

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

Floor Debate  
January 06, 2012

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[LB776 LB839 LB840 LB841 LB842 LB843 LB844 LB845 LB846 LB847 LB848 LB849  
LB850 LB851 LB852 LB853 LB854 LB855 LB856 LB857 LB858 LB859 LB860 LB861  
LB862 LB863 LB864 LB865 LB866 LB867 LB868 LB869 LB870 LB871 LB872 LB873  
LB874 LB875 LB876 LB877 LB878 LR362 LR364]

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the third day of the One Hundred Second Legislature, Second Session. Our chaplain for this morning is Senator Wallman. Would you all please rise.

SENATOR WALLMAN: (Prayer offered.)

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

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

PRESIDENT SHEEHY: Are there corrections for the Journal?

CLERK: Mr. President, I have no corrections.

PRESIDENT SHEEHY: Messages, reports, or announcements?

CLERK: Mr. President, a Reference report referring LB705 through LB782. I also have a series of gubernatorial appointments having been referred to standing committee for scheduling of confirmation hearings; that report signed by Senator Wightman, as Chair of the board. Reports, acknowledged receipt, Mr. President: Commission on Law Enforcement and Criminal Justice, and Health and Human Services. Those will be on file in the Clerk's Office and available for member review. And, Mr. President, I have a proclamation signed by Governor Heineman and Secretary of State Gale acknowledging the day of January 5, 2012, as George William Norris Day. That's all that I have, Mr. President. (Legislative Journal pages 139-142.)

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We will now move to the first item under motion to withdraw.

CLERK: Mr. President, Senator Karpisek would move to withdraw LB776. [LB776]

PRESIDENT SHEEHY: Senator Karpisek, you're recognized to open on LB776. [LB776]

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SENATOR KARPISEK: Thank you, Mr. President. Members of the body, I would ask for your support to withdraw LB776. LB776 deals with what retailers can sell alcohol for. My intent on the bill is to make beer or any liquor to be sold not below cost or not as a loss leader. In drawing the bill, we cast the net too wide and we also got bars and maybe even wholesalers. I could change this...fix this bill with an amendment, but I think that it would bring too many people to the hearing in the beginning before they see the amendment and see what we're really trying to do. I do plan to bring a bill to do the right thing or the point that I'm after, and I think it would be just too much controversy and too confusing to keep this bill in. I apologize for taking up the Legislature's time with it and I would ask for your support in withdrawing LB776. Thank you, Mr. President. [LB776]

PRESIDENT SHEEHY: Thank you, Senator Karpisek. You've heard the opening to LB776. Seeing no request to speak, Senator Karpisek, you're recognized to close. Senator Karpisek waives closing. The question before the body is on the motion to withdraw LB776. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB776]

CLERK: 32 ayes, 0 nays, Mr. President, on the motion to withdraw the bill. [LB776]

PRESIDENT SHEEHY: The motion is adopted. Mr. Clerk, we will now proceed to introduction of new bills. [LB776]

CLERK: Mr. President, new bills. (Read LB839-855 by title for the first time.) And that's all that I have at this time, Mr. President. (Legislative Journal pages 142-145.) [LB839 LB840 LB841 LB842 LB843 LB844 LB845 LB846 LB847 LB848 LB849 LB850 LB851 LB852 LB853 LB854 LB855]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We will now proceed to items under Legislative Resolution.

CLERK: Mr. President, Senator Avery would offer LR362. The resolution was introduced, I believe, yesterday. It would ask the Legislature to honor the lifetime achievements of George William Norris and that a copy of the resolution be sent to the Nebraska State Historical Society, George Norris State Historic Site. [LR362]

PRESIDENT SHEEHY: Senator Avery, you're recognized to open on LR362. [LR362]

SENATOR AVERY: Thank you, Mr. President. Good morning, colleagues. This resolution commemorates George W. Norris Day and the celebration of this Unicameral's 75th birthday. Yesterday, which was George W. Norris Day, as prescribed in Nebraska statute more than 30 years ago, we stand in this Chamber named in his honor as members of the Unicameral he helped create in 1934. It was approved by the voters by nearly 60 percent in November of that year. There were two other issues on the ballot, one was the repeal of prohibition and the other was the approval of

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pari-mutuel betting. Interestingly, over time some historians have tried to claim that the only reason the Unicameral was approved by the voters was because of the popularity of these other two issues. But in some research I was doing last night, I discovered that actually the Unicameral got more votes, more approval votes in that referendum than did the other two issues. Norris was elected as a Republican to five terms in the U.S. House of Representatives from the McCook area, serving from 1903 to 1913, and then five terms in the U.S. Senate from 1913 until 1943. Four terms he served as a Republican and the final term as an Independent. He did enjoy an exceptionally distinguished career in elective office. He led the 1908 revolt against the powerful Speaker of the House of Representatives, Joseph G. Cannon, and succeeded in taking significant power from the Speaker. And that was considered a radical and significant achievement for such a young member of the House. He was also a major architect of the Tennessee Valley Authority, and that was approved in 1933. He was also a prime mover behind the Rural Electrification Act that brought electrical service to underserved and unserved rural areas across this state and throughout America. It is a testament to Norris' support for public power that no privately owned electric utilities have operated in the state of Nebraska since the late 1940s. But it was his signature achievement that we want to talk about today and that achievement was the creation of this Unicameral that convened its First Session in this room on January 5, 1937. This institution that we cherish was the culmination of Norris' dream, a dream to create a Legislature that would embrace public participation in government and reduce the quiet deal making of bicameral Legislatures where special interests and lobbyists often carried the day. His dream was an open and accountable institution, nonpartisan in character, nonpartisan in its mode of operation, uncomplicated, simple procedures, and one where every bill would get a full hearing in public. Even today we continue to hold these distinctively unique legislative practices in how we behave. Let me emphasize, no other Legislature requires full public hearings on all bills, none. We are the only Legislature that requires that kind of public participation. We open all of our bills to a public hearing. No other Legislature is officially nonpartisan. No other Legislature opens its proceedings to the press to the extent that we do, none. No other Legislature operates free of the influence of formally organized powerful caucuses. That is significant. Norris' ultimate objective was a Legislature in which openness and accountability would rule the day. The public could have confidence in how laws were made and they could easily influence the process themselves. It's important to note that Nebraskans have eagerly embraced this unique institution, and I would submit to you that Nebraskans take pride in this institution. And I know that each of you take pride in this institution. There have been very few serious attempts organized to return to the days of a two-house system. I did a little checking last night and I think I found about ten or twelve attempts, but what's important is that not a single one of those attempts ever made it on to the ballot, not one. So nonpartisanship prevails, openness prevails, accountability prevails. The Unicameral is strong, the Unicameral prevails, and we can be proud of that. And when we're speaking about nonpartisanship, let me give you just a little bit of a footnote here that I found very interesting. When the Unicameral convened on January 5, 1937, it had

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a majority of registered Democrats. I know that's probably hard to believe, but it's true, a majority of registered Democrats. And guess what? They elected a Republican as Speaker, Charles Warner. And I believe he was from the Waverly area and the father of Jerome Warner. I may be wrong about that but I think I'm right. We who serve in this body today are the proud beneficiaries of the powerful legacy of George W. Norris, and we proudly celebrate his contributions to our state, the most significant of which is this noble institution in which we serve so proudly. Thank you, Mr. President. [LR362]

PRESIDENT SHEEHY: Thank you, Senator Avery. You have heard the opening to LR362. Member requesting to speak, Senator Flood. [LR362]

SPEAKER FLOOD: Thank you, Mr. President. Good morning, members. This is the 75th year of the Nebraska State Legislature as a Unicameral. And as your Speaker, I want to commend Senator Avery for his resolution and his thoughtfulness in crafting this legislative resolution and I would ask for your adoption. When I came into the Legislature as a brand new member, there were serious issues in my district and seniority did not matter. My vote counted as much as the person sitting next to me. And there have been great citizens of this state that have served in this Legislature and have made contributions to the state of Nebraska. This is not a resolution to celebrate this Legislature; it's a resolution to honor this Legislature as an institution. And if you ever have a moment and you're a new senator and you go to one of these conferences with other members of different Legislatures in the country, ask them about their experiences and then tell them yours. And you'll find out without a doubt that what we have here is not only unique, it's special, and more than anything it makes us as individual legislators effective. I'm proud to be a member of this Legislature. I'm proud to know that our state is the only one with the Unicameral and I urge your adoption of this resolution. Thank you, Mr. President. [LR362]

PRESIDENT SHEEHY: Thank you, Senator Flood. Seeing no additional requests to speak, Senator Avery, you're recognized to close. [LR362]

SENATOR AVERY: Thank you, Mr. President. I want to thank Speaker Flood for his kind comments. I think that we ought to all know, and I believe we do, that George Norris had a tremendous impact on this state, but not only on this state but on the nation as a whole. I have a son who lives in Tennessee and he's here in town now and he said to me, George Norris? Don't we have a Norris town in Tennessee? Don't we have a Norris Dam in Tennessee and a Norris Lake? I said, yeah, that's a Nebraskan, that's a Nebraskan. You ought to be proud to have that. Let me tell you that the impact that George Norris had on this state is embodied mostly right here in this room. We are unique. And the Speaker is absolutely right. When you go to meetings around the country and you meet with other legislators from other states, they are amazed that we have a nonpartisan Legislature. They say, how do you do business without caucuses? And I tell them, I said, you can look at the vote board anytime and you never see the

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same 25 names coming up on every issue. I said, in fact, you have to build a new coalition on every bill you have. That's good. That forces us and encourages us to work together, reaching across the aisle and talking and cooperating regardless of party and ideology. That is special, folks. And the fact that we have the most open institution in this country is something we should take pride in. We allow the press to talk to us on the floor. We allow the press in our Executive Committee meeting. No other Legislature would even contemplate that. So this is a special week. Yesterday was a special day and I hope that you will agree with me that this is a special resolution that we should approve. Thank you, Mr. President. [LR362]

PRESIDENT SHEEHY: Thank you, Senator Avery. You have heard the closing. The question before the body is on the adoption of LR362. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR362]

CLERK: 39 ayes, 0 nays, Mr. President, on the adoption of LR362. [LR362]

PRESIDENT SHEEHY: LR362 is adopted. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR362. (Doctor of the day introduced.) Mr. Clerk, we will continue with introduction of new bills. [LR362]

CLERK: Thank you, Mr. President. (Read LB856-LB871 by title for the first time.) And that's all that I have at this time, Mr. President. (Legislative Journal pages 145-148.) [LB856 LB857 LB858 LB859 LB860 LB861 LB862 LB863 LB864 LB865 LB866 LB867 LB868 LB869 LB870 LB871]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senators, if you have legislation that you would like introduced on this third day, we would ask that you get them up to the Clerk's desk as soon as you can. Mr. Clerk, we will continue with introduction of new bills and items for the record.

CLERK: Thank you, Mr. President. (Read LB872-878 by title for the first time.) In addition, Mr. President, I have a new resolution. Senator McCoy offers LR364, congratulating the Elkhorn Antlers on the Class B State Football Championship. An announcement: The Executive Board will meet in...or Reference Committee, I should say, will meet upon adjournment in Room 2102; Reference Committee, 2102 upon adjournment. (Legislative Journal pages 148-150.) [LB872 LB873 LB874 LB875 LB876 LB877 LB878 LR364]

And a priority motion, Mr. President: Senator Campbell would move to adjourn the body until Monday morning, January 9, at 10:00 a.m.

PRESIDENT SHEEHY: You have heard the motion to adjourn until Monday, January 9, at 10:00 a.m. All those in favor say aye. Opposed, nay. We are adjourned.