

JANUARY 6, 2005

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

January 6, 2005

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Good morning. Welcome to the George W. Norris Legislative Chamber. Our acting chaplain this morning is Senator Johnson. Senator Johnson.

SENATOR JOHNSON: (Prayer offered.)

SENATOR CUDABACK: Thank you, Senator Johnson, for doing that for us. We appreciate it. I call the second 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. Mr. Clerk, are there any messages, reports, or announcements?

CLERK: Mr. President, I do. I have messages, reports, and announcements. First of all, a series of appointment letters received since last April when the Legislature adjourned, the Ninety-Eighth Legislature, sine die. Appointments by the Governor to the Natural Resources Commission, to the political Accountability and Disclosure Commission, to the Information Technology Commission, to the Crime Victim's Reparations Committee, to the Board of Emergency Medical Services, to the Coordinating Commission for Postsecondary Education, Foster Care Review Board, State Board of Health, Child Abuse Prevention Fund Board, Boiler Safety Code Advisory Board, Foster Care Review Board, the Nebraska Ethanol Board, the Board of Emergency Medical Services, Rural Health Advisory Commission, the State Personnel Board, State Electrical Board, the Nebraska Investment Council, the Board of Emergency Medical Services, Child Abuse Prevention Fund Board, Board of Educational Lands and Funds, the Nebraska Arts Council, the Game and Parks Commission, Behavioral Health Administrator, the director of the Department of Aeronautics, Coordinating Commission for Postsecondary Education, the director of the Department of Health and Human Services Finance and Support, director of the Department of Health and Human Services Regulation and Licensure, the Nebraska Ethanol Board, Public Employees Retirement Board, the Motor

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Vehicle Industry Licensing Board, State Emergency Response Commission, the Nebraska Educational Telecommunications Commission, the Nebraska Transit and Rail Advisory Council, Nebraska Boiler Safety Code Advisory Board, State Emergency Response Commission, Board of Trustees of the Nebraska State Colleges, the Power Review Board, Game and Parks Commission, Commission of Industrial Relations, Environmental Quality Council, Board of Health, and the State Fair Board. All of those will be referred to standing committee for confirmation, Mr. President.

I have also received a series of Attorney General's Opinions: one to Senator Beutler...two to Senator Beutler, one to Senator Bourne. Those will be inserted in the Legislative Journal.

I have received, Mr. President, a series of reports from various state agencies, including the Department of Administrative Services, the Department of Agriculture, the Arts Council, the Attorney General, State Auditor, Correctional Services, Economic Development, Environmental Quality, the State Fire Marshal, Legislative Fiscal Office, the Foster Care Review Board, the Game and Parks Commission, the Government, Military and Veteran Affairs Committee, Health and Human Services System, Information Technology Commission, the Department of Insurance, the Investment Council, Investment Finance Authority, the Department of Justice, the Department of Labor, Legislative Research Division, the Liquor Control Commission, the Department of Natural Resources, the Department of Motor Vehicles, Parole Board, State Patrol, Postsecondary Education, the Power Review Board, Property Assessment and Taxation, the Public Service Commission, Legislative Research Division, Retirement Systems, and the Department of Revenue, Department of Roads, Secretary of State, the Nebraska Supreme Court, the University of Nebraska, and the Department of Labor Workforce Development. Those reports are on file in the Clerk's Office and available for member review, Mr. President.

Mr. President, I have received communications from the state of Louisiana regarding their passage of Senate Resolution 115.

I also have, Mr. President, received a report from the Committee

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on Committees, their preliminary report, signed by Senator Dwite Pedersen, as Chair of the committee. I might also announce, Mr. President, that the Committee on Committees has selected Senator Don Preister as the Vice Chair of that committee. And that's all that I have at this time, Mr. President. (Legislative Journal pages 19-66.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Next agenda item, adoption of temporary rules. Senator Erdman, for a motion.

SENATOR ERDMAN: Mr. President, I move that the rules, as now in our possession, be adopted for today only, Thursday, January 6, 2005.

SENATOR CUDABACK: You've heard the motion offered by Senator Erdman. All in favor of the motion say aye. Opposed to the motion say nay. The temporary rules are adopted. Mr. Clerk, do you have anything further? The next agenda item will be introduction of new bills, Senators. You know the routine. Please bring your bills forward. Mr. Clerk, would you care to read the titles of the bills as they're introduced?

CLERK: Mr. President, new bills. (Read LB 1-19 by title for the first time, Legislative Journal pages 66-69.)

SENATOR CUDABACK: Thank you, Mr. Clerk. We'll now stand at ease while the bills are introduced. Senators, please bring your bills forward. Mr. Clerk, please read the new bills into the register, please.

ASSISTANT CLERK: Mr. President, more new bills. (Read LB 20-31 by title for the first time, Legislative Journal pages 69-70.)

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

ASSISTANT CLERK: Thank you, Mr. President. I'd like to announce that the Banking Committee is going to meet in Room 2022 immediately; that's the Banking Committee, meet in Room 2022.

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SENATOR CUDABACK: Thank you, Mr. Clerk. Further bill introduction. Mr. Clerk, would you like to read new bills into the record, please?

ASSISTANT CLERK: Thank you, Mr. President. New bills. (Read LB 32-44 by title for the first time.) And that's all I have at this time, Mr. President. (Legislative Journal pages 70-72.)

SENATOR CUDABACK: Thank you, Mr. Clerk. We now stand at ease for further bill introduction. Mr. Clerk, further new bills to read into the record, please.

ASSISTANT CLERK: Thank you, Mr. President. (Read LB 45-72 by title for the first time.) And that's all I have at this time, Mr. President. (Legislative Journal pages 72-77.)

SENATOR CUDABACK: Thank you, Mr. Clerk. We will stand at ease for further bill introduction. Please bring your bills forward as you can, please. (Doctor of the Day introduced.) Mr. Clerk, further bill introduction.

ASSISTANT CLERK: Thank you, Mr. President. More new bills. (Read LB 73-93 by title for the first time.) And that's all I have at this time, Mr. President. (Legislative Journal pages 77-80.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Senators, if you have any bills ready to go, please bring them forward so the Clerk's Office can get them processed in a timely manner, and not be bunched up at the end. Thank you very much for your consideration. Please bring your new bills forward if you have them ready. Thank you. Mr. Clerk, further bills to be read into the record, please.

ASSISTANT CLERK: Thank you, Mr. President. (Read LB 94-107 by title for the first time.) And that's all I have at this time, Mr. President. (Legislative Journal pages 80-83.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Members, remind you that you have about 15 minutes to bring your new bills forward in order that we may process them in a timely manner. Thank

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you.

ASSISTANT CLERK: (Read LB 108-134 by title for the first time.) In addition to that, Mr. President, new resolutions: LR 1CA by Senator Schrock is a proposed constitutional amendment to permit the Legislature to annually appropriate not more than 20 percent of the principal of the perpetual school funds to benefit the common schools; LR 2CA by Senator Landis is a proposed constitutional amendment to authorize the use of revenue bonds to develop and lease property if used by nonprofit enterprises; LR 3CA by Senator Beutler, proposed constitutional amendment to provide a termination date for term limit provisions for members of the Legislature; LR 4CA by Senator Beutler is a proposed constitutional amendment to create the Ethics and Compensation Review Commission, to change and eliminate provisions related to compensation to members and employees of the Legislature, and to provide for the adoption of a legislative code of ethics; LR 5CA by Senator Beutler is a proposed constitutional amendment to provide for the recall of State Legislatures and to repeal term limits for State Legislatures; LR 6CA, offered by Senator Don Pederson, would designate and commemorate the city of North Platte as Nebraska's official celebration site for the end of World War II; LR 7 by Senator Schrock would recognize Andrew Kenneth Roberts on attaining the rank of Eagle Scout; LR 8CA by Senator Schrock and others is a proposed constitutional amendment to preserve the right to fish, trap, and hunt, subject to reasonable restrictions prescribed by law. (Legislative Journal pages 83-96.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Mr. Clerk,
announcements or motions?

CLERK: Mr. President, I do have a motion. Senator Stuhr would 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 this afternoon.

SENATOR CUDABACK: You've heard the motion offered by Senator Stuhr. All in favor of the motion say aye. Opposed to the motion say nay. The motion was successful.

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CLERK: Mr. President, Banking, Commerce and Insurance Committee has selected Senator Redfield to serve as Vice Chair of the committee. And I have a series of adds, Mr. President, name adds: Senator Wehrbein, to LB 28; Senator Foley, Senator Price, Senator Cornett, Senator Dwite Pedersen, Senator Kruse, Senator Synowiecki, add their names to LB 28. That's all that I have at this time, Mr. President. (Legislative Journal page 96.)

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Landis, would you like to recess us until 1:40?

SENATOR LANDIS: (Microphone malfunction)...until this afternoon.

SENATOR CUDABACK: One forty-five, if that's what you say.

SENATOR LANDIS: (Microphone malfunction)...exactly what I want to move.

SENATOR CUDABACK: Thank you, Senator Landis. You've heard the motion to recess till 1:45. All in favor say aye. Opposed, nay. We are recessed. Thank you.

RECESS

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Welcome to the George W. Norris Legislative Chamber. Senators, the afternoon session is about to reconvene with inaugural ceremonies. Please check in.

SPEAKER BRASHEAR PRESIDING

SPEAKER BRASHEAR: Mr. Clerk, please record.

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

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SPEAKER BRASHEAR: Mr. Clerk, do you have any messages, reports or announcements?

CLERK: Mr. President, I have neither messages, reports or announcements at this time.

SPEAKER BRASHEAR: Thank you, Mr. Clerk. It's the privilege of the Nebraska Legislature to be able to host and be present for these inaugural ceremonies this afternoon, and we especially want to say to the candidates, who have offered themselves, our gratitude on behalf of the people of the state of Nebraska and to the families and friends who have supported them, our appreciation and our pleasure that you are with them this afternoon. We will now have the Presentation of Colors from the Nebraska Army National Guard and the Nebraska Air National Guard. Please rise.

PRESENTATION OF COLORS

SPEAKER BRASHEAR: Please be seated. Would the Escort Committee, to escort the Board of Regents, retire to the back of the Chamber, please. Mr. Sergeant at Arms.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting the members of the Board of Regents.

SPEAKER BRASHEAR: Will the Escort Committee, to escort the State Board of Education, please retire to the back of the Chamber. Mr. Sergeant at Arms, please.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting the members of the Board of Education.

SPEAKER BRASHEAR: Would the Escort Committee, to escort the members of the Public Service Commission, please retire to the rear of the Chamber. Mr. Sergeant at Arms, please.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting the members of the Public Service Commission.

SPEAKER BRASHEAR: Would the Escort Committee please retire to

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the rear of the Chamber, as we stand, and escort the Chief Justice of the Nebraska Supreme Court into the Chamber. Mr. Sergeant at Arms.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting the Chief Justice of the Supreme Court, John Hendry.

CHIEF JUSTICE HENDRY: Please be seated. Good afternoon. Would the recently elected members of the State Board of Education please come forward. (Oath of office administered to the newly-elected members of the State Board of Education.) And would the elected members of the Public Service Commission please come forward. (Oath of office administered to the newly-elected members of the Public Service Commission.) Now, would the recently elected members of the Board of Regents please come forward. (Oath of office administered to the newly-elected members of the Board of Regents.)

SPEAKER BRASHEAR: Thank you, Mr. Chief Justice. Would the Escort Committee for Chief Justice Hendry please come forward and escort him to the rear of the Chamber. Would the Escort Committee for the members of the Public Service Commission please come forward. Would the Escort Committee for the members of the Board of Education please come forward. Would the Escort Committee for the Board of Regents please come forward.

Mr. Clerk, do you have any messages, reports or announcements?

CLERK: Mr. President, I have neither messages, reports or announcements at this time.

SPEAKER BRASHEAR: Thank you, Mr. Clerk. I recognize Senator Byars for a motion to adjourn us until tomorrow morning at 11:00 a.m. Senator Byars.

SENATOR BYARS: Thank you, Mr. Speaker. I would move that we adjourn until 11:00 a.m. tomorrow, Friday, January 7.

SPEAKER BRASHEAR: Thank you, Senator Byars. The question is the adoption of the motion to adjourn. All those in favor signify by saying aye. Those opposed, nay.