reason not to at Monday. Now, all good things must come to an end, and Tuesday some form of reality will return and we'll begin with Revisor bills and other bills which I hope are then reported out. So I'm still

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considering the priority bill system; have multiple suggestions; hope we'll come up with a good idea; want to share that with the Chairs first and get their input, any wild scheme, and then share it with you. Thank you for your attention. That's all.

SENATOR CUDABACK: Thank you, Speaker Brashear, for the comments. We appreciate them. Mr. Clerk, there's a motion on the desk.

CLERK: Mr. President, I have a motion on the desk. Senator Chambers would move to withdraw LR 17CA.

SENATOR CUDABACK: Senator Chambers, to open on your motion to withdraw.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, the word "ominous" perhaps could come from the word "omen." I don't know whether it does or not, but both have to do with a future foreboding sense or a sense that something is looming and hanging over which can create anxiety. I'm withdrawing this proposed constitutional amendment because what it proposes to do can be done by way of statute. I have talked to the Chief Justice, to be certain that that is so, and because of that, I'm withdrawing this proposal. And if I will do this to my own, you know what I shall do to yours if I think it necessary. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the opening on the motion to withdraw. Open for discussion on that motion. Seeing no lights on, Senator Chambers, do you wish to close? He waives closing. The question before the body is motion to withdraw LR 17CA. Reminder, members, that it does a vote of the...majority vote of those voting. All in favor of the question vote aye; opposed, nay. Record please, Mr. Clerk.

CLERK: 27 ayes, 0 nays, Mr. President, on the motion to withdraw LR 17CA.

SENATOR CUDABACK: The motion was successful. Mr. Clerk, next motion.

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January 19, 2005 LB 203, 617-647

CLERK: Mr. President, Senator Thompson would move to withdraw LB 203.

SENATOR CUDABACK: Senator Thompson, you're recognized to open on your motion to withdraw. Senator Thompson. Senator Thompson, are you with us? I'm sorry. Yes, she is. You are recognized to open on your motion to withdraw LB 203.

SENATOR THOMPSON: Thank you, Mr. President. I request unanimous consent to withdraw this bill. It isn't in the shape it needs to be in to be considered by the Legislature, and I just ask the Legislature's support in withdrawing the bill. Thank you.

SENATOR CUDABACK: Thank you. You've heard the opening. Open for discussion. Seeing no lights on, do you wish to close, Senator Thompson? She waives closing. Again, it takes a majority of those voting. All in favor of the question vote aye; opposed, nay. The question before the body is the motion to withdraw LB 203. Record please, Mr. Clerk.

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to withdraw LB 203.

SENATOR CUDABACK: The motion was successful. LB 203 is withdrawn. Mr. Clerk, you may read the bills, new bills, if you care to.

CLERK: Mr. President, new bills. (Read LB 617-626 by title for the first time.) That's all that I have at this time, Mr. President. (Legislative Journal pages 282-284.)

SENATOR CUDABACK: Thank you, Mr. Clerk. We now stand at ease for further introduction of bills. (Visitors introduced.) Senator Combs would like to announce that the cookies being handed out, or brownies, are from Jack, Senator Bourne's son, in order to raise money. So thank you for the brownies. Read the titles of new bills, please.

CLERK: Mr. President, new bills. (Read LB 627-647 by title for the first time, Legislative Journal pages 284-287.)

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January 19, 2005 LB 648-746

SENATOR CUDABACK: We'll stand at ease for further bill introduction. Mr. Clerk, further bills to read into the record?

ASSISTANT CLERK: Thank you, Mr. President. (Read LB 648-666 by title for the first time, Legislative Journal pages 287-290.)

SENATOR CUDABACK: Thank you, Mr. Clerk. We'll stand at ease for further bill introduction. (Microphone malfunction)...record, please.

ASSISTANT CLERK: Mr. President, more new bills. (Read LB 667-685 by title for the first time, Legislative Journal pages 290-293.)

SENATOR CUDABACK: Thank you, Mr. Clerk. We'll stand at ease for further bill introduction. Mr. Clerk, further bills into the record?

ASSISTANT CLERK: Thank you, Mr. President. (Read LB 686-704 by title for the first time.) That's all I have at this time, Mr. President. (Legislative Journal pages 293-296.)

SENATOR CUDABACK: Thank you, Mr. Clerk. We'll stand at ease for further bill introduction.

ASSISTANT CLERK: Mr. President, an announcement: The Executive Board is preparing to meet as the Reference Committee in Room 2102 right now; that's Reference Committee right now in 2102.

SENATOR JANSSEN PRESIDING

SENATOR JANSSEN: Chair recognizes the Clerk for announcements.

CLERK: Mr. President, new bills. (Read LB 705-727 by title for the first time.) Mr. President, new bills. (Read LB 728-746 by title for the first time, Legislative Journal pages 296-303.)

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January 19, 2005 LB 7, 20, 28, 51, 59, 79, 88, 118, 119, 273
 384, 414, 454, 516, 572, 598, 656, 747-763
 LR 26
 27, 28

SENATOR CUDABACK: New bills for the record?

CLERK: Mr. President, new bills. (Read LB 747-763 by title for the first time.) Mr. President, I also have new resolutions: LR 26CA by Senator Beutler proposes an amendment to Article IV, Section 5, of the Nebraska Constitution; LR 27CA by Senator Langemeier, it will propose an amendment to Article III, Section 10; and LR 28CA by Senator Brashear proposes an amendment to Article VII, Section 14, to the Nebraska Constitution.

Mr. President, your Committee on Agriculture, chaired by Senator Kremer, reports LB 20, LB 51 to General File. Banking Committee reports LB 59, LB 88, LB 118, General File; and LB 119 to General File with amendments. Hearing notices from Retirement Systems, Revenue, Natural Resources Committees; those signed by their respective Chairs. Senator McDonald has been selected as Vice Chair of the Intergovernmental Cooperation Committee.

And I have a series of adds, Mr. President: Senator Connealy to LB 7; Senator Howard to LB 28; Senator Brown, LB 79; Senator Johnson, LB 273; Senator Engel to LB 273; Senator Cudaback to LB 384; Senator Cudaback to LB 414; Senator Connealy, LB 454; Senator Engel, LB 516; Senator Thompson, LB 572; Senator Kruse, LB 598; Senator Connealy, LB 656. And, Mr. President, I have a Reference report referring LB 547 through LR 25CA. That's all that I had, Mr. President. (Also, Senator Cudaback adds his name to LB 273, Legislative Journal pages 303-312.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Erdman, for a motion.

SENATOR ERDMAN: Thank you, Mr. President. I move that we adjourn until Thursday, January 20, at 11:00 a.m.

SENATOR CUDABACK: You've heard the motion to adjourn till Thursday, January 20, 11:00 a.m. All in favor say aye. All those opposed. We are adjourned.

Proofed by: J. Hurlbut