

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
November 20, 2009

[LB1 LB2 LB3 LB4 LB5 LR17 LR18 LR19 LR20 LR21 LR22 LR23 LR24 LR25 LR26
LR27 LR28 LR29 LR30 LR31]

SPEAKER FLOOD PRESIDING []

SPEAKER FLOOD: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twelfth day of the One Hundred First Legislature, First Special Session. Our chaplain for today is Senator Sullivan. Please rise. []

SENATOR SULLIVAN: (Prayer offered.) []

SPEAKER FLOOD: Thank you, Senator Sullivan. I call to order the twelfth day of the One Hundred First Legislature, First Special 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 any corrections for the Journal? []

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

SPEAKER FLOOD: Thank you. Are there any messages, reports, or announcements? []

CLERK: Mr. President, a series of reports received in the Clerk's Office from various state agencies available for member review. That's all that I have. (Legislative Journal page 137.) []

SPEAKER FLOOD: Thank you, Mr. Clerk. Members, please find your seats in preparation for Final Reading. Again, members please find your seats in preparation for Final Reading. Members, please find your seats, as we will begin Final Reading. Mr. Clerk, the first bill on the agenda is LB3E. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB3]

CLERK: 43 ayes, 0 nays, Mr. President, to dispense with the at-large reading. [LB3]

SPEAKER FLOOD: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB3]

CLERK: (Read title of LB3.) [LB3]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB3 pass with the emergency clause attached? All those in

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favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. [LB3]

CLERK: (Record vote read, Legislative Journal pages 138-139.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB3]

SPEAKER FLOOD: LB3 passes with the emergency clause attached. Mr. Clerk, LB2E. [LB3 LB2]

CLERK: (Read LB2 on Final Reading.) [LB2]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB2 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB2]

CLERK: (Record vote read, Legislative Journal pages 139-140.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB2]

SPEAKER FLOOD: LB2 passes with the emergency clause attached. Mr. Clerk, we now proceed to LB1. The first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB2 LB1]

CLERK: 46 ayes, 0 nays, Mr. President, to dispense with the at-large reading. [LB1]

SPEAKER FLOOD: The at-large reading is dispensed with. Please read the title. [LB1]

CLERK: (Read title of LB1.) [LB1]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB1 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1]

CLERK: (Record vote read, Legislative Journal pages 140-141.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB1]

SPEAKER FLOOD: LB1 passes with the emergency clause attached. Mr. Clerk, we now move on to LB5E, where the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1 LB5]

CLERK: 44 ayes, 0 nays, Mr. President, to dispense with the at-large reading. [LB5]

SPEAKER FLOOD: The at-large reading is dispensed with. Please read the title. [LB5]

CLERK: (Read title of LB5.) [LB5]

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SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB5 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB5]

CLERK: (Record vote read, Legislative Journal pages 141-142.) 40 ayes, 7 nays, 2 excused and not voting, Mr. President. [LB5]

SPEAKER FLOOD: LB5 passes with the emergency clause attached. Mr. Clerk, LB4. [LB5 LB4]

CLERK: (Read LB4 on Final Reading.) [LB4]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB4 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB4]

CLERK: (Record vote read, Legislative Journal pages 142-143.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB4]

SPEAKER FLOOD: LB4E passes with the emergency clause attached. While the Legislature is in session and capable of transacting business, I propose and do hereby sign LB3, LB2, LB1, LB5, and LB4. We now move from Final Reading to Legislative Resolutions. Feel free to move about the Chamber as we move to LR17. [LB4 LB3 LB2 LB1 LB5 LR17]

CLERK: Mr. President, LR17, introduced by Senator Howard and other members. It congratulates the Nebraska Mission of Mercy for its efforts in serving 6,000 dental patients in Nebraska. [LR17]

SPEAKER FLOOD: Senator Howard, you are recognized to open on LR17. [LR17]

SENATOR HOWARD: Thank you, Mr. President, and good morning, members of the body. LR17 recognizes the great work being done by the Nebraska Mission of Mercy. During the past five years, dentists, hygienists, lab techs, dental staff, and volunteers have donated their time and expertise to provide millions of dollars of free dental care to low-income Nebraskans. Since the project began, Mission of Mercy has made much needed dental care available for over 6,000 patients. I ask for your support to commend these professionals who have done so much to support the underserved in our state. [LR17]

SPEAKER FLOOD: Thank you, Senator Howard. Members, you've heard the opening on LR17. There are no other members wishing to speak. As the agenda indicates, we

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will vote on all of the resolutions at one time. We now proceed to LR18, Senator Council. Mr. Clerk. [LR17 LR18]

CLERK: Mr. President, Senators Council and Cook offer LR18. It extends the Legislature's sympathy to the family of Wilda Chue Stevenson. [LR18]

SPEAKER FLOOD: In Senator Council's absence, Senator Cook, you are recognized to open on LR18. [LR18]

SENATOR COOK: Thank you, Mr. President and members of the body. I'm very pleased and proud to offer this resolution on behalf of Wilda Chue Stevenson. She was a very well-known civil rights and community leader in Omaha and did a lot of work in our part of town, north Omaha. Helped many, many students at the university and within the public school system. Thank you. [LR18]

SPEAKER FLOOD: Thank you, Senator Cook. Mr. Clerk, LR19. [LR18 LR19]

CLERK: Mr. President, LR19, introduced by Senator White, congratulates Jacob David Campbell for earning the rank of Eagle Scout. [LR19]

SPEAKER FLOOD: Senator White, you are recognized to open on LR19. [LR19]

SENATOR WHITE: Thank you, Mr. Speaker. Jacob David Campbell's father, his grandfather, two of his aunts, all served as police officers with distinction in the Omaha police force, so it's no surprise that he has excelled at the Boy Scouts. In tenth grade, he has achieved the rank of Eagle Scout. His Eagle Scout project was the beautification of his school, Morton Middle School. I've known Jake since he was a very small boy, actually even before he was born, I guess. He's a fine man. He's a credit to the Boy Scouts and he's a credit to the city of Omaha. I'd like to congratulate him and his family most heartily. [LR19]

SPEAKER FLOOD: Thank you, Senator White. Mr. Clerk, LR20. [LR19 LR20]

CLERK: LR20, offered by Senator Langemeier, congratulates the Aquinas High School volleyball team for winning the Class C-2 State Championship. [LR20]

SPEAKER FLOOD: Senator Langemeier, you're recognized to open on LR20. [LR20]

SENATOR LANGEMEIER: Mr. President, members of the body, I'd like to offer the resolution to congratulate the David City Aquinas Lady Monarchs for their volleyball championship for 2009, being Class C-2 State Volleyball champs, and their fine effort as a team and progressing throughout the year. With that, I would like to say congratulations. [LR20]

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SPEAKER FLOOD: Thank you, Senator Langemeier. Mr. Clerk, LR21. [LR20 LR21]

CLERK: LR21, Mr. President, by Senator Gay, congratulates Daniel J. Gross Catholic High School volleyball team for winning the 2009 Class B State Championship. [LR21]

SPEAKER FLOOD: Senator Gay, you're recognized to open on LR21. [LR21]

SENATOR GAY: Thank you, Mr. President. To congratulate Daniel J. Gross in a remarkable five-set match, and they won 15-13 in the fifth set. But anyway, I take pleasure on behalf of myself, Senator Mello, and Senator Cornett. We all have interest in Gross in our districts. But anyway I just want to say I did this, this year, and I'm looking forward to doing this again next year because they're all juniors and I think they will repeat next year. Thank you, Mr. President. [LR21]

SPEAKER FLOOD: Thank you, Senator Gay. (Visitor introduced.) Proceeding with the resolutions this morning, LR22, Mr. Clerk. [LR21 LR22]

CLERK: Mr. President, LR22, by Senator Stuthman, congratulates Columbus Scotus Central Catholic High School for their volleyball championship in Class C-1. [LR22]

SPEAKER FLOOD: Senator Stuthman, you're recognized to open on LR22. [LR22]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. I would like to congratulate the Columbus Scotus Central Catholic High School girls' volleyball team for their exemplary efforts this season and for them winning the 2009 Class C-1 State Volleyball Championship. They have received this numerous times, and from the 22nd Legislative District and LR22, I would like to congratulate them. [LR22]

SPEAKER FLOOD: Thank you, Senator Stuthman. LR23, Mr. Clerk. [LR22 LR23]

CLERK: Mr. President, LR23, offered by Senator Sullivan, congratulates the Greeley-Wolbach volleyball team for winning the Class D-2 State Championship. [LR23]

SPEAKER FLOOD: Senator Sullivan, you're recognized to open on LR23. [LR23]

SENATOR SULLIVAN: Thank you, Mr. President and members of the body. I, yes, very much rise in congratulations to the Greeley-Wolbach Titans for their championship win in volleyball in Class D-2. I should also note that at the same time that they were playing their first round for the championship title, the Greeley-Wolbach football team was playing in Kearney for the first round. Unfortunately, they didn't make it, but I suspect that nary a light was on in Greeley or Wolbach during that evening because there was great support from both communities. Also this is an example of two communities, two

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school districts that chose to consolidate and are continuing to make it work in terms of providing quality education and athletic opportunities to the youth out in rural Nebraska. Also I should note that the superintendent for Greeley-Wolbach also serves as the superintendent for Clay Center, and Greeley-Wolbach played Clay Center in that final round of the championship, so some little interesting twists and turns out there in rural Nebraska. But again I'm very pleased to congratulate the girls for a hard-fought win in the championship volleyball. Thank you. [LR23]

SPEAKER FLOOD: Thank you, Senator Sullivan. Mr. Clerk, we now proceed to LR24. [LR23 LR24]

CLERK: LR24, introduced by Senator Pahls, congratulates the Nebraska Department of Economic Development. [LR24]

SPEAKER FLOOD: Senator Pahls, you're recognized to open on LR24. [LR24]

SENATOR PAHLS: Thank you, Mr. President and members of the body. LR24 lists a variety of economic achievements and advantages Nebraska has over other states. To me, this resolution is proof that Nebraska is the good life and we need to continue to sell what we have to offer. The achievements listed in this resolution are based on studies that were done by a number of groups that compares state economies on a variety of scales, and we do quite well. In fact, if you read the resolution, there are over ten pages of our rankings. And like I say, we do quite well. Just to give a brief idea of what some of these are: business and commerce, business costs, ag production, energy development, energy prices, ethanol production, economic indicators, such as debt, unemployment rates, home ownership, and other rankings such as quality of life, education, roads, insurance premium, housing costs, cost of living, business expansion. And the list goes on. In addition to that, they also need to celebrate that some cities that receive some very interesting rankings, such as Omaha, Lincoln, Papillion, Fremont, Norfolk, and Columbus. To me, this is an indication of the direction Nebraska is going. Although we are having some troubling times now, we do need to continue to celebrate our life. Thank you. [LR24]

SPEAKER FLOOD: Thank you, Senator Pahls. Mr. Clerk, LR25. [LR24 LR25]

CLERK: LR25, offered by Senator Dubas, congratulates Logan Simonson for earning the rank of Eagle Scout. [LR25]

SPEAKER FLOOD: Senator Dubas, you're recognized to open on LR25. [LR25]

SENATOR DUBAS: Thank you very much, Mr. Speaker, members of the body. As you'll notice, I have a listing of six young men who have achieved this rank of Eagle Scout. And for any community, especially in rural Nebraska, to have a young man achieve this

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rank, it's a big deal. But these six young men all come from the same community. They all live in Palmer, and Palmer is a very small community in my district. It's a very proud community. It's a very vital community; families being involved with their children and the school and the extra curricular activities. And I think the fact that we have six young men from a community as small as the town of Palmer speaks volumes for what rural Nebraska has to offer to its young people and the quality of citizens that we produce in rural Nebraska. All six of these young men are going to go on and do great, great things. It's my hope we can get them to do great, great things within the district, within their communities, within their counties, because we need these kinds of people to come back; not only to come back and to stay in Nebraska, but to come back and stay in our rural communities. I am so proud of these young men and their accomplishments and their families' involvement. And this achieving the rank of Eagle Scout is probably a little bit of a bitter sweet moment for these young men. One of their Scout leaders who has been instrumental in helping these young men, and many young men over the course of years, work their way through the scouting ranks, passed away this summer unexpectedly--a gentleman, friend of my family's, a personal friend. And so I think for them to achieve this rank in honor of Bud Santin, his brother Tom Santin is very involved also, speaks to that quality of life that we have in our small communities, and how it, to coin a phrase, how it does take a village to raise a child. And the community of Palmer has so much to be proud of. These young men were recognized in their community several weeks ago with a community open house. And again, it's just...I could stand here probably all day and list all the accomplishments that these gentlemen have done in order to achieve this rank. So I'm so proud to represent them, to represent their families, and to represent the citizens of Palmer and District 34. [LR25 LR26 LR27 LR28 LR29 LR30]

SPEAKER FLOOD: Thank you, Senator Dubas. Senator Dubas, it is my understanding that the opening that you just gave would also be considered the opening for LR25, LR26, LR27, LR28, LR29, and LR30. Is that correct? [LR25 LR26 LR27 LR28 LR29 LR30]

SENATOR DUBAS: That is correct. But if I may, just quickly, I didn't mention these young men's names for the record, so I would like to publicly state their names. I would like to congratulate Logan Simonson, Riley Santin, Nathan Doggett, Jack Wardyn, Michael McClellan, and Michael Happ for achieving the rank of Eagle Scout. [LR25 LR26 LR27 LR28 LR29 LR30]

SPEAKER FLOOD: Thank you, Senator Dubas. The record will reflect that that is your opening for all of those Legislative Resolutions previously identified. Mr. Clerk, LR31. [LR25 LR26 LR27 LR28 LR29 LR30 LR31]

CLERK: Mr. President, the next resolution I have is by Senator Karpisek. Senator Karpisek would offer LR31 congratulating the Exeter-Milligan volleyball team. [LR31]

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SPEAKER FLOOD: Senator Karpisek, you are recognized to open on LR31. [LR31]

SENATOR KARPISEK: Thank you, Mr. President and members of the volleyball...volleyball--I'm talking about volleyball (laughter)...of the Legislature. Exeter-Milligan Timberwolves won their first ever State Volleyball D-1 Championship for the school. The Timberwolves were determined to stay focused and, demonstrating patience on the court, Exeter-Milligan volleyball team made history, because neither school, opponent Howells nor Exeter-Milligan, had ever been to the finals--for a long time, anyway. The Timberwolves took down Howells in three sets for the championship trophy, and it was their first state volleyball title. Congratulations to the Timberwolves. Thank you, Mr. President. [LR31]

SPEAKER FLOOD: Thank you, Senator Karpisek. Members, you've heard the openings on all of our Legislative Resolutions scheduled on the agenda today. There are no lights on. We now proceed to a vote. The question before the body is, shall LR17, LR18, LR19, LR20, LR21, LR22, LR23, LR24, LR25, LR26, LR27, LR28, LR29, LR30, and LR31 be adopted? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LR17 LR18 LR19 LR20 LR21 LR22 LR23 LR24 LR25 LR26 LR27 LR28 LR29 LR30 LR31]

CLERK: 44 ayes, 0 nays, Mr. President, on the adoption of the resolutions. [LR17 LR18 LR19 LR20 LR21 LR22 LR23 LR24 LR25 LR26 LR27 LR28 LR29 LR30 LR31]

SPEAKER FLOOD: The resolutions are adopted. While the Legislature is in session and capable of transacting business I propose to sign and do hereby sign LR17, LR18, LR19, LR20, LR21, LR22, LR23, LR24, LR25, LR26, LR27, LR28, LR29, LR30, and LR31. Mr. Clerk, items for the record? [LR17 LR18 LR19 LR20 LR21 LR22 LR23 LR24 LR25 LR26 LR27 LR28 LR29 LR30 LR31]

CLERK: Mr. President, the bills read on Final Reading this morning were presented to the Governor at 8:32 a.m. (re LB3e, LB2e, LB1e, LB5e, LB4e); and I have an explanation of vote from Senator Mello regarding the votes on Final Reading today (re LB1, LB2, LB3, LB4 and LB5). (Legislative Journal page 144.) [LB1 LB2 LB3 LB4 LB5]

And I have a priority motion, Mr. President. Senator Gloor would move to recess the body until 2 p.m. []

SPEAKER FLOOD: Thank you, Mr. Clerk. Members, you've heard the motion. All those in favor say aye. Those opposed say nay. We are in recess in until 2 p.m. this afternoon. (Gavel) []

RECESS []

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SENATOR LANGEMEIER PRESIDING

SENATOR LANGEMEIER: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please return to the Chamber and record your presence. Mr. Clerk, please record.

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

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Items or messages for the record?

CLERK: Mr. President, a message from the Governor. (Read re LB1, LB2, LB3, LB4, and LB5.) And, Mr. President, the only other item I have is an announcement: The Executive Board will meet upon adjournment in Room 1525, 1525 upon adjournment, the Executive Board. That's all that I have, Mr. President. (Legislative Journal pages 144-145.) [LB1 LB2 LB3 LB4 LB5]

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Speaker Flood, you're recognized for an announcement.

SPEAKER FLOOD: Thank you, Mr. President. Good afternoon, members. I'd just like to thank all of you for how hard everybody worked, especially your staff, the Clerk's staff. I want to use this opportunity to talk about the Fiscal Office. There's a gentleman who works down there by the name of Mr. Tom Bergquist who, a couple of weeks ago, had a little procedure done on his heart that would have laid most folks up four to six weeks. He was on medical leave and he came in to do his job to help us put together our budget. That embodies the very spirit of those that work for us everyday, that dedication to the cause. And as luck would have it, his boss, Mike Calvert comes down with the flu and he's out for a couple of days but back sooner than he should have been. These two gentlemen and the entire Fiscal Office and the entire Appropriations Committee worked as hard as anybody in this state to put together a proposal that I think, as you can see from the votes, was very well respected by this body. And I think we all owe them a debt of gratitude beginning with the committee's chairman and every member and all of the staff. (Applause) With that, we wish everybody a good Thanksgiving. Thank you for hard work. Thank you, Mr. President.

SENATOR LANGEMEIER: Thank you, Speaker Flood. Mr. Clerk for an announcement.

CLERK: Mr. President, the Executive Board meeting will be in Room 2102, 2102 as opposed to the earlier announcement, Room 2102, Exec Board. That's all that I have.

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Senator Pahls, you are recognized for

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a motion.

SENATOR PAHLS: Thank you, Mr. President. I move that the Journal for the twelfth day, as prepared by the Clerk of the Legislature, be approved. Thank you.

SENATOR LANGEMEIER: Thank you. You have heard the motion to approve the Journal for the twelfth day. All those in favor say aye. All those opposed say nay. It stands approved. Mr. Clerk. Senator Price, you're recognized for a motion.

SENATOR PRICE: Mr. President, I move that the One Hundred First Legislature, First Special Session of the Nebraska Legislature having finished all business before it now at 2:08 adjourn sine die.

SENATOR LANGEMEIER: You have heard the motion to adjourn sine die. All those in favor say aye. All those opposed say nay. We are adjourned.