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Floor Debate
January 20, 2011

[LB1 LB2 LB3 LB4 LB5 LB6 LB7 LB8 LB9 LB10 LB11 LB284 LB305 LB416 LB435
LB471 LB488 LB489 LB494 LB522 LB540 LB558 LB578 LB599 LB683 LR14 LR39]

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eleventh day of the One Hundred Second Legislature, First Session. Our chaplain for today is Pastor Stephen Floyd from the Church of the Nazarene in Falls City, Nebraska, Senator Heidemann's district. Would you all please rise.

PASTOR FLOYD: (Prayer offered.)

PRESIDENT SHEEHY: Thank you, Pastor Floyd. I now call to order the eleventh day of the One Hundred Second Legislature, First Session. Senators, please record your presence. Please record, Mr. Clerk.

ASSISTANT CLERK: There is a quorum present, Mr. President.

PRESIDENT SHEEHY: Are there corrections for the Journal?

ASSISTANT CLERK: I have no corrections this morning.

PRESIDENT SHEEHY: Messages, reports, or announcements? (Gavel)

ASSISTANT CLERK: Mr. President, I have a Reference report for LB475 through LB543 plus LR39. I have a notice of committee hearing from Health and Human Services, and a report from the Executive Board pertaining to the appointments to the Legislature's Planning Committee. That's all I have, Mr. President. (Legislative Journal pages 305-307.)

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Gloor, you're recognized for a motion.

SENATOR GLOOR: Good morning, Mr. President, members. I move that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of delivering the State of the Judiciary Address.

PRESIDENT SHEEHY: Thank you, Senator Gloor. You have heard the motion. All those in favor say aye. Opposed, nay. The motion is adopted. I would appoint the following committee: Senator Conrad, Senator Council, Senator Wightman, Senator Ashford, and Senator Nelson. Would the Escort Committee retire to the back of the Legislative Chamber to escort the Chief Justice. The Chair recognizes the Sergeant at

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

Floor Debate
January 20, 2011

Arms. (Gavel)

SERGEANT AT ARMS: Mr. President, your committee now escorting Nebraska Supreme Court Chief Justice Mike Heavican and members of the Supreme Court.

PRESIDENT SHEEHY: (Gavel) Ladies and gentlemen, members of the Nebraska Legislature, Chief Justice Mike Heavican.

CHIEF JUSTICE HEAVICAN: Thank you, thank you. You may be seated. Mr. President, Mr. Speaker, members of the Legislature, and fellow Justices of the Nebraska Supreme Court, I would like to thank the members of this body, and specifically thank the Speaker for inviting me to address you again this year. It is always a great honor for me to report on the court's past year and discuss the court's future. But first let me introduce the other members of the Nebraska Supreme Court. To my immediate left is Justice William Connolly of Hastings. To his left is Justice Kenneth Stephan of Lincoln. To his left is Justice Lindsey Miller-Lerman of Omaha. To my immediate right is Justice John Gerrard of Norfolk. And to his right is Justice Michael McCormack also of Omaha. Justice John Wright of Scottsbluff cannot be with us today. This morning I will talk to you about how the courts serve both the elderly and the young in our state. I will also talk about our technology initiatives, long-range strategic planning, and the court's resources and budget. The courts have a constitutional mandate to provide access to justice for all of Nebraska's citizens. Access to justice for our elderly and our abused and neglected children is of special concern. For example, the elderly may become wards of our county courts when they cannot make basic decisions about health or finances. Typically a county court judge appoints a guardian or conservator in such situations. We have a duty to those who need these protections to not let the very court processes designed to protect them from becoming an opportunity for embezzlement or other abuse. Unfortunate examples of such abuse surfaced this past year. The courts, the legal community, and the Legislature have responded. In conjunction with the Nebraska State Bar Association and this body's Judiciary Committee, led by its Chair, Senator Ashford, I asked Senators Wightman, Nelson, Council, and Coash to serve on a Joint Review Committee on the Status of Adult Guardianships and Conservatorships in the Nebraska Court System. The committee also included attorneys, court staff, law enforcement, an accountant, and judges. This hardworking committee issued its final recommendations on October 1, 2010. The suggested legislative and procedural changes for the court system to increase protection for court wards are embodied in LB157, introduced by Senator Coash. The committee was especially mindful of the current status of the state's budget. Most of its recommendations will improve the guardianship/conservatorship system at very little or no cost to the state. Those recommendations include, among others: mandating background checks for guardians and conservators; mandating bonds for conservators when wards' assets are greater than \$10,000; allowing interested third parties and concerned individuals to request more oversight when physical or mental health is in jeopardy; and requiring the State

Floor Debate
January 20, 2011

Court Administrator to create and maintain a central database of guardians and conservators. I look forward to working with this body, the Nebraska State Bar Association, and other interested groups and individuals to make Nebraska's guardianship/conservatorship system work better for Nebraska's elderly citizens. I see no reason why Nebraska's system should not be a model for other states to follow. I also look forward to working with many of those same partners on three projects affecting children in the courts. Like the elderly, many abused, neglected, and delinquent children find themselves involved in the court system under circumstances in which they cannot protect themselves. The court's Office of Probation Administration continues to develop and build on innovative programs protecting Nebraska's youth while enhancing public safety. I spoke to you last year about one of those programs, the Nebraska Juvenile Service Delivery Project, which began as a pilot in January of 2009 in Omaha. The project is a collaborative effort with the Department of Health and Human Services and is designed to safely supervise court-adjudicated delinquent children in their homes rather than in in-patient treatment facilities. As I said to you last year, the goal is for children to receive rehabilitative services without being made wards of the state. Prior to this project, in order to access such services it had been a common practice for these children to be made state wards, supervised by the Department of Health and Human Services, while simultaneously being supervised by Probation staff. This was a costly, confusing, and redundant practice. Last year approximately 450 young people were placed in the project. As a result, we have been able to reduce by 70 percent the number of juveniles being simultaneously supervised by both the department and Probation. The project is being evaluated, but we believe it is saving significant amounts of money and producing better results. I want to thank the Department of Health and Human Services for its continuing support and invite the department to prudently expand the program to other areas of our state. The court's Office of Probation Administration is also focusing on truancy intervention programs in order to reduce the number of children entering the juvenile court system due to habitual truancy. Keeping truant children out of the court system and in schools is a vital goal in the collaboration between probation, the courts, schools, and communities. Likewise, our juvenile and county court judges have been leaders in their communities in efforts to reduce truancy. Judges around the state have been catalysts for initiating and implementing new and innovative truancy reduction programs. Judges are visible in the schools where they serve as mentors and facilitators in model programs. Although the burden on juvenile courts has been felt most keenly in Douglas County, it likely will be felt proportionately by all of our juvenile courts and county courts as truancy projects are reexamined throughout the state. Without an increase in judicial resources, judges in the Douglas County Juvenile Court responded promptly and effectively to a large increase in truancy filings made last year. In the current year and in future years it is possible that thousands of new truancy cases will be filed in the Douglas County Juvenile Court. I commend the juvenile court judges, in particular Judge Crnkovich, for their work on truancy issues. I also commend all of the parties in Douglas County who are working on those same truancy issues, including members of this Legislature. But I

Floor Debate
January 20, 2011

caution all involved that the current juvenile court system in Douglas County cannot handle thousands of new cases without additional resources. Truancy is a major contributing factor to underperformance and underachievement of our state's young people. As the Governor said in his State of the State Address, "students can't learn if they are not in school." The best way to handle truantries, however, is by aggressive intervention in our schools and innovative diversion of individual cases before they are filed in our juvenile and county courts. The courts are inherently the most expensive and least flexible way to deal with truancy cases. Courts should be used as a last resort for only the most difficult and unresponsive truants. We also continue to work to improve the court system with respect to abused and neglected children through partnerships with the Department of Health and Human Services and the Department of Education. I have spoken in past State of the Judiciary Addresses about our Through the Eyes of the Child Initiative. Most of you are aware that the Through the Eyes of the Child Initiative features local teams or committees operating in every corner of the state of Nebraska. Those teams, under the leadership of local judges, include Health and Human Services workers, county attorneys, public defenders, defense attorneys, Foster Care Review Board employees, CASA volunteers, and other interested parties. The teams have focused on developing practices and procedures to move abuse and neglect cases through our juvenile and county courts as quickly as possible so that children in foster care can be placed in permanent, safe homes in a more timely fashion. Significantly, over the past year, a year that has included multiple changes in the way that the Department of Health and Human Services handles these cases, there has been a 22 percent reduction in the average amount of time a child removed from his or her home spends in foster care in Nebraska. That reduction is likely due to many factors, but the Through the Eyes of the Child teams have been a major contributing factor to that reduction. Also over the past year, the Through the Eyes of the Child Initiative has emphasized the inclusion of educators on the local teams. The State Department of Education, led by Commissioner of Education Roger Breed, has embraced the inclusion of schools and educators in the initiative. The Department of Education is now an equal partner with the courts and the Department of Health and Human Services in joint efforts in information sharing pertinent to foster care children. Just as foster care children should not be bounced from one placement to the next, foster care children should also not be bounced from one school to the next. The courts, the Department of Education, and the Department of Health and Human Services are working to both minimize multiple school placements and maximize appropriate information sharing so that school and court records follow foster children in a more timely manner. Just as students can't learn if they are not in school, students can't learn if they are placed in many different school systems over short periods of time, and if full and complete records do not follow the students. We have received a grant from the Casey Family Programs Foundation to fund further development of these information sharing projects. We face many challenges, but the Supreme Court continues to be committed to partnering with Health and Human Services, and the Department of Education, and local schools in order to improve the lives of foster care children in Nebraska. In past

Floor Debate
January 20, 2011

years I have spoken to you about increasing the use of technology in the courts to improve productivity. I am pleased to report that our electronic payment system collected over \$5 million in traffic fines in 2010, as well as over \$2 million in other costs and fines. In addition, electronic filing is gaining momentum as lawyers become more acclimated to the use of technology. At this time over 50 percent of our new civil filings in county court systems statewide are made electronically. Certain county courts have done exemplary work implementing e-filing. For example, in Hall and Adams Counties over 70 percent of new civil filings in 2010 were made electronically. The electronic payment system and electronic filing system have demonstrably improved the efficiency of our county court clerks' offices around the state. Through the use of technology, many court clerks' offices are able to handle their growing workloads without requesting additional employees. I am also proud to report that the Douglas County District Court, which is the last remaining district court not part of the court's unified computer system, will be converted in a matter of weeks. That will be followed by the conversion of the Douglas County Juvenile Court in a matter of months. With the completion of those conversions, electronic filing and electronic payment will be available in all of the state's courts, which will in turn increase productivity for the entire state's judiciary. In the past I have also spoken to you about the growing demand for interpreters in our courts and the consequential need for budget increases to compensate for those interpreter demands. Without going into detail, by using technology to provide long-distance interpreter services where appropriate our courts have limited the need for ever-larger budget increases for interpreters. Technological advances are also allowing us to improve access to the courts for those who may not be able to afford legal services. For example, this year the Supreme Court Implementation Committee on Pro Se Litigation will partner with Legal Aid of Nebraska on a federally funded grant to develop on-line interactive court forms. As I have also noted in past years, one of the major challenges that our courts and judges face as we proceed into the twenty-first century is the rapid increase of self-represented parties in the courts. The partnership between Legal Aid and the Pro Se Litigation Committee will assist our judges in processing cases with self-represented litigants. In a related project, we have also begun a cooperative effort with the Nebraska Library Commission. Our Administrative Office was asked to serve as a key project partner with the Library Commission in a multimillion-dollar grant project with the Bill and Melinda Gates Foundation. Through this program we also hope to increase our services to individuals who represent themselves in courts. We have arranged a preview of the project in the Rotunda, which will be available to you today and tomorrow morning. Please take a minute to visit our virtual display. You will find court staff and members of the Nebraska Library Commission waiting to answer your questions and demonstrate the court's e-government on-line services. I frequently tell people that technology is the future of the courts. That, however, is an oversimplification. Technology is indeed the future of the courts, but it must be coupled with long-range planning in anticipation of the court system's future need for resources. Resources means judges and employees. Where those judges and employees are located, and the work that they do where they are located, are essential parts of

Floor Debate
January 20, 2011

long-range planning. To that end, last summer a group of trial court judges and lawyers worked on long-range planning for Nebraska's courts. Our court system was one of only five state court systems chosen by the National Center for State Courts to participate, at no cost to us, in an intensive planning process to reshape courts for the twenty-first century. The planning group produced a report in September identifying general concepts ripe for further discussion. Having now updated this body with respect to the court's use of technology as well as the use of long-range planning, I have reached an appropriate point in this presentation to discuss funding for the courts. The courts are not just another agency line-item in the state's budget. Our courts are a constitutional branch of government, coequal with this legislative branch and the executive branch. Issues that I have mentioned in this address, for example the continuing increase of self-represented parties in the courts, the continued use of interpreters in the courts, and most immediately the potential for huge increases in truancy cases in Douglas County and elsewhere, beg the question of adequate funding for the court system. I have outlined and stressed for you the expanded use of technology in the court system because that is the only significant way to increase efficiency in our courts. Although the technology we use in the court system is paid by user fees, that is court costs, the court's General Fund expenditures are primarily used for salaries and benefits for court employees. Over 95 percent of the court's General Fund budget is allocated for those employee expenses. Any cut in the court's budget, whether it is 10 percent or 5 percent or 1 percent, means operating with fewer employees. Only a tiny fraction of the Supreme Court's over 1,000 employees and 144 judges can be found in this building. Judges, county court clerks' office employees, and probation officers are found in the courtrooms, county court clerks' offices, and our probation offices in all of Nebraska's 93 counties. While some employees are only part-time, they are in every courthouse, in every county, and in every legislative district in this state. Our employees and our judges are mindful of the difficult budget situation that our state is in. They are also mindful of the sacrifices that all Nebraskans are making to support state government. I believe strongly that if we ask for the state's tax money we should spend it wisely, both now and in the future, hence, the push to modernize through the use of technology and, hence, the court's efforts, in the face of some opposition, to implement a long-range planning process. That planning process will continue into the future and is reflected in some statutory changes that you will be asked to make this legislative session. In the meantime, in order to meet our budget obligations, the court's employees received smaller cost-of-living increases last year than the increases received by most executive branch employees. We continue to scrutinize all employee and judicial vacancies. We have delayed hiring throughout the state and have declined to fill positions whenever possible. Although our judges received salary increases last year, those salary increases were offset by postponing the filling of judgeships as vacancies have occurred. No judges or state employees will receive a cost-of-living increase next year. We will continue to not fill or delay filling vacancies. Depending on the extent of cuts in our budget, furloughs are likely. That is why strategic planning and the work of the long-range planning advisory group are especially important. Lurching from budget year

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

Floor Debate
January 20, 2011

to budget year, sustaining the court system by furloughing employees, is not a plan. It is an admission of a failure to plan. In summation, as I noted at the beginning of the presentation, our courts perform the constitutionally mandated role of providing access to justice for all Nebraska citizens. It is a critical role, critical to, among others, our state's elderly and our state's abused and neglected children. No branch of this government is working harder to become more efficient. No branch of this government is working harder to implement technology, and no branch of this government is being more innovative in planning for the future. This branch of government looks forward to working with you on our budget. And we look forward to your support when difficult decisions have to be made about the future of the court system and how it will operate. Thank you for this opportunity for me to speak with you. And thank you for the good work that you have always done for the courts and for the good work that you do for all of the citizens of the state of Nebraska. Thank you.

PRESIDENT SHEEHY: (Gavel) Thank you, Chief Justice Heavican. Would the Escort Committee please come forward and escort the Chief Justice and members of the court from the Chamber. (Visitors and doctor of the day introduced.) While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR14. Mr. Clerk, do you have items for the record? [LR14]

ASSISTANT CLERK: Mr. President, I do. I have a communication from the Speaker regarding the referral of LR47 to the Reference Committee. And a report from the Agriculture Committee regarding the appointment of Tam Allan to the State Fair Board. (Legislative Journal pages 314-315.)

PRESIDENT SHEEHY: Mr. Clerk, we will move to the first item under General File, LB1. [LB1]

ASSISTANT CLERK: Mr. President, LB1 introduced by Senator Wightman. (Read title.) The bill was read for the first time on January 6 of this year, placed directly on General File. [LB1]

PRESIDENT SHEEHY: Senator Wightman, you're recognized to open on LB1. [LB1]

SENATOR WIGHTMAN: Thank you, Mr. President, members of the body. First of all, I will make some remarks generally with regard to Revisor bills since we'll be dealing with 11 of them this morning and then have a short presentation with regard to LB1. Revisor bills, and I'm saying this mostly for the education of the new members, Revisor bills are technical correction bills prepared by the Revisor of Statutes. Pursuant to our rules, Rule 5, Section 3, they are introduced by the Chairperson of the Executive Board and referred directly to General File. Revisor bills include such things as, one, the repeal of statutes or parts of statutes that have become obsolete. Section 49-771 of our statutes provides that the Revisor of Statutes is to provide the Chairperson of the Executive

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

Floor Debate
January 20, 2011

Board a list of statutes which the Revisor believes to be obsolete or no longer needed. Circumstances that may cause a statutory provision to be considered obsolete include: statutes that contain their own expiration date which has passed, and you'll hear that in a number of these Revisor bills today; language within a section or complete act held unconstitutional by the Supreme Court; provisions that have become inoperative because the reason for their enactment has passed or their subject matter no longer exists; provisions inapplicable to changed circumstances; or statutes that contain effective dates of salary changes. Revisor bills may also include such changes as correcting internal references and harmonizing provisions. This year there are a total of 11 Revisor bills. So with that background, I'll start with LB1. And LB1 repeals a section of law relating to the Republican River that governed a cost-share program that expired in fiscal year 2000-2001, and would outright repeal Section 46-692 regarding wells, measuring devices, and cost-share assistance. And it's primarily the cost-share assistance that was in for a limited length of time and would be the reason for the repeal. So with that, I would try to answer any questions that anybody might have. And would appreciate your support in moving LB1 to Select File. Thank you, Mr. President. [LB1]

PRESIDENT SHEEHY: Thank you, Senator Wightman. You've heard the opening to LB1. Seeing no requests to speak, Senator Wightman, you're recognized to close. [LB1]

SENATOR WIGHTMAN: I'll waive. [LB1]

PRESIDENT SHEEHY: Senator Wightman waives closing. The question before the body is on the advancement of LB1. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1]

ASSISTANT CLERK: 37 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB1]

PRESIDENT SHEEHY: LB1 advances. We'll now move to LB2. [LB1 LB2]

ASSISTANT CLERK: Mr. President, LB2 introduced by Senator Wightman. (Read title.) The bill was read for the first time on January 6, placed on General File. [LB2]

PRESIDENT SHEEHY: Senator Wightman, you're recognized to open on LB2. [LB2]

SENATOR WIGHTMAN: Thank you, Mr. President, members. This bill would repeal 11 obsolete statutes pertaining to the Water Policy Task Force and the Water Policy Task Force Cash Fund which terminated in 2009. It also repeals obsolete sections pertaining to groundwater, conservation districts, and certain provisional permits, and harmonizes provisions with the termination of those particular portions of the statutes. They are fairly long in this instance. I don't intend to go through them other than to respond to any

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

Floor Debate
January 20, 2011

questions that you might have. But with that, I ask for your support in moving LB2 to Select File. [LB2]

PRESIDENT SHEEHY: Thank you, Senator Wightman. You've heard the opening to LB2. Are there members requesting to speak? Seeing none, Senator Wightman, you're recognized to close. Senator Wightman waives closing. The question before the body is on the advancement of LB2. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB2]

ASSISTANT CLERK: 37 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB2]

PRESIDENT SHEEHY: LB2 advances. Mr. Clerk, we'll now proceed to LB3. [LB2 LB3]

ASSISTANT CLERK: Mr. President, LB3 introduced by Senator Wightman, as Chair of the board. (Read title.) The bill was placed on General File. [LB3]

PRESIDENT SHEEHY: Senator Wightman, you're recognized to open on LB3. [LB3]

SENATOR WIGHTMAN: Thank you, Mr. President, members. LB3 repeals a section in the Nebraska Construction Lien Act governing the enforcement of certain liens that arose prior to January 1, 1982. Obviously, those liens would have needed to have been an action brought on them long before now. So you see the date 1982, we're well past that date. I ask for your support in moving LB3 to Select File. [LB3]

PRESIDENT SHEEHY: Thank you, Senator Wightman. You've heard the opening to LB3. Are there members requesting to speak? Seeing none, Senator Wightman, you're recognized to close. Senator Wightman waives closing. The question before the body on the advancement of LB3. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB3]

ASSISTANT CLERK: 37 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB3]

PRESIDENT SHEEHY: LB3 advances. We will now proceed to LB4. [LB3 LB4]

ASSISTANT CLERK: LB4 introduced by Senator Wightman, as Chair of the board. (Read title.) The bill was read for the first time on January 6, placed directly on General File. [LB4]

PRESIDENT SHEEHY: Senator Wightman, you're recognized to open on LB4. [LB4]

SENATOR WIGHTMAN: Thank you, Mr. President, members. LB4 repeals an obsolete

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

Floor Debate
January 20, 2011

section relating to the Small Business Development Authority that was dissolved in 2009 and repeals the Small Business Investment Fund which expired on August 30, 2009. The section to be repealed is Nebraska Statute 58-326. Again, I ask for your support in moving LB4 to Select File. [LB4]

PRESIDENT SHEEHY: Thank you, Senator Wightman. You've heard the opening to LB4. Are there members requesting to speak? Seeing none, Senator Wightman, you're recognized to close. Senator Wightman waives closing. The question before the body is on the advancement of LB4. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB4]

ASSISTANT CLERK: 38 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB4]

PRESIDENT SHEEHY: LB4 advances. We will now proceed to LB5. [LB4 LB5]

ASSISTANT CLERK: LB5 introduced by Senator Wightman, as Chair of the board. (Read title.) The bill was read for the first time on January 6 of this year, placed directly on General File. [LB5]

PRESIDENT SHEEHY: Senator Wightman, you're recognized to open on LB5. [LB5]

SENATOR WIGHTMAN: Thank you, Mr. President, members. LB5 would seek to repeal an obsolete statute relating to the Research and Development Authority that was dissolved in 2001. The section to be repealed outright is Section 58-443 of the Nebraska Revised Statutes. I ask for your support in moving LB5 to Select File. [LB5]

PRESIDENT SHEEHY: Thank you, Senator Wightman. You've heard the opening to LB5. Are there members requesting to speak? Seeing none, Senator Wightman, you're recognized to close. Senator Wightman waives closing. The question before the body is on the advancement of LB5. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB5]

ASSISTANT CLERK: 36 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB5]

PRESIDENT SHEEHY: LB5 advances. We will now proceed to LB6. [LB5 LB6]

ASSISTANT CLERK: LB6 introduced by Senator Wightman. (Read title.) The bill was read for the first time on January 6, placed directly on General File. [LB6]

PRESIDENT SHEEHY: Senator Wightman, you're recognized to open on LB6. [LB6]

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

Floor Debate
January 20, 2011

SENATOR WIGHTMAN: Thank you, Mr. President, members. LB6 is slightly different than some of the others. Section 24-701 of the Nebraska statutes contains an erroneous reference to Section 24-507. This reference was put into the section in 1972 when a statewide system of county courts replaced existing county, police magistrate, and justice of the peace courts. Section 24-507 was outright repealed in 1972 and a new section of law was assigned to the current Section 24-507. LB6 would remove the erroneous reference. Again, I ask for your support in moving LB6 to Select File. [LB6]

PRESIDENT SHEEHY: Thank you, Senator Wightman. You've heard the opening to LB6. Are there members requesting to speak? Seeing none, Senator Wightman, you're recognized to close. Senator Wightman waives closing. The question before the body is on the advancement of LB6. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB6]

ASSISTANT CLERK: 36 ayes, 0 nays on the motion to advance the bill. [LB6]

PRESIDENT SHEEHY: LB6 advances. We will now proceed to LB7. [LB6 LB7]

ASSISTANT CLERK: LB7 introduced by Senator Wightman. (Read title.) The bill was read for the first time on January 6, placed directly on General File. [LB7]

PRESIDENT SHEEHY: Senator Wightman, you're recognized to open on LB7. [LB7]

SENATOR WIGHTMAN: Thank you, Mr. President, members. LB7 repeals a section of law relating to the Nebraska Workers' Compensation Court that provided transitional provisions for proceedings begun before LB360 took effect in 1992. This section is no longer needed due to the passage of time. It would outright repeal Section 48-181 of the Nebraska Revised Statutes. Again, I ask for your support in moving LB7 to Select File. [LB7]

PRESIDENT SHEEHY: Thank you, Senator Wightman. You've heard the opening to LB7. Are there members requesting to speak? Seeing none, Senator Wightman, you're recognized to close. Senator Wightman waives closing. The question before the body is on the advancement of LB7. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB7]

ASSISTANT CLERK: 37 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB7]

PRESIDENT SHEEHY: LB7 advances. We will now proceed to LB8. [LB7 LB8]

ASSISTANT CLERK: LB8 introduced by Senator Wightman, as Chair of the board. (Read title.) The bill was read for the first time on January 6, placed directly on General

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

Floor Debate
January 20, 2011

File. [LB8]

PRESIDENT SHEEHY: Senator Wightman, you're recognized to open on LB8. [LB8]

SENATOR WIGHTMAN: Thank you, Mr. President, members. LB8 would harmonize provisions and outright repeal a section of the school finance law that governed incentive payments to school districts which were made prior to July 1, 2004. The outright...the section which would be outright repealed is Section 79-1010. Thank you. [LB8]

PRESIDENT SHEEHY: Thank you, Senator Wightman. You've heard the opening on LB8. Are there members requesting to speak? Seeing none, Senator Wightman, you're recognized to close. Senator Wightman waives closing. The question before the body is on the advancement of LB8. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB8]

ASSISTANT CLERK: 38 ayes, 0 nays on the motion to advance LB8 to E&R Initial, Mr. President. [LB8]

PRESIDENT SHEEHY: LB8 advances. We will now proceed to LB9. [LB8 LB9]

ASSISTANT CLERK: LB9 introduced by Senator Wightman, as Chair of the board. (Read title.) The bill was read for the first time on January 6 of this year, placed directly on General File. [LB9]

PRESIDENT SHEEHY: Senator Wightman, you're recognized to open on LB9. [LB9]

SENATOR WIGHTMAN: Thank you, Mr. President, members. LB9 would amend a section relating to civil procedure. The use of the term "hereinbefore" in that statute is imprecise and reference to Chapter 25 is more accurate. So it's been suggested that that bill (sic) be changed to make reference to Chapter 25 instead of "hereinbefore." I would ask for your support in moving LB9 to Select File. [LB9]

PRESIDENT SHEEHY: Thank you, Senator Wightman. You've heard the opening to LB9. Are there members requesting to speak? Seeing none, Senator Wightman, you're recognized to close. Senator Wightman waives closing. The question before the body is on the advancement of LB9. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB9]

ASSISTANT CLERK: 39 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB9]

PRESIDENT SHEEHY: LB9 advances. We will now proceed to LB10. [LB9 LB10]

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

Floor Debate
January 20, 2011

ASSISTANT CLERK: LB10 introduced by Senator Wightman, as Chair of the board. (Read title.) The bill was read for the first time on January 6, placed directly on General File. [LB10]

PRESIDENT SHEEHY: Senator Wightman, you're recognized to open on LB10. [LB10]

SENATOR WIGHTMAN: Thank you, Mr. President. LB10 would make a more specific reference in Section 50-417 to the Nebraska Retirement Systems Committee where two committees are referred to in the same section. I again would ask for your support in moving LB10 to Select File. [LB10]

PRESIDENT SHEEHY: Thank you, Senator Wightman. You've heard the opening on LB10. Are there members requesting to speak? Seeing none, Senator Wightman, you're recognized to close. Senator Wightman waives closing. The question before the body is on the advancement of LB10. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB10]

ASSISTANT CLERK: 39 ayes, 0 nays on the motion to advance the bill. [LB10]

PRESIDENT SHEEHY: LB10 advances. We will now proceed to LB11. [LB10 LB11]

ASSISTANT CLERK: LB11 introduced by Senator Wightman, as Chair of the board. (Read title.) The bill was read for the first time on January 6 of this year, placed on General File. [LB11]

PRESIDENT SHEEHY: Senator Wightman, you're recognized to open on LB11. [LB11]

SENATOR WIGHTMAN: Thank you, Mr. President, members. LB11 would substitute a correct internal reference for a current incorrect statute reference. And since this is the last of the 11 bills that I have, I'd be remiss at this time if I didn't suggest to you that future bills that bear the name of Wightman as the introducer maybe would be accorded the same privilege you've given me here today. With that, I would ask for your support in moving LB11 to Select File. [LB11]

PRESIDENT SHEEHY: Thank you, Senator Wightman. You've heard the opening on LB11. Are there members requesting to speak? Seeing none, Senator Wightman, you're recognized to close. Senator Wightman waives closing. The question before the body is on the advancement of LB11. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB11]

ASSISTANT CLERK: 38 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB11]

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

Floor Debate
January 20, 2011

PRESIDENT SHEEHY: LB11 advances. Mr. Clerk, do you have items for the record?
[LB11]

ASSISTANT CLERK: Mr. President, I do. I have a notice of committee hearing from Judiciary Committee; a series a name adds: Senator Gloor to LB416; Senators Howard, Schilz, Mello, Pankonin, and Louden to LB284; Senator Krist to withdraw from LB540; Senator McGill to LR39; Senators Avery, Coash, Campbell, Krist, Cook, and Conrad to LR39; Senator Mello to LB494, and LB435, LB489, LB488, LB471, LB522, LB599; Senator Nordquist to add his name to LB683; Senator Ashford to LB558; Senator Sullivan to LB578. (Also Senator Bloomfield to add his name to LB305, Senator Howard to add her name to LB599.) A reminder, Mr. President, that Reference Committee will meet in 2102 upon adjournment. (Legislative Journal pages 316-317.) [LB416 LB284 LB540 LR39 LB494 LB435 LB489 LB488 LB471 LB522 LB599 LB683 LB558 LB578 LB305]

And a priority motion: Senator Coash would move to adjourn until Friday, January 21, 2011, at 10:00 a.m.

PRESIDENT SHEEHY: You have heard the motion to adjourn until Friday, January 21, at 10:00 a.m. All those in favor say aye. Opposed, nay. We are adjourned.