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Floor Debate
April 05, 2012

[LB14 LB40 LB66 LB66A LB209 LB209A LB357 LB426 LB538 LB541 LB541A LB576 LB599 LB599A LB727 LB745 LB804 LB806A LB806 LB807 LB817 LB817A LB820 LB820A LB821 LB821A LB825 LB825A LB830 LB851 LB862A LB862 LB865 LB869 LB872 LB880 LB881 LB887 LB896 LB897 LB898 LB899 LB924 LB928A LB928 LB936 LB941 LB950A LB950 LB970 LB993 LB993A LB997 LB998 LB998A LB1005 LB1020A LB1020 LB1026 LB1030 LB1035 LB1038 LB1042 LB1049 LB1051 LB1053A LB1053 LB1054 LB1054A LB1062 LB1063 LB1077 LB1080 LB1083 LB1087 LB1087A LB1090 LB1090A LB1091A LB1091 LB1097 LB1101 LB1106 LB1113 LB1116 LB1121 LB1122 LB1125 LB1126 LB1128A LB1128 LB1140 LB1141 LB1145A LB1145 LB1148 LB1155 LB1158 LB1160 LB1160A LB1161 LR630]

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifty-seventh day of the One Hundred Second Legislature, Second Session. Our chaplain for today is Senator Schumacher. Would you all please stand.

SENATOR SCHUMACHER: (Prayer offered.)

PRESIDENT SHEEHY: Thank you, Senator Schumacher. I now call to order the fifty-seventh 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: Corrections for the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT SHEEHY: Messages, reports, or announcements?

CLERK: Mr. President, I have one item, a series of reports received from the Department of Roads. And that's all that I have at this time. (Legislative Journal page 1451.)

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We will move to the first item under Select File, 2012 Speaker priority bills, Langemeier division. LB14. [LB14]

CLERK: Mr. President, LB14. Senator Larson, Enrollment and Review amendments pending, Senator. (ER279, Legislative Journal page 1404.) [LB14]

PRESIDENT SHEEHY: Senator Larson. [LB14]

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

Floor Debate
April 05, 2012

SENATOR LARSON: Mr. President, I move the E&R amendments to LB14 be adopted. [LB14]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB14]

CLERK: I have nothing further on the bill, Mr. President. [LB14]

PRESIDENT SHEEHY: Senator Larson. [LB14]

SENATOR LARSON: Mr. President, I move that LB14 be advanced to E&R for engrossing. [LB14]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB14 advances. We will now proceed to LB1125. [LB14 LB1125]

CLERK: LB1125. Senator, I have Enrollment and Review amendments. (ER280, Legislative Journal page 1404.) [LB1125]

PRESIDENT SHEEHY: Senator Larson. [LB1125]

SENATOR LARSON: Mr. President, I move the E&R amendments to LB1125 be adopted. [LB1125]

PRESIDENT SHEEHY: You've heard the motion on the adoption of the amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB1125]

CLERK: I have nothing further on the bill. [LB1125]

PRESIDENT SHEEHY: Senator Larson. [LB1125]

SENATOR LARSON: Mr. President, I move that LB1125 be advanced to E&R for engrossing. [LB1125]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB1125 advances. We will now proceed to LB928. [LB1125 LB928]

CLERK: LB928. There are E&R amendments, Senator. (ER278, Legislative Journal page 1404.) [LB928]

PRESIDENT SHEEHY: Senator Larson. [LB928]

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

Floor Debate
April 05, 2012

SENATOR LARSON: Mr. President, I move that LB928 be...I move that the E&R amendments to LB928 be adopted. [LB928]

PRESIDENT SHEEHY: You've heard the motion on the adoption of the amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB928]

CLERK: I have nothing further on the bill. [LB928]

PRESIDENT SHEEHY: Senator Larson. [LB928]

SENATOR LARSON: Mr. President, I move that LB928 be advanced to E&R for engrossing. [LB928]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB928 advances. We will now proceed to LB928A. [LB928 LB928A]

CLERK: LB928A. Senator, I have no amendments to the bill. [LB928A]

PRESIDENT SHEEHY: Senator Larson. [LB928A]

SENATOR LARSON: Mr. President, I move that LB928A be advanced to E&R for engrossing. [LB928A]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB928A advances. We will now proceed to LB924. [LB928A LB924]

CLERK: LB924. I have Enrollment and Review amendments, Senator. (ER281, Legislative Journal page 1439.) [LB924]

PRESIDENT SHEEHY: Senator Larson. [LB924]

SENATOR LARSON: Mr. President, I move the E&R amendments to LB924 be adopted. [LB924]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB924]

CLERK: Senator Mello would move to amend with AM2779. (Legislative Journal page 1452.) [LB924]

PRESIDENT SHEEHY: Senator Mello, you're recognized to open on AM2779 to LB924. [LB924]

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

Floor Debate
April 05, 2012

SENATOR MELLO: Thank you, Mr. President. Members of the Legislature, AM2779 is simply a cleanup amendment that could not be incorporated into the E&R amendments. It simply changes the term from county commissioner in the bill to county supervisor since that's the definition that most of our statutes use when it involves our county officials. With that, I urge the body to adopt AM2779. Thank you, Mr. President. [LB924]

PRESIDENT SHEEHY: Thank you, Senator Mello. You've heard the opening of AM2779. Seeing no requests to speak, Senator Mello, you're recognized to close. Senator Mello waives closing. The question before the body is on the adoption of AM2779 to LB924. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB924]

CLERK: 33 ayes, 0 nays, Mr. President, on the adoption of Senator Mello's amendment. [LB924]

PRESIDENT SHEEHY: AM2779 is adopted. [LB924]

CLERK: I have nothing further on the bill. [LB924]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB924]

SENATOR LARSON: Mr. President, I move that LB924 be advanced to E&R for engrossing. [LB924]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB924 advances. Mr. Clerk, we will now move to Final Reading. Members should return to their seats in preparation for Final Reading. Mr. Clerk, we will now move to LB357. The first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB924 LB357]

CLERK: 38 ayes, 0 nays, Mr. President, to dispense with the at-large reading. [LB357]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB357]

CLERK: (Read title of LB357.) [LB357]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB357 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB357]

CLERK: (Record vote read, Legislative Journal pages 1452-1453.) 30 ayes, 15 nays, 1 present and not voting, 3 excused and not voting, Mr. President. [LB357]

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

Floor Debate
April 05, 2012

PRESIDENT SHEEHY: LB357 passes. We will now proceed to LB745. [LB357 LB745]

CLERK: (Read LB745 on Final Reading.) [LB745]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB745 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB745]

CLERK: (Record vote read, Legislative Journal pages 1453-1454.) 46 ayes, 0 nays, 3 excused and not voting, Mr. President. [LB745]

PRESIDENT SHEEHY: LB745 passes. We will now proceed to LB804. [LB745 LB804]

CLERK: (Read LB804 on Final Reading.) [LB804]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB804 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB804]

CLERK: (Record vote read, Legislative Journal page 1454.) 45 ayes, 0 nays, 1 present and not voting, 3 excused and not voting, Mr. President. [LB804]

PRESIDENT SHEEHY: LB804 passes. We will now proceed to LB998. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB804 LB998]

CLERK: 39 ayes, 1 nay, Mr. President, to dispense with the at-large reading. [LB998]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Please read the title. [LB998]

CLERK: (Read title of LB998.) [LB998]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB998 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB998]

CLERK: (Record vote read, Legislative Journal page 1455.) 45 ayes, 0 nays, 1 present and not voting, 3 excused and not voting, Mr. President. [LB998]

PRESIDENT SHEEHY: LB998 passes with the emergency clause attached. We will now proceed to LB998A. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB998 LB998A]

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

Floor Debate
April 05, 2012

CLERK: 41 ayes, 0 nays, Mr. President, to dispense with the at-large reading. [LB998A]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB998A]

CLERK: (Read title of LB998A.) [LB998A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB998A pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB998A]

CLERK: (Record vote read, Legislative Journal page 1456.) 46 ayes, 0 nays 3 excused and not voting, Mr. President. [LB998A]

PRESIDENT SHEEHY: LB998A passes with the emergency clause attached. We will now proceed to LB1053. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB998A LB1053]

CLERK: 40 ayes, 0 nays, Mr. President, to dispense with the at-large reading. [LB1053]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB1053]

CLERK: (Read title of LB1053.) [LB1053]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1053 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB1053]

CLERK: (Record vote read, Legislative Journal pages 1457-1458.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB1053]

PRESIDENT SHEEHY: LB1053 passes with the emergency clause attached. We will now proceed to LB1053A. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB1053 LB1053A]

CLERK: 40 ayes, 0 nays, Mr. President, to dispense with the at-large reading. [LB1053A]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB1053A]

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

Floor Debate
April 05, 2012

CLERK: (Read title of LB1053A.) [LB1053A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1053A pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB1053A]

CLERK: (Record vote read, Legislative Journal pages 1458-1459.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB1053A]

PRESIDENT SHEEHY: LB1053A passes with the emergency clause attached. We will now proceed to LB1113. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB1053A LB1113]

CLERK: 41 ayes, 0 nays, Mr. President, to dispense with the at-large reading. [LB1113]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Please read the title. [LB1113]

CLERK: (Read title of LB1113.) [LB1113]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1113 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB1113]

CLERK: (Record vote read, Legislative Journal pages 1459-1460.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB1113]

PRESIDENT SHEEHY: LB1113 passes. We will now proceed to LB1155. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB1113 LB1155]

CLERK: 42 ayes, 0 nays, Mr. President, to dispense with the at-large reading. [LB1155]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB1155]

CLERK: (Read title of LB1155.) [LB1155]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1155 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB1155]

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

Floor Debate
April 05, 2012

CLERK: (Record vote read, Legislative Journal pages 1460-1461.) 45 ayes, 0 nays, 3 present and not voting, 1 excused and not voting, Mr. President. [LB1155]

PRESIDENT SHEEHY: LB1155 passes. We will now proceed to LB1158. [LB1155 LB1158]

CLERK: (Read LB1158 on Final Reading.) [LB1158]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1158 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB1158]

CLERK: (Record vote read, Legislative Journal page 1461.) 48 ayes, 0 nays, 1 present and not voting, Mr. President. [LB1158]

PRESIDENT SHEEHY: LB1158 passes with the emergency clause attached. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign: LB357, LB745, LB804, LB998, LB998A, LB1053, LB1053A, LB1113, LB1155, and LB1158. Mr. Clerk, we will now move to the next agenda item under Select File, 2012 senator priority bills, LB1161. [LB1158 LB357 LB745 LB804 LB998 LB998A LB1053 LB1053A LB1113 LB1155 LB1161]

CLERK: LB1161. Senator Larson, I have Enrollment and Review amendments, first of all. (ER269, Legislative Journal page 1279.) [LB1161]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB1161]

SENATOR LARSON: Mr. President, I move the E&R amendments to LB1161 be adopted. [LB1161]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB1161]

CLERK: Senator Avery would move to amend with AM2672. [LB1161]

PRESIDENT SHEEHY: Senator Avery, you're recognized to open on AM2672 to LB1161. Senator Avery. [LB1161]

SENATOR AVERY: Thank you, Mr. President. Excuse me for being out of the room. I wish to withdraw that motion or that amendment at the present time because it will be included in another amendment coming up later. [LB1161]

PRESIDENT SHEEHY: AM2672 is withdrawn. [LB1161]

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

Floor Debate
April 05, 2012

CLERK: Senator Langemeier, FA67, Senator. [LB1161]

PRESIDENT SHEEHY: Senator Langemeier, you're recognized to open on FA67 to LB1161. Senator Langemeier withdraws FA67. [LB1161]

CLERK: Senator Smith, AM2745. I have a note, Senator, you wish to withdraw AM2745. [LB1161]

SENATOR SMITH: Yes, Mr. Clerk, please withdraw. [LB1161]

PRESIDENT SHEEHY: AM2745 is withdrawn. [LB1161]

CLERK: Mr. President, I have other amendments. I have a priority motion. Senator Ken Haar would move to recommit LB1161 to committee. [LB1161]

PRESIDENT SHEEHY: Senator Haar, you're recognized on your motion to recommit LB1161 to committee. [LB1161]

SENATOR HAAR: Mr. President, members of the body, I don't watch much television but two of my favorite programs have been Extreme Makeover and Make a Deal. And this keeps changing so fast. Last night I went home and reread the amendment we were given yesterday, and now we come back today and I appreciate...thank you very much because I like these charts, but there are some major changes to this. If you look at the chart that was just handed out, that what's so important on flowcharts like this is the decision points. And the decision point that was changed from the Governor assessing whether the DEQ or the Public Service Commission performs it, the Governor was in that position and now the DEQ is in that position, which has all kinds of implications for now we have a code agency making a decision whether a constitutionally defined elected body should make a decision or not. It just seems to me that there have been so many changes we have had no time to look at this. If we could have a show of hands of who's tired, I know we can't do that, who's tired of this, I think we'd all say we are, but we have to keep going on this. This is such a makeover, such an extreme makeover, that I think it should go back to committee and actually have a hearing before a committee. This is so different than what happened when we had our committee on LB1161 that I am just amazed. And so many things like where are the public hearings in all of this that go along with that. You know, when the DEQ makes its decision, and I haven't even seen the brand new amendment so I have no idea what that's about, but is there any possibility for public hearing? Not just send in your response, send in your e-mail or whatever, but is there any place for public hearing that goes along with that critical decision box on this new amendment? Again, so much of what happened before was because of the lack of public hearings in Nebraska. And now we have the DEQ making an assessment without...well, I have no idea because I

Floor Debate
April 05, 2012

haven't seen the amendment and I haven't had time to digest it certainly. I think this is really an unfair situation to be put on the Legislature to try to digest all of this, come up with a solution, decide why we're doing this, is it constitutional, is it not, who's going to use this, why are we doing this, and why day after day, almost moment after moment we get another revision, we get another revision. So, you know, not only is it Extreme Makeover but it's like Make a Deal. What are we going to find when we open the next door? What's going to be behind the next door? And I'm sure we find TransCanada behind each of those three doors and I'd like to certainly know what the purpose is, but give Nebraska citizens on this really important process. One of the things we know that if this bill eventually does not pass a court challenge and it gets thrown out, we're right back to square zero, no siting law at all. And I don't think any of us want to be back here this coming fall to...with another special session. So I would urge the body to send this back to committee so that there can be a public hearing. This has been such an extreme change. There needs to be a public hearing. And then we in the Legislature need to have an opportunity to digest what's going on here. Thank you, Mr. President. [LB1161]

PRESIDENT SHEEHY: Thank you, Senator Haar. You've heard the motion to recommit LB1161 to committee. Members requesting to speak: Senator Dubas, followed by Senator Smith and Senator Conrad. Senator Dubas. [LB1161]

SENATOR DUBAS: Thank you very much, Mr. Lieutenant Governor. I rise in support of this motion to recommit to committee. Let me take you back a little bit and give you some history about what it took for us, for me, to get to where we got with LB1 in the special session. And I think I touched on this when we talked about this bill on General File. Actually started when Senator Dierks was still in the Legislature and he introduced a bill dealing with this particular pipeline. It was a very...it dealt with taxation. There were segments of the population that thought we should be able to tax this...whatever oil that was in the pipeline as it came through the state. It was just a very complex bill that had a lot of questions raised, constitutional questions as well as others. So from that bill, Senator Sullivan and I decided to introduce an interim study because we had been continually told over and over and over again states have no authority, states have no rights, this is a federal project, nothing you can do. Through that interim study, it became clearer all the time that we did have authority, that other states had statutes in place that allowed them to have some interaction with these kinds of pipelines that allowed them to look at where pipelines went, and they had public participation in these discussions. I introduced a bill after that. Continued to be told that this was special legislation, there are constitutional issues. You know, we didn't even really talk about it that much in committee. The questions were raised. I backed off and said I'm very willing to work on it. I felt strongly enough that we needed to move forward but took the questions and concerns that were raised by my fellow committee members seriously to heart. So my office, I give a great amount of credit to my legislative aide, Joselyn Luedtke. She just went above and beyond in trying to figure out how do we answer

Floor Debate
April 05, 2012

these special legislation constitutional questions. Then the public got involved and demanded a special session which we ultimately had. And through a lot of talking and working, we were able to get LB1 passed during the special session. That bill involved a very lengthy committee hearing, a lot of work with the committee and others. I took every one of their questions into consideration, every one of their concerns. There was a great deal of committee input into that final product of LB1. And I'm very proud of that policy that we put forward. I think it is a very sound piece of legislation. It's good statute. It puts a process in place through the Public Service Commission that allows our citizens a degree of confidence that any such projects like this will have state involvement and their ability to be involved and make comments on any project that will come through our state. Then we have Washington games come into play, and political games are being played out in Washington, D.C., and TransCanada is out lobbying to get the President to shorten the time frame and sign the application and get things moving. Well, pushing and shoving caused the President to decide to deny that application. Now where are we at? We're back here with TransCanada asking us to please help them get out of this mess that they put themselves in. We had legislation introduced. [LB1161]

PRESIDENT SHEEHY: One minute. [LB1161]

SENATOR DUBAS: Thank you, Mr. President. We had a hearing. The committee worked on it. We put a bill out, although I didn't support it, work continued on it. I was closer to supporting what the committee put out than I have been on anything else. Again, this, what we're talking about on day fifty-seven--day fifty-seven--to make changes, major changes, to what I feel is a policy that was put in place after an extreme amount of time and scrutiny, which is what should be done when you're putting together a major piece of policy. You don't just throw it together. It takes a great amount of work and I worked hard with the committee and I worked hard with others to address their questions, and we were able to advance LB1. And I'm going to stand here today and be very protective of that process. [LB1161]

PRESIDENT SHEEHY: Time, Senator. [LB1161]

SENATOR DUBAS: Thank you. [LB1161]

PRESIDENT SHEEHY: Thank you, Senator Dubas. Senator Smith. [LB1161]

SENATOR SMITH: Thank you, Mr. President, and good morning, colleagues. I know it's been a very long week, a lot of late nights, and there's been a lot of work that's been done on this amendment that I would like to get to the point of being able to explain to you. I do stand in opposition to the motion to recommit. I take issue with the description of this amendment being an extreme makeover. All parties, those that have spoken prior to me, their staffs have been a part of the amendment that was AM2745. AM2782 that's

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

Floor Debate
April 05, 2012

going to replace that amendment, there were a couple of items that we wanted to improve upon the decision process that Senator Haar was referring to on my flow chart. This is the result of much, much discussion that occurred on General File. We heard loud and clear some of the concerns that were expressed with special legislation. And we chose to work with the other senators and their staff to try to work through their issues and resolve those issues and make good, strong legislation for the state of Nebraska that upheld the commitments and the agreements that we made to the citizens of the state of Nebraska during special session. So once again, I'm going to rise in opposition to this motion to recommit. I look forward to being able to come back on the microphone and explain thoroughly what the amendment does, what AM2745 did, and what AM2782 does in addition to AM2745. I believe my flow chart and as I step through this it will be very, very clear. And then at that point in time you can make a decision as to whether you support the changes or not with a red or a green vote. But I do respectfully request the opportunity to come before you and explain the amendments to LB1161. Thank you, Mr. President. [LB1161]

PRESIDENT SHEEHY: Thank you, Senator Smith. Senator Conrad. [LB1161]

SENATOR CONRAD: Thank you, Mr. President. If Senator Smith would just briefly yield to some questions, I'm trying to understand where we're at procedurally and I guess I was having a little bit of a hard time following. [LB1161]

PRESIDENT SHEEHY: Senator Smith, would you yield to Senator Conrad? [LB1161]

SENATOR SMITH: Absolutely. [LB1161]

SENATOR CONRAD: Okay. Senator Smith, I'm looking at the Chamber Viewer and the information that we have available and was trying to prepare for a debate by reviewing AM2782 and then AM2745 which was just filed this morning. I see then that you've withdrawn those and now are saying that we should focus on FA67. Is that correct? [LB1161]

SENATOR SMITH: I'm sorry, can you repeat that last part again? [LB1161]

PRESIDENT SHEEHY: (Gavel) [LB1161]

SENATOR SMITH: I could hardly hear you. [LB1161]

SENATOR CONRAD: You've withdrawn AM2782 and AM2745 and are asking the body to look at FA67 in its place. Is that correct? [LB1161]

SENATOR SMITH: I'm sorry, I'm not seeing that, Senator. We have withdrawn AM2745 and I'm seeking to replace it with AM2782. [LB1161]

Floor Debate
April 05, 2012

SENATOR CONRAD: Okay. So you're asking the body to indeed focus on AM2782. [LB1161]

SENATOR SMITH: Yes, Senator. [LB1161]

SENATOR CONRAD: Okay. That's helpful because I was trying to prepare for debate and was looking at AM2745 and then AM2782 and then I saw that FA67 went in, which is just...looks like to be a placeholder to me. So I think before we get started, we need to know where we're at and I think it's fair to say there's a lot of confusion on the floor and amongst the body in terms of what we're supposed to focus on. So thank you, Senator. I appreciate that clarification. Colleagues, I rise in support of the motion to recommit to committee for a variety of reasons. As you can tell by the initial dialogue on this legislation this morning, this significant public policy issue and piece of legislation has undergone, well, at least two significant transformations in what I can tell to be, gosh, less than 24 hours. And all of this has happened outside of the public process, outside of public hearing. It's unclear who was a part of drafting these changes. There were questions brought on General File in relation to special legislation issues which caused me to vote against LB1161... [LB1161]

PRESIDENT SHEEHY: (Gavel) [LB1161]

SENATOR CONRAD: ...on General File. I'm guessing that some of these new machinations have been put forward to try and address those very clear special legislation issues that existed in previous versions, as conceded by TransCanada, Speaker Flood, and others. But in attempting to draft around clearly stated and clearly established special legislation problems in the General File version of this legislation, we've got a whole new host of problems here that includes an unconstitutional delegation of legislative authority, fair amount of issues in terms of a lack of definition, and a lack of public participation in this process which citizens cried out for during the special session and we attempted to address. I'm just going to start to go through some of the questions I have in looking at AM2782, which basically allows a pipeline company to say we're not going to comply with the laws that you have on the book and we're going to circumvent that. And it gives, for example, if they put a letter of intent rather than going through the actual application process, if you note on page 6 (3), that doesn't even have to be published in at least one newspaper of general circulation. That only applies to the actual application, not this newfound letter of intent. So why are we hiding that from the public and precluding their right to know? If you look further on to page 9, which is really... [LB1161]

PRESIDENT SHEEHY: One minute. [LB1161]

SENATOR CONRAD: ...jumping--thank you, Mr. President--into the meat of this, we're

Floor Debate
April 05, 2012

giving a state agency and the Governor the option to bypass independent review by a constitutional agency, which is the Public Service Commission and which was the key and the heart of the independent and appropriate process set forth by this body during special session. I am not aware of any other provision in state law that would provide that kind of unbridled grant of authority to make that decision unilaterally, particularly on a such a pressing public policy matter. Then if you go and look on page 10, it's setting forth the criteria that allows for the exercise of that unbridled grant of authority which I think is problematic when you look at an unconstitutional delegation of legislative authority and the fact that no precedent exists to allow a state agency to bypass a constitutionally independent review. [LB1161]

PRESIDENT SHEEHY: Time, Senator. [LB1161]

SENATOR CONRAD: Thank you, Mr. President. [LB1161]

PRESIDENT SHEEHY: Thank you, Senator Conrad. Members, for the courtesy and respect of those that are involved in the floor discussion, I would ask that you keep your conversations' volume to a minimum or please take them under to the balconies. Thank you. Continuing with floor discussion on the motion to recommit LB1161 to committee, members requesting to speak, Senator Ken Haar, followed by Senator Burke Harr, Senator Schilz, Senator Dubas, Senator Hansen, and others. Senator Ken Haar. [LB1161]

SENATOR HAAR: Mr. President, members of the body, Senator Conrad, the Governor is no longer in the amendment. If you look at the most recent flow chart that was handed out this morning, instead of the Governor making the decision, the DEQ makes the decision whether it gets to review it or the Public Service Commission gets to review it. So I would like to talk about, if I can get my light on here, thank you, here is an extreme change. If you look at page 9 on what I had yesterday and what I was reading again last night, and page 9 on what we're talking about today, this AM2782, I want to show you an extreme change. And it goes back to that decision box on this flow chart. The Governor has been replaced now by the DEQ making a decision and also there were...if you look at the new one, it just says: expedited evaluation of the application or letter of intent is in the best interest of Nebraska. That's all we're telling DEQ. Now at least in the one I had yesterday where the Governor was making the decision it gave some criteria such as, it said: is in the best interest of Nebraska to protect its natural resources, agricultural resources, aesthetics, economy, and communities through reasonable regulation for the common good and welfare. That has been replaced by one sentence on 20 and 21 of the new amendment, and it's simply an expedited evaluation is in the best interest of the state. So we've taken the Governor out of that decision-making box, put the DEQ in there, and simply said all the DEQ has to make is a decision, is this in the best interest of this state. No criteria, no criteria are we giving the DEQ. And there's no opportunity for the public to be involved in that decision box. If

Floor Debate
April 05, 2012

you notice again, going back to the flow chart, and I like this because it clarifies it, you know, the...according to this flow chart again, the applicant simply files a letter of application with the PSC and then they can go to the DEQ and say, oh, we want you to consider whether it shouldn't just go through this expedited process. And then the DEQ is to make this evaluation the best interest of the state. And if the DEQ, which is a code agency, decides it's in the best interest of the state, then they perform the evaluation, they make the decision whether they should provide the evaluation instead of the Public Service Commission, which is a constitutionally defined, elected body. So we have a code agency deciding whether the law applies, then should go ahead and whether they should do it or the Public Service Commission, which is an elected body, should do it. Now if that's not an extreme makeover, I can't imagine, I can't imagine. And I can't understand why we are doing this. Right now there's a law in place, LB1161, a very good law with safeguards and hearings and so on for Nebraskans built into it. And now in this new amendment the DEQ, with no hearings required, makes a decision whether they ought to be the ones to do this. [LB1161]

PRESIDENT SHEEHY: One minute. [LB1161]

SENATOR HAAR: This is simply amazing. Again, I will be interested to see where else there are changes like this. Gosh, this is "curiouser" and "curiouser" doesn't even fit anymore. It's an extreme makeover. I urge you to recommit this to committee so we can have a public hearing so the public can have a voice in this. That's what started the whole process to begin with. That's what started the special session--the public wanting input. Now the process, that's a complete change and the public has no ability to speak. I urge you to send this back to committee where it can have a proper hearing. Thank you very much. [LB1161]

PRESIDENT SHEEHY: Thank you, Senator Haar. Senator Burke Harr. [LB1161]

SENATOR HARR: Thank you, Mr. Lieutenant Governor, members of the body. So last November we had a special session and we had a lot of work that went into these bills. And I want to reiterate my thanks to all the hard work that went into it. Speaker Flood, the whole Department of Natural Resources, Senator Langemeier. And out of that...and others of course, but out of that we came out with two bills. We had a public hearing on those bills, and we came up with a process. It was called the Nebraska way, which was a great compromise. No one got everything they wanted, and I think both sides gave up a lot. But we got something done and it was good. Then Washington stuck its nose in here. Now there was an artificial time line set and the President then vetoed the project. And we can sit there and lay blame and say it was the Republicans' fault, it was the Democrats' fault, but that's not going to change. And I know what I think but I'm sure Senator Smith thinks something else. And really it's not relevant what we think. The question is, what is the commitment we made to the people of Nebraska last November? We said that the argument at the time was: pipeline okay, but we don't want

Floor Debate
April 05, 2012

it through our Sandhills. Well, we made a commitment to make sure it wouldn't run through the Sandhills. And what we had was it was going to go through the DEQ for a very limited time and then it was going to go to the PSC. Now all that timing got goofed up because of Washington sticking its nose in our business, unfortunately. So what we are doing here is trying to honor the deal we made last November, pure and simple. Was there a public hearing on this? No. Is it of the same manner and subject of what we agreed to last November? You bet. What we're doing here, and there's a flow chart and I appreciate the flow chart. Unfortunately, the flow chart is not completely consistent with the statute, but it's a good start. It's a letter to the PSC. You can bypass the PSC. And the theory here is what we do in the court system. You appeal to the Court of Appeals but you can also file a waiver to bypass the Court of Appeals and go directly to the Supreme Court. This is directly analogous. So then there are criterias the DEQ looks at. And the criterias are, and Ken Haar is exactly right, expedited evaluation is in the best interest of Nebraska. But there's also two others: and pipeline traverses two or more states; and applications submitted pursuant to a Presidential executive order. So we have a basis in fact for the DEQ to look at. And then once they look at that, then they can perform the review. Now between General and Select there was a lot of negotiating that went on. And, again, just like last fall, not everyone is getting what they want. On General, I had some concerns about eminent domain. I think those have been addressed, but there wasn't a public hearing on that. At some point we have to legislate. And we have to... [LB1161]

PRESIDENT SHEEHY: One minute. [LB1161]

SENATOR HARR: Thank you, Mr. Lieutenant Governor...we have to fulfill the promises and obligations we made last fall in that special legislation. If we recommit this to committee, we are effectively saying that special session we had last fall, that sacrifice we all made from our other jobs, time away from our family and friends, it was all for naught. So while I do not consider this amendment perfect, there are things in there I'd like to see that aren't in there. But guess what. That's the art and the deal of compromise. And so while I understand concern, I think their concerns have been addressed. And so I would ask that you not recommit this to committee. Thank you. [LB1161]

PRESIDENT SHEEHY: Thank you, Senator Harr. Members requesting to speak on the motion to recommit LB1161 to committee, we have Senator Schilz, followed by Senator Dubas, Senator Hansen, Senator Smith, Senator Conrad, and others. Senator Schilz. [LB1161]

SENATOR SCHILZ: Thank you, Mr. President. Members of the body, good morning. I have to concur with just about everything that Senator Harr just said. Simply put, this amendment keeps with the intent of both the Natural Resources Committee, as we move through, as far as I understood and my feelings on it and my understanding of

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

Floor Debate
April 05, 2012

where we ended up, the Natural Resources Committee and the Legislature during that special session. I am opposed to recommitting this to committee. I believe that this is a good step. We have to remember that everybody wanted to make sure that we didn't, that we didn't jeopardize the pipeline but that we found an alternative route that made sense for Nebraska. This amendment to LB1161, that Senator Smith needs to have the opportunity to explain to everyone, does that. So I would hope that everyone will give Senator Smith the chance. And with that, I will give the rest of my time to Senator Lautenbaugh if he wants it. [LB1161]

PRESIDENT SHEEHY: Senator Lautenbaugh, would you yield? [LB1161]

SENATOR LAUTENBAUGH: The time, yes. [LB1161]

PRESIDENT SHEEHY: You're yielded 3 minutes 30 seconds. [LB1161]

SENATOR LAUTENBAUGH: Thank you, Mr. President, members of the body. And thank you, Senator Schilz. I think the flow chart here is very helpful. And I understand what we're trying to do. And I applaud Senators Smith and Langemeier, for their hard work on this, and others. I'm not on that particular committee that's labored so long over this. But I don't see this as having any sort of legal problems or being suspect in any way constitutionally. I think this is a reasonable approach to address some of the concerns that were expressed perhaps on General File. And I understand what they're doing here. I think it's proper what we're proposing here. And without belaboring the point too much, I do think it's clearly constitutional. And I would urge you to support this amendment and the underlying bill. Thank you, Mr. President. [LB1161]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. Senator Dubas. [LB1161]

SENATOR DUBAS: Thank you very much, Mr. Lieutenant Governor. And Senator Smith is correct, my office was involved with...as we began working on this issue. We probably raised more questions than we offered suggestions. And it became clear to me as discussions kept going on and on that we were getting farther and farther away from where the committee amendment was and more and more into amending LB1. And I had a conversation with Senator Smith and I expressed my concerns. And I said, I just, again because of the work and time that went into LB1, I'm going to be very protective of that. And I'm just not going to be able to support the direction that we were going. So, yes, I do appreciate the fact that my office as well as others were involved in trying to figure out how do we navigate our way through this mess. We passed LB4 in the special session after a lot of work in order to expedite the application. PSC was going to have to need time to go through their rules and regs process of setting that up and having hearings and taking public comment. So they just weren't going to be able to have anything done in a timely fashion. But now because of all of the antics that have taken place that has pushed this project out and delayed it more, PSC is very close to having

Floor Debate
April 05, 2012

those rules and regs ready to be up and running. They're looking at probably sometime the first part of June to have everything ready to go. In the letter that we received from Director Linder about the process that he would see DEQ using to move forward, he talked about it being a seven- to eight-month period. So we're still looking at seven to eight months out before...if whatever we do happens, happens. We're looking at the minimum seven to eight months. That's the same amount of time that the Public Service Commission says it would take for them to go through their process. So I think, because of everything that has transpired and unfolded, there's no need for an expedited process anymore because of where the Public Service Commission is at with what they will be able to do with an application process. So...and I do believe Senator Smith needs to have the time and opportunity to walk us through this amendment because it's a long amendment. There have been multiple amendments dropped. And it's been hard to kind of keep up with things. And I think if we are going to pass this we really...typically, a committee is able to stand up and help our fellow members understand what's in the bill and answer questions. That's not the case of where we're at today. Because this is a new amendment just filed this morning, I think we need to understand what are the differences. And I know he's passed out a flow chart. I understand maybe there's going to be some clarifications made to that flow chart to help everybody, all of us, understand a little bit better. Those are, you know, getting it down where everybody can understand it I think is important. But we need to be able to really pick this apart and understand, if we're going to vote for it, understand fully what we're voting. So if Senator Smith would yield to some questions, I would appreciate that. [LB1161]

PRESIDENT SHEEHY: Thank you, Senator Dubas. Senator Hansen. Oh, Senator Smith, would you yield? [LB1161]

SENATOR SMITH: Yes, I will. [LB1161]

SENATOR DUBAS: Thank you. How much time do I have? [LB1161]

PRESIDENT SHEEHY: One minute, one minute. [LB1161]

SENATOR DUBAS: Okay, thank you, Senator Smith, for yielding. I guess I'm looking on page 2, Section 3, where it talks, I think this is about the documents or records that can be withheld. And it simply refers to the commission, the commission shall not withhold and the commission, when we talk about it here, is the PSC. It does not say anything about DEQ. So would this same section apply to DEQ or does it just apply to the commission? [LB1161]

SENATOR SMITH: In the current language it does not refer to DEQ. However, I've been having conversations with Senator Avery. And he has a floor amendment he's going to bring forward that I will support to add that language in. [LB1161]

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

Floor Debate
April 05, 2012

SENATOR DUBAS: Okay, very good, appreciate that. On page 9, where we're talking about the expedited review process, it says the expedited evaluation of the application or letter of intent is in the best interest of the state. [LB1161]

PRESIDENT SHEEHY: Time, Senator. Thank you, Senator Dubas. Senator Hansen. [LB1161]

SENATOR HANSEN: Good morning, Mr. President, members of the Legislature. I rise in opposition to the recommit idea. We recommitted this last November for a month, and I don't think we need to do this anymore. This is a deliberative body. If we're going...we deliberated yesterday, the day before and days and weeks before this on not this topic but on different issues, and we need to do that in here on Senator Smith's amendment. A year ago, about a year ago right now, we started talking about...people starting saying, well, I'm for the pipeline, but I don't like the route. And so we...and including the Governor. And the Governor said, well, I like...I want the pipeline, but I don't like the route. And then unbeknownst to everyone in here, in November he said, let's have a special session and talk about it, but I like the pipeline, but I don't like the route. Now we're finding out people don't like the pipeline. They weren't quite up-front with everybody a year ago to say that, you know, we don't need this pipeline. And it starts with President Obama, Ken Salazar and all the way down that this pipeline is not needed. Nebraska needs this pipeline. Nebraska needs the oil, it needs the refined oil that's headed for Texas and comes back into the Midwest, we need this. We can't do this with renewable energy yet. It's going to take 20 to 50 years to get that in place. We need this oil, we need it now, we need it as quickly as we can. And I really thank Senator Smith for coming up with this amendment and we need to deliberate it now. We've spent a lot of time talking about less...maybe less important items to some people, but this affects each one of us every day. Thank you, Mr. President. [LB1161]

PRESIDENT SHEEHY: Thank you, Senator Hansen. Senator Smith. (Gavel) [LB1161]

SENATOR SMITH: Thank you, Mr. President. And, colleagues, I know once again it's been a long week, late nights, lot of other discussions going on, but there's been a lot of accusations hurled here. And also there has been some questions. And I just want...and this is a very confusing topic, it always has been. But I'm standing up here and I want to try to address a couple of things. And then I want to be able to go forward with my amendment and explain how we have tried to resolve a lot of the issues that have been raised around this particular topic. But please try to follow as much as possible. We did, and I appreciate some of the history lessons, some of the folks bringing us up to speed with where we are today. But on General File, we had LB1161 advance from General File. I'm perfectly fine with LB1161, frankly. But there was discussion during that debate about special legislation. Now I disagree. I did not believe that there was legal...a legal impediment to the process that was laid out on General. But there was discussion about that issue. And so my staff worked with the staff of those senators that had stood up

Floor Debate
April 05, 2012

and had raised that particular issue and we tried our very best to be transparent in how we were seeking to resolve the discussion or the issue of special legislation. That's what the amendment is all about. Now we have demonstrated our willingness to address these issues, just as this morning, Senator Avery bringing forward...and he's going to have the floor amendment on transparency as it relates to the Department of Environmental Quality. Once again, we've demonstrated that we want to work with all the colleagues, all my colleagues to get them on board and to be able to advance this very, very important piece of legislation. Now we had LB1 and LB4 created during the special session. There is a...there's a difference in the process between LB1 and LB4, between DEQ and PSC; those differences remain. We really did not disassemble or recreate or have an extreme makeover of the processes once it was with any of the PSC or the DEQ. What we are addressing with this amendment that, hopefully, we'll be able to hear shortly is how we are resolving the concerns that many of my colleagues here have had, or some of my colleagues have had, about special legislation. Pure and simple, that's what this amendment is about. I'm looking very forward to going over that with everyone. And I know the last thing you want to see after a long week and late nights is to look down at your agenda and to see the pipeline legislation up. And what made that possibly even worse was to look down and see a flow chart. Probably Senator Ken Haar and I are the only two members of the Legislature that can appreciate flow charts. I know Senator Haar has a math and a science background and he appreciates that. And it makes perfect sense to me, flow charts are our friends. But I know it confuses some of my colleagues and I hope to have the chance to explain through this. I think it will be very clear to you, once we do that, that this is very good legislation. I do want to thank Senator Burke Harr and Senator Paul Schumacher who helped me last evening make the final touches that address some of the things that they considered that were problematic with the amendment, AM2745. And I'm looking forward to them being able to come... [LB1161]

PRESIDENT SHEEHY: One minute. [LB1161]

SENATOR SMITH: ...to the microphone as well. Thank you, Mr. President. I'm looking forward to them being able to come to the microphone as well and to explain this change that occurred between AM2745 and AM2782. Thank you, Mr. President. [LB1161]

PRESIDENT SHEEHY: Thank you, Senator Smith. Senator Conrad. [LB1161]

SENATOR CONRAD: Thank you, Mr. President. Senator Smith, no one can deny that this is indeed an incredibly important issue for Nebraska, and thus we should be particularly sensitive to the public's right to know and to make their opinions known. Pursuant to our rules, most notably Rule 3, Section 14, and also Article III, Section 11 of the Nebraska Constitution, which puts forward a clear standard for open doors in this Legislature, not to mention our state motto (sic) wherein the watchfulness of the citizen

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

Floor Debate
April 05, 2012

is the salvation of the state. Now let's start with just a few points of clarification before I'll ask Senator Smith to yield to some questions. Senator Burke Harr noted this is just like procedures that we have available in the judicial branch. Folks, I could not disagree more. If you...he noted a bypass that exists under the Court of Appeals to the Supreme Court. Go and look at the Supreme Court rule, Section 2-102, wherein there is a very clear process set forward to respect parties' due process rights. Folks, what's the hallmark of due process? Notice and opportunity to be heard. That is set forth very clearly in the Supreme Court rules. There are absolutely no provisions regarding notice or opportunity to be heard for any opposition party or the public in LB1161 amended through AM2782, AM2745 or whatever else might come forward this morning. So to say that that is analogous is not accurate. Senator Smith, if you'll yield to some questions please. [LB1161]

PRESIDENT SHEEHY: Senator Smith, would you yield to Senator Conrad? [LB1161]

SENATOR SMITH: Yes, I will. [LB1161]

SENATOR CONRAD: Senator Smith, let's just break this down line by line. What are the key differences between AM2782 and AM2745? [LB1161]

SENATOR SMITH: Well, if you would allow me to just refer to my flow chart, on the left-hand side... [LB1161]

SENATOR CONRAD: With all due respect, Senator Smith, the flow chart is not in the legislative record, so I'm going to need you to explain what are the differences between AM2745 and AM2782, not to mention the fact that a one-page, handwritten flow chart is not appropriate to rely on for a multibillion-dollar project. Now please proceed. [LB1161]

SENATOR SMITH: If you're seeking to understand, then that's what I'm referring to. In my letter or...letter of intent or application to the PSC, once the siting request is made, that once that is filed this is the difference, once that is filed the applicant can petition with the Department of Environmental Quality to bypass review by the PSC for a direct review by the DEQ. That is the essence of the change between AM2745 and AM2782. [LB1161]

SENATOR CONRAD: And, Senator Smith, who was in the room when that change was conceived? [LB1161]

SENATOR SMITH: That was last evening with the assistance of Senator Burke Harr and Senator Paul Schumacher. [LB1161]

SENATOR CONRAD: And just to be clear, are Senator Burke Harr or Senator Paul Schumacher on the Natural Resources Committee? [LB1161]

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

Floor Debate
April 05, 2012

SENATOR SMITH: No, but they are, I consider to be, two very, very good attorneys and they have great experience. And I rely on their expertise and their wisdom. [LB1161]

SENATOR CONRAD: There's no question that they are competent in their professional vocation. Senator Smith, has your committee, which has jurisdiction over these issues, had a chance to review these key distinctions which are incredibly substantive in nature and I've heard at least two members profess their concerns? Did you ever...did it ever occur to you that you should discuss this with the committee of jurisdiction? [LB1161]

SENATOR SMITH: Well, we did discuss AM2745 with all of the committee members. And during Final Reading yesterday copies were handed out to everyone with a handwritten summary by me to help them understand what AM2745 was all about. AM2782 does not vary from that. [LB1161]

SENATOR CONRAD: Senator Smith, knowing that we had a special session on this topic, that it's been subject to great national debate,... [LB1161]

PRESIDENT SHEEHY: One minute. [LB1161]

SENATOR CONRAD: ...don't you feel the public has a right to weigh in on substantive changes to a major piece of legislation? Why or why not? [LB1161]

SENATOR SMITH: Oh, absolutely the public has every reason to be interested (inaudible) because I sat through many, many... [LB1161]

SENATOR CONRAD: And where are they allowed to make their views known on this issue? [LB1161]

SENATOR SMITH: ...I sat through the hearings on that. And I believe there has been no more public input and involvement than possibly this bill. [LB1161]

SENATOR CONRAD: Senator Smith, was the substance of AM2782 subject to public hearing? [LB1161]

SENATOR SMITH: I'm sorry, repeat that. [LB1161]

SENATOR CONRAD: Was the substance of AM2782 subject to public hearing where we told the public we're going to allow a code agency to bypass our state rules, laws and regulations? [LB1161]

SENATOR SMITH: No more... [LB1161]

Floor Debate
April 05, 2012

PRESIDENT SHEEHY: Time, Senator. Senator Krist. [LB1161]

SENATOR KRIST: Sorry for the delay. Thank you, Mr. President. And good morning, Nebraska and colleagues. A little breath wasn't too bad either though. I guess, in relationship to this topic, I do rely on my colleagues, the folks who have expertise in the area. What I'm having trouble with right now is something that happens, and maybe this is advice, maybe this is experience that I have personally had on this floor. If we're going to talk about the recommit, then we need to talk about the substance of LB1161 and the amendment that we just got an opportunity to see. So what I would ask Senator Smith to do is start talking about the amendment so many of us who want to understand what's in the amendment can make a decision on whether to recommit. And I don't think that's unusual in the circumstance of this floor. So if Senator Smith is listening, what I'm asking personally is that he get on the mike and start talking about his amendment. And if he'd like to do that, I'd certainly yield him the time. But I see that he is otherwise committed right now. Let's talk about the amendment that we don't understand, and as I understand it the flow chart or the diagram is not 100 percent correct. So without having Senator Smith available, I will yield back the rest of my time. [LB1161]

PRESIDENT SHEEHY: Thank you, Senator Krist. Senator Ken Haar. [LB1161]

SENATOR HAAR: Mr. President, members of the body, I love flow charts, that's true. And when you look at a flow chart, I would assume that we have others that love flow charts, but when you look at a flow chart you got to look at those...not the square boxes but the diamond shaped boxes, the decision boxes, because if you make a bad decision in that box, nothing else works. And that's where the big change happened between yesterday's stuff and what we got today, this extreme makeover, in my opinion, because now where the Governor was sitting in that diamond before making a decision, now we have the DEQ. And they're making a decision whether or not they should make the decision. They're deciding whether they should go ahead and make an exception and do the process which, by the way, before in LB...when we got through the special session, there was a time limit on the DEQ doing that function. Now there's no time limit. In this situation, no matter when a pipeline comes through, if it wants to file a petition with the DEQ it can do it. There's no time limit set on that. So again, we have a code agency making a decision whether they should make the decision or whether a constitutionally constructed, defined, elected body should make a decision. And even though I didn't agree with the Governor being in that diamond, there were some criteria which included protect natural resources, ag resources, and so on. All it says now is that DEQ has to look to see if it's in the best interest of the state. I'd like to ask Senator Langemeier a question if I could. [LB1161]

PRESIDENT SHEEHY: Senator Langemeier, would you yield to Senator Haar?
[LB1161]

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

Floor Debate
April 05, 2012

SENATOR LANGEMEIER: Sure. [LB1161]

SENATOR HAAR: Okay, thank you very much. Senator Langemeier, in this new amendment, AM2782, what is the best interest of the state? What does that mean? How would the DEQ make that? [LB1161]

SENATOR LANGEMEIER: You would have to refer those questions to the author of it. I'm not that author. [LB1161]

SENATOR HAAR: Okay. So, Senator Smith, could I ask you a question? [LB1161]

PRESIDENT SHEEHY: Senator Smith, would you yield to Senator Haar? [LB1161]

SENATOR SMITH: Yes, I will. [LB1161]

SENATOR HAAR: Okay, well, thank you for the flow chart, love them. In the new amendment the DEQ would simply decide whether or not it should take it or the PSC should take it based on the best interest of the state. What are the criteria for the best interest of the state? [LB1161]

SENATOR SMITH: I think, Senator, it's laid out in the amendment. But there are economic, environmental, social, geological considerations that are given there. [LB1161]

SENATOR HAAR: Could you point that out to me in the new amendment? Now I'm referring to page 9, lines 20 and 21, comparing it to the old line, page 9, lines 17 through 22. [LB1161]

SENATOR SMITH: All right, give me a moment here, Senator. [LB1161]

SENATOR HAAR: Sure. [LB1161]

PRESIDENT SHEEHY: One minute. [LB1161]

SENATOR SMITH: Senator, if I may come back on mike here in a moment and that...I believe that that is in AM2745. [LB1161]

SENATOR HAAR: I'm sorry, I'm sorry, I didn't hear that. [LB1161]

SENATOR SMITH: I can't find my place in this particular amendment, Senator. I apologize. [LB1161]

SENATOR HAAR: Okay. I'll come back to you and ask that question next time on the

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

Floor Debate
April 05, 2012

light. On the flow chart, Senator Smith, is there any time limit now? Does that diamond go away where automatically things will go to the Public Service Commission or is that decision always there for the DEQ to be petitioned? [LB1161]

SENATOR SMITH: I'm sorry, I'm sorry, repeat that please, Senator. [LB1161]

SENATOR HAAR: Yes, the diamond with the DEQ assessing the criteria, is there any time limit on that or is that the new process? [LB1161]

SENATOR SMITH: The amount of time that is allowed... [LB1161]

PRESIDENT SHEEHY: Time, Senator. Time. Senator Haar, that was your third time. Senator Carlson. [LB1161]

SENATOR CARLSON: Thank you, Mr. President, members of the Legislature. I'm simply going to make a few comments about what I'm observing going on. We know that there are people in the state of Nebraska that want the pipeline and don't really fear the risk. Senator Louden gave his opinion the other day that oil will be transported across Nebraska, either by truck or by rail or by pipeline. And in his opinion, pipeline is the safest option. I agree with him. Last fall we had 25 hours of testimony on the pipeline. Senator Smith has brought forth LB1161. On General File there was registered a concern about special legislation. My understanding is that Senator Smith will address that issue with his amendment. And I think that he should have that opportunity. So I would ask you not to vote for recommitting to committee and let's allow Senator Smith to present his amendment and we can discuss it at that time. Thank you. [LB1161]

SENATOR COASH PRESIDING

SENATOR COASH: Thank you, Senator Carlson. (Visitors introduced.) Senator Avery, you are recognized. [LB1161]

SENATOR AVERY: Thank you, Mr. President. Good morning, colleagues. I find this flow chart actually helpful. I know it's not a legislative document, but I'm visual and I like visuals. And I wish...I'd like to ask Senator Schumacher if he would be willing to yield for a couple questions. [LB1161]

SENATOR COASH: Senator Schumacher, will you yield? [LB1161]

SENATOR SCHUMACHER: Yes. [LB1161]

SENATOR AVERY: Thank you, Senator Schumacher. I understand that you were a part of a meeting last night in drafting this amendment. Is that correct? [LB1161]

Floor Debate
April 05, 2012

SENATOR SCHUMACHER: I wouldn't exactly call it a meeting. We went under the balcony for about five or ten minutes. [LB1161]

SENATOR AVERY: Could you help me understand the changes that are reflected in this amendment by explaining the rationale for adding what I believe we could call a bypass option in the application process? [LB1161]

SENATOR SCHUMACHER: I'll be happy to. Senator Smith was concerned because various people had contacted him and said what you want to do is you want to make sure that this isn't special legislation and it isn't an unconstitutional delegation of authority. We want to try to make this as best as possible. And I think the initial draft had a date in there that if you made an application before a certain date, and the date was pretty near in the future, you got treated one way, and if it was after the magic date you got treated another way. And one way you got treated through the DEQ and the other way through the Public Service Commission. And so after listening to the problem that he was presenting, I said to him, you know, this sounds an awful lot like what we do in the judicial branch when you appeal a case. You can appeal to the Court of Appeals, but you can also ask the Supreme Court to skip that step and let it make the ruling directly, under certain circumstances. So the idea was to parallel this with well-established court procedure and actually enhance the level of review, because it would first go to the...an application with the Public Service Commission and then the normal flow chart would go, once the Public Service Commission did its thing and found it to be okay, it would go down to the DEQ, who would also review it and bless it, and finally to the Governor. So there were several tiers of review for public input and public protection. And...but in certain cases where it was in the best interest of the state or involved other states who were waiting in line and granted approval already, and it was already before the federal government, the person who wants the pipeline could say, you know, I would like to take it to the next to final arbiter, the Governor being the final one, to the DEQ directly and bypass the step in the procedure at the Public Service Commission. And under circumstances, the DEQ, with our blessing, being the Legislature, could make the findings that this was one of those cases where it was important enough to skip one step and pass on it that way. [LB1161]

SENATOR AVERY: Thank you, Senator Schumacher. As usual, you have the ability to make muddy water clear. I was reading here on page 2 where we talk about the submission of a letter of intent to file an application. That seems to me to be a... [LB1161]

SENATOR COASH: One minute. [LB1161]

SENATOR AVERY: ...an area that is quite different from what we've had in this legislation in the past, because now it appears that the submission of a letter of intent to file an application is all that would be necessary in order to have the authority to discuss

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

Floor Debate
April 05, 2012

eminent domain with the landowners or to even threaten eminent domain with the landowners. I had a conversation with Senator Burke Harr about this. He explained to me why this is in here, because there is a need to get some soil samples before you can make rational decisions about where the pipeline route ought to be. And in order to get those soil samples you need to have the cooperation of the landowners. If you don't have that cooperation, you need to have some means to compel them to cooperate. So I understand the reason for that now. I was not quite sure of that previously. Thank you, Senator Schumacher. And thank you, Mr. President. I think this is becoming clearer to me. [LB1161]

SENATOR COASH: Thank you, Senator Avery. Senator Council, you're recognized. [LB1161]

SENATOR COUNCIL: Thank you very much, Mr. President. I would yield my time to Senator Ken Haar, if he would take it. [LB1161]

SENATOR COASH: Senator Ken Haar, you have 4 minutes 40 seconds. [LB1161]

SENATOR HAAR: Okay. Well, I've got to tell you...Mr. President, members of the body, and thank you, Senator Council, for this time. We are talking about a compromise at this point, which I will vote against but it would certainly make things better. So I think at this time...what shall we do then? Okay. So what we're talking about doing here...well, I...okay, I want to answer a couple...to explain the reason that whatever bill comes through here won't have my vote and it may not need it. But here's the fact, that we have honored our promises and obligations that we made in the special session. We have not broken any promises. And we had a deadline in there and we have honored it. And the deadline passed and now LB1 is the law. And those who argue that we have an obligation to TransCanada, I want to remind you that we got done with the special session and on December 10, I believe that's the date, it may have been the 11th or whatever, TransCanada appeared before the Energy Committee of the House of Representatives and talked about how the House needed to speed up the process. Okay, they got their way, you know, the new deadline was written into an appropriations bill forcing the President to make a decision. He said, no, so they lost. They stuck their nose and they kept working to get it expedited; they lost and now they come back to us and say, go through all this again, you made a promise. Well, we kept our obligations, we kept our promise. And they keep mucking and mucking and mucking. They can't seem to take yes for an answer that we gave back in the special session. It's not the same subject and it's not the same manner, this current LB1161 with amendments. You've got to look at the diamond. And there is no public hearing. The special amendment was really...I'm sorry, special session was really about getting the public involved in the decision. Yet when we look at the flow chart, the public doesn't get allowed until after the decision is made. You know, if we go ahead with this amendment, it's going to be special session, or whatever, all over again. People didn't just go back to

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

Floor Debate
April 05, 2012

their homes and say, oh my gosh, it's all solved. One of the lessons that the people that at least I talked to, the citizens who participated in the process, who came to the hearings, who took the time to e-mail and all that sort of thing was I think they realize now that statement over the north door of the Capitol that... [LB1161]

SENATOR COASH: One minute. [LB1161]

SENATOR HAAR: ...that says watchfulness in the citizen is the salvation of the state. And I said that to some of the people from Atkinson after the special session. I said, this isn't over and you can't go home and assume it's over, you got to stay involved, that's what democracy is about. And I can tell you if there's no public hearing before the DEQ gets to decide whether they get to decide or whether it goes to the Public Service Commission, if there is no public hearing, meaningful public hearing, we're going to go through this whole process all over again, and we should because the public is the second house of this Legislature. Thank you very much. [LB1161]

SENATOR COASH: Thank you, Senator Haar. (Visitors introduced.) Speaker Flood for an announcement. [LB1161]

SPEAKER FLOOD: Thank you, Mr. President and members. Good morning. It's 10:05. We've started debate on LB1161. I know that several senators have been spending some time talking about different approaches to the Select File action that they want to take today. Given the fact that that process needs to unfold and Bill Drafters needs to react in some event potentially, we're going to immediately move to Final Reading at this time. I would ask you to take your seats. We're going to move to Final Reading and take up the bill that starts with LB40E. We're going to proceed all the way through Final Reading and then rejoin our agenda at LB1161 and we'll finish this discussion up. The only thing I want to make you aware of, doing it this way means that Bill Drafters will have to process those Select File bills and return them back to be placed on Final Reading yet today. And this will require us to remain in session while that process is underway. And so I need, obviously, at the conclusion of the day's business I anticipate remaining in session in the Chamber and I need more than a quorum to make that happen. And with your indulgence and your attendance, we can get there. These are the types of things we do at this point in the session. And I want you to know I appreciate that. So we're immediately going to move to LB40. Thank you, Mr. President.

SENATOR COASH: Thank you, Speaker Flood. Mr. Clerk, you have some items?

CLERK: I do, Mr. President, thank you. Explanation of vote from Senator Sullivan (re LB851, LB865, LB869, LB880, LB881, LB896, LB897, LB898, LB899, LB936, LB941, LB997, LB1005, LB1026, LB1030, LB1035, LB1038, LB1042, LB1049, LB1051, LB1054, LB1054A, LB1062, LB1077, LB1083, LB1087, LB1087A, LB1101, LB1106, LB1116, LB1121, LB1122, LB1126, LB1140, LB1141, and LB1148). A Reference report

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

Floor Debate
April 05, 2012

referring study resolution. And bills read earlier this morning on Final Reading were presented to the Governor at 9:04 a.m. (re LB357, LB745, LB804, LB998, LB998A, LB1053, LB1053A, LB1113, LB1155, and LB1158). And a confirmation report from the Judiciary Committee. That's all that I have, Mr. President. (Legislative Journal pages 1462-1463.) [LB851 LB865 LB869 LB880 LB881 LB896 LB897 LB898 LB899 LB936 LB941 LB997 LB1005 LB1026 LB1030 LB1035 LB1038 LB1042 LB1049 LB1051 LB1054 LB1054A LB1062 LB1077 LB1083 LB1087 LB1087A LB1101 LB1106 LB1116 LB1121 LB1122 LB1126 LB1140 LB1141 LB1148 LB357 LB745 LB804 LB998 LB998A LB1053 LB1053A LB1113 LB1155 LB1158]

SENATOR COASH: Thank you, Mr. Clerk. (Visitors introduced.) Members, please return to your seats in preparation for Final Reading. Senator Brasch, please return to the Chamber for Final Reading. Senator Christensen, please return to the Chamber for Final Reading.

SPEAKER FLOOD PRESIDING

SPEAKER FLOOD: Mr. Clerk, the first bill on Final Reading is LB40. [LB40]

ASSISTANT CLERK: (Read LB40 on Final Reading.) [LB40]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB40 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB40]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1463-1464.) The vote is 49 ayes, 0 nays on the final passage of the bill. [LB40]

SPEAKER FLOOD: LB40 passes with the emergency clause attached. Mr. Clerk, we now proceed to LB66. [LB40 LB66]

ASSISTANT CLERK: (Read LB66 on Final Reading.) [LB66]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB66 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB66]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1464.) The vote is 49 ayes, 0 nays, Mr. President. [LB66]

SPEAKER FLOOD: LB66 passes. Mr. Clerk, LB66A. [LB66 LB66A]

ASSISTANT CLERK: (Read LB66A on Final Reading.) [LB66A]

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

Floor Debate
April 05, 2012

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB66A pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB66A]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1465.) The vote is 49 ayes, 0 nays on the final passage of the bill. [LB66A]

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: LB66A passes. (Doctor of the day introduced.) Mr. Clerk, we will now proceed to LB209. The first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB66A LB209]

ASSISTANT CLERK: 40 ayes, 0 nays to dispense with the at-large reading, Mr. President. [LB209]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB209]

ASSISTANT CLERK: (Read title of LB209.) [LB209]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB209 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB209]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1466.) The vote is 49 ayes, 0 nays, Mr. President. [LB209]

PRESIDENT SHEEHY: LB209 passes. We will now proceed to LB209A. [LB209 LB209A]

ASSISTANT CLERK: (Read LB209A on Final Reading.) [LB209A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB209A pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB209A]

ASSISTANT CLERK: (Record vote read, Legislature Journal pages 1466-1467.) The vote is 49 ayes, 0 nays, Mr. President. [LB209A]

PRESIDENT SHEEHY: LB209A passes. We will now proceed to LB426. [LB209A LB426]

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

Floor Debate
April 05, 2012

ASSISTANT CLERK: (Read LB426 on Final Reading.) [LB426]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB426 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB426]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1467.) The vote is 49 ayes, 0 nays on the final passage of the bill. [LB426]

PRESIDENT SHEEHY: LB426 passes. We will now proceed to LB541. [LB426 LB541]

ASSISTANT CLERK: (Read LB541 on Final Reading.) [LB541]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB541 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB541]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1467-1468.) The vote is 49 ayes, 0 nays, Mr. President. [LB541]

PRESIDENT SHEEHY: LB541 passes with the emergency clause attached. We will now proceed to LB541A. [LB541 LB541A]

ASSISTANT CLERK: (Read LB541A on Final Reading.) [LB541A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB541A pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB541A]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1468.) The vote 49 ayes, 0 nays, Mr. President. [LB541A]

PRESIDENT SHEEHY: LB541A passes with the emergency clause attached. We will now proceed to LB576. [LB541A LB576]

ASSISTANT CLERK: (Read LB576 on Final Reading.) [LB576]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB576 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB576]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1469.) The vote is 49

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

Floor Debate
April 05, 2012

ayes, 0 nays on the final passage of the bill. [LB576]

PRESIDENT SHEEHY: LB576 passes. We will now proceed to LB727. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB576 LB727]

ASSISTANT CLERK: 39 ayes, 0 nays to dispense with the at-large reading, Mr. President. [LB727]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB727]

ASSISTANT CLERK: (Read title of LB727.) [LB727]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB727 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. (Visitors introduced.) Record, Mr. Clerk. [LB727]

CLERK: (Record vote read, Legislative Journal page 1470.) 49 ayes, 0 nays, Mr. President, on the passage of LB727. [LB727]

PRESIDENT SHEEHY: LB727 passes with the emergency clause attached. We will now proceed to LB806. [LB727 LB806]

CLERK: (Read LB806 on Final Reading.) [LB806]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB806 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB806]

CLERK: (Record vote read, Legislative Journal pages 1470-1471.) 26 ayes, 18 nays, 5 present and not voting, Mr. President. [LB806]

PRESIDENT SHEEHY: LB806 passes. We will now proceed to LB806A. [LB806 LB806A]

CLERK: (Read LB806A on Final Reading.) [LB806A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB806A pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB806A]

CLERK: (Record vote read, Legislative Journal pages 1471-1472.) 29 ayes, 12 nays, 8

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

Floor Debate
April 05, 2012

present and not voting, Mr. President. [LB806A]

PRESIDENT SHEEHY: LB806A passes. We will now proceed to LB817. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB806A LB817]

CLERK: 42 ayes, 0 nays, Mr. President, on the motion to dispense with the at-large reading. [LB817]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB817]

CLERK: (Read title of LB817.) [LB817]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB817 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB817]

CLERK: (Record vote read, Legislative Journal pages 1472-1473.) 47 ayes, 0 nays, 2 present and not voting, Mr. President. [LB817]

PRESIDENT SHEEHY: LB817 passes. We will now proceed to LB817A. [LB817 LB817A]

CLERK: (Read LB817A on Final Reading.) [LB817A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB817A pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB817A]

CLERK: (Record vote read, Legislative Journal page 1473.) 48 ayes, 0 nays, 1 present and not voting, Mr. President. [LB817A]

PRESIDENT SHEEHY: LB817A passes. We will now proceed to LB820. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB817A LB820]

CLERK: 39 ayes, 0 nays, Mr. President, to dispense with the at-large reading. [LB820]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB820]

CLERK: (Read title of LB820.) [LB820]

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

Floor Debate
April 05, 2012

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB820 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB820]

CLERK: (Record vote read, Legislative Journal page 1474.) 49 ayes, 0 nays, Mr. President, on the passage of LB820. [LB820]

PRESIDENT SHEEHY: LB820 passes with the emergency clause attached. We will now proceed to LB820A. Mr. Clerk, the first vote is to dispense with the at-large reading, correction, correction. No dispensing of the at-large reading. [LB820 LB820A]

CLERK: (Read LB820A on Final Reading.) [LB820A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB820A pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB820A]

CLERK: (Record vote read, Legislative Journal pages 1474-1475.) 48 ayes, 0 nays, Mr. President, 1 present and not voting. [LB820A]

PRESIDENT SHEEHY: LB820A passes with the emergency clause attached. We will now proceed to LB821. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB820A LB821]

CLERK: 42 ayes, 0 nays, Mr. President, to dispense with the at-large reading. [LB821]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB821]

CLERK: (Read title of LB821.) [LB821]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB821 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB821]

CLERK: (Record vote read, Legislative Journal pages 1475-1476.) 49 ayes, 0 nays on the passage of LB821, Mr. President. [LB821]

PRESIDENT SHEEHY: LB821 passes with the emergency clause attached. We will now proceed to LB821A. [LB821 LB821A]

CLERK: (Read LB821A on Final Reading.) [LB821A]

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

Floor Debate
April 05, 2012

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB821A pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB821A]

CLERK: (Record vote read, Legislative Journal page 1476.) 49 ayes, 0 nays on the final passage of LB821A, Mr. President. [LB821A]

PRESIDENT SHEEHY: LB821A passes with the emergency clause attached. We will now proceed to LB825. [LB821A LB825]

CLERK: (Read LB825 on Final Reading.) [LB825]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB825 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB825]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1477.) Vote is 38 ayes, 4 nays, 7 present and not voting, Mr. President. [LB825]

PRESIDENT SHEEHY: LB825 passes. We will now proceed to LB825A. [LB825 LB825A]

ASSISTANT CLERK: (Read LB825A on Final Reading.) [LB825A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB825A pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB825A]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1477-1478.) Vote is 46 ayes, 2 nays, 1 present and not voting, Mr. President. [LB825A]

PRESIDENT SHEEHY: LB825A passes. We will now proceed to LB830. [LB825A LB830]

ASSISTANT CLERK: (Read LB830 on Final Reading.) [LB830]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB830 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB830]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1478-1479.) Vote is 49 ayes, 0 nays, Mr. President. [LB830]

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

Floor Debate
April 05, 2012

PRESIDENT SHEEHY: LB830 passes with the emergency clause attached. We will now proceed to LB862. [LB830 LB862]

ASSISTANT CLERK: (Read LB862 on Final Reading.) [LB862]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB862 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB862]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1479.) Vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President. [LB862]

PRESIDENT SHEEHY: LB862 passes with the emergency clause attached. We will now proceed to LB862A. [LB862 LB862A]

ASSISTANT CLERK: (Read LB862A on Final Reading.) [LB862A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB862A pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB862A]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1480.) Vote is 48 ayes, 0 nays, 1 excused and not voting. [LB862A]

PRESIDENT SHEEHY: LB862A passes with the emergency clause attached. We will now proceed to LB872. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB862A LB872]

ASSISTANT CLERK: 42 ayes, 0 nays to dispense with the at-large reading. [LB872]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB872]

ASSISTANT CLERK: (Read title of LB872.) [LB872]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB872 pass? All those in favor vote yea; opposed, nay. (Visitors introduced.) Record, Mr. Clerk. [LB872]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1480-1481.) Vote is 46 ayes, 1 nay, 1 present and not voting, 1 excused and not voting, Mr. President. [LB872]

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

Floor Debate
April 05, 2012

PRESIDENT SHEEHY: LB872 passes. We will now proceed to LB887. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB872 LB887]

ASSISTANT CLERK: 40 ayes, 0 nays to dispense with the at-large reading, Mr. President. [LB887]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB887]

ASSISTANT CLERK: (Read title of LB887.) [LB887]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB887 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB887]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1482.) Vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB887]

PRESIDENT SHEEHY: LB887 passes. We will now proceed to LB950. [LB887 LB950]

ASSISTANT CLERK: (Read LB950 on Final Reading.) [LB950]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB950 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB950]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1482-1483.) Vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB950]

PRESIDENT SHEEHY: LB950 passes. We will now proceed to LB950A. [LB950 LB950A]

ASSISTANT CLERK: (Read LB950A on Final Reading.) [LB950A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB950A pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB950A]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1483-1484.) Vote is 45 ayes, 0 nays, 3 present and not voting, 1 excused and not voting, Mr. President.

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

Floor Debate
April 05, 2012

[LB950A]

PRESIDENT SHEEHY: LB950A passes with the emergency clause attached. We will now proceed to LB970. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB950A LB970]

ASSISTANT CLERK: 37 ayes, 0 nays to dispense with the at-large reading, Mr. President. [LB970]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB970]

ASSISTANT CLERK: (Read title of LB970.) [LB970]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB970 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB970]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1484-1485.) Vote is 39 ayes, 9 nays, 1 excused and not voting, Mr. President. [LB970]

PRESIDENT SHEEHY: LB970 passes. We will now proceed to LB993. [LB970 LB993]

ASSISTANT CLERK: (Read LB993 on Final Reading.) [LB993]

SPEAKER FLOOD PRESIDING

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB993 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB993]

CLERK: (Record vote read, Legislative Journal page 1485.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB993]

SPEAKER FLOOD: LB993 passes. Mr. Clerk, LB993A. [LB993 LB993A]

CLERK: (Read LB993A on Final Reading.) [LB993A]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB993A pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB993A]

CLERK: (Record vote read, Legislative Journal page 1486.) 47 ayes, 0 nays, 2 excused

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

Floor Debate
April 05, 2012

and not voting, Mr. President. [LB993A]

SPEAKER FLOOD: LB993A passes. Mr. Clerk, we now proceed to LB1020 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. [LB993A LB1020]

CLERK: 37 ayes, 0 nays, Mr. President, to dispense with the at-large reading. [LB1020]

SPEAKER FLOOD: The at-large reading is dispensed with. Please read the title. [LB1020]

CLERK: (Read title of LB1020.) [LB1020]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB1020 pass with the emergency clause attached? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1020]

CLERK: (Record vote read, Legislative Journal pages 1486-1487.) 32 ayes, 15 nays, 2 excused and not voting, Mr. President. [LB1020]

SPEAKER FLOOD: LB1020 passes without the emergency clause. The next vote will be to determine, shall LB1020 pass without the emergency clause? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1020]

CLERK: (Record vote read, Legislative Journal page 1487.) 26 ayes, 15 nays, 6 present and not voting, 2 excused and not voting, Mr. President. [LB1020]

SPEAKER FLOOD: LB1020 passes. Mr. Clerk, LB1020A. [LB1020 LB1020A]

CLERK: (Read LB1020A on Final Reading.) [LB1020A]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB1020A pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1020A]

CLERK: (Record vote read, Legislative Journal page 1488.) 34 ayes, 0 nays, 13 present and not voting, 2 excused and not voting, Mr. President. [LB1020A]

SPEAKER FLOOD: LB1020A passes with the emergency clause attached. Mr. Clerk, we now proceed to LB1063. [LB1020A LB1063]

CLERK: (Read LB1063 on Final Reading.) [LB1063]

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

Floor Debate
April 05, 2012

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB1063 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1063]

CLERK: (Record vote read, Legislative Journal pages 1488-1489.) 44 ayes, 0 nays, 3 present and not voting, 2 excused and not voting, Mr. President. [LB1063]

SPEAKER FLOOD: LB1063 passes. Mr. Clerk, LB1080. [LB1063 LB1080]

CLERK: (Read LB1080 on Final Reading.) [LB1080]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB1080 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1080]

CLERK: (Record vote read, Legislative Journal pages 1489-1490.) 44 ayes, 2 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB1080]

SPEAKER FLOOD: LB1080 passes. Mr. Clerk, LB1090. [LB1080 LB1090]

CLERK: (Read LB1090 on Final Reading.) [LB1090]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB1090 pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1090]

CLERK: (Record vote read, Legislative Journal page 1490.) 33 ayes, 11 nays, 3 present and not voting, 2 excused and not voting, Mr. President. [LB1090]

SPEAKER FLOOD: LB1090 passes. Mr. Clerk, LB1090A. [LB1090 LB1090A]

CLERK: (Read LB1090A on Final Reading.) [LB1090A]

SPEAKER FLOOD: All provisions of law relative to procedure having been complied with, the question is, shall LB1090A pass? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB1090A]

CLERK: (Record vote read, Legislative Journal page 1491.) 32 ayes, 1 nay, 14 present and not voting, 2 excused and not voting, Mr. President. [LB1090A]

SPEAKER FLOOD: LB1090A passes. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following bills: LB993, LB993A, LB1063, LB1080, LB1090, and LB1090A. [LB1090A LB993 LB993A LB1063

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

Floor Debate
April 05, 2012

LB1080 LB1090]

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: We will now proceed to LB1091. [LB1091]

CLERK: (Read LB1091 on Final Reading.) [LB1091]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1091 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB1091]

CLERK: (Record vote read, Legislative Journal page 1492.) 44 ayes, 0 nays, 3 present and not voting, 2 excused and not voting, Mr. President. [LB1091]

PRESIDENT SHEEHY: LB1091 passes. (Visitors introduced.) We will now proceed to LB1091A. [LB1091 LB1091A]

CLERK: (Read LB1091A on Final Reading.) [LB1091A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1091A pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB1091A]

CLERK: (Record vote read, Legislative Journal page 1493.) 42 ayes, 0 nays, 5 present and not voting, 2 excused and not voting. [LB1091A]

PRESIDENT SHEEHY: LB1091A passes. We will now proceed to LB1097. [LB1091A LB1097]

CLERK: (Read LB1097 on Final Reading.) [LB1097]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1097 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB1097]

CLERK: (Record vote read, Legislative Journal pages 1493-1494.) 43 ayes, 0 nays, 4 present and not voting, 2 excused and not voting. [LB1097]

PRESIDENT SHEEHY: LB1097 passes. We will now proceed to LB1128. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB1097 LB1128]

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

Floor Debate
April 05, 2012

CLERK: 40 ayes, 0 nays to dispense with the at-large reading, Mr. President. [LB1128]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB1128]

CLERK: (Read title of LB1128.) [LB1128]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1128 pass? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB1128]

CLERK: (Record vote read, Legislative Journal pages 1494-1495.) 41 ayes, 0 nays, 6 present and not voting, 2 excused and not voting, Mr. President. [LB1128]

PRESIDENT SHEEHY: LB1128 passes. We will now proceed to LB1128A. [LB1128 LB1128A]

CLERK: (Read LB1128A on Final Reading.) [LB1128A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1128A pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB1128A]

CLERK: (Record vote read, Legislative Journal page 1495.) 42 ayes, 0 nays, 5 present and not voting, 2 excused and not voting, Mr. President. [LB1128A]

PRESIDENT SHEEHY: LB1128A passes. We will now proceed to LB1145. [LB1128A LB1145]

CLERK: (Read LB1145 on Final Reading.) [LB1145]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1145 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB1145]

CLERK: (Record vote read, Legislative Journal page 1496.) 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB1145]

PRESIDENT SHEEHY: LB1145 passes. We will now proceed to LB1145A. [LB1145 LB1145A]

CLERK: (Read LB1145A on Final Reading.) [LB1145A]

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

Floor Debate
April 05, 2012

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1145A pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB1145A]

CLERK: (Record vote read, Legislative Journal pages 1496-1497.) 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB1145A]

PRESIDENT SHEEHY: LB1145A passes. We will now proceed to LB1160. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB1145A LB1160]

CLERK: 42 ayes, 0 nays, Mr. President, on the motion to dispense with the at-large reading. [LB1160]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB1160]

CLERK: (Read title of LB1160.) [LB1160]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1160 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB1160]

CLERK: (Record vote read, Legislative Journal pages 1497-1498.) 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President. [LB1160]

PRESIDENT SHEEHY: LB1160 passes with the emergency clause attached. We will now proceed to LB1160A. [LB1160 LB1160A]

CLERK: (Read LB1160A on Final Reading.) [LB1160A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB1160A pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB1160A]

CLERK: (Record vote read, Legislative Journal pages 1498-1499.) 43 ayes, 0 nays, 4 present and not voting, 2 excused and not voting, Mr. President. [LB1160A]

PRESIDENT SHEEHY: LB1160A passes with the emergency clause attached. Items for the record, Mr. Clerk. [LB1160A]

CLERK: Thank you, Mr. President. Enrollment and Review reports LB14, LB599, LB599A, LB924, LB928, LB928A, and LB1125 correctly engrossed. Enrollment and

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

Floor Debate
April 05, 2012

Review also reports LB1020 as correctly enrolled. That's all that I have, Mr. President. (Legislative Journal page 1499.) [LB14 LB599 LB599A LB924 LB928 LB928A LB1125 LB1020]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign: LB40, LB66, LB66A, LB209, LB209A, LB426, LB541, LB541A, LB576, LB727, LB806, LB806A, LB817, LB817A, LB820, LB820A, LB821, LB821A, LB825, LB825A, LB830, LB862, LB862A, LB872, LB887, LB950, LB950A, LB970, LB1020 with the emergency clause stricken, LB1020A with the emergency clause stricken, LB1091, LB1091A, LB1097, LB1128, LB1128A, LB1145, LB1145A, LB1160, and LB1160A. Correction, the LB1020A has the emergency clause attached. Mr. Clerk, we will now return to floor discussion on LB1161. We were standing with a motion to recommit LB1161 to committee. [LB40 LB66 LB66A LB209 LB209A LB426 LB541 LB541A LB576 LB727 LB806 LB806A LB817 LB817A LB820 LB820A LB821 LB821A LB825 LB825A LB830 LB862 LB862A LB872 LB887 LB950 LB950A LB970 LB1020 LB1020A LB1091 LB1091A LB1097 LB1128 LB1128A LB1145 LB1145A LB1160 LB1160A LB1161]

CLERK: Mr. President, that is true. Senator Ken Haar moved to recommit the bill to committee. [LB1161]

PRESIDENT SHEEHY: Senator Ken Haar, would you like to give us a couple-minute summary of the motion to recommit. [LB1161]

SENATOR HAAR: Yes, things are going to be changed here. So could I use this as my closing as well? [LB1161]

PRESIDENT SHEEHY: We do have a light now. Senator Haar, Senator Conrad is currently in the queue requesting to speak. Senator Conrad. [LB1161]

SENATOR CONRAD: Thank you, Mr. President. And I'm not sure if my good friend, Senator Haar, is planning to withdraw his motion to recommit, but I do stand in support of that based on some of the original dialogue we had on this issue this morning. I know that the opposing parties have been working very, very hard this morning to try and figure out a pathway forward. It seems to me that the next pending amendment that Senator Langemeier has filed does indeed make some improvements, but I've been very clear off the mike and I want to be clear on the mike that I am going to remain opposed to that amendment and hope that we would be able to have a vote on the motion to recommit because I still believe that there are enough substantive changes in the newly posed amendment that should be subject to public hearing, particularly on such a contentious, important, significant, sensitive issue. Thank you, Mr. President. [LB1161]

Floor Debate
April 05, 2012

PRESIDENT SHEEHY: Thank you, Senator Conrad. Seeing no additional lights, requests to speak, Senator Haar, you're recognized to close on your motion to recommit. [LB1161]

SENATOR HAAR: Mr. President, members of the body, I had a rich childhood of storytelling and being read to and I want to close on this by reviewing a folktale that we're probably all familiar with. It's the folktale of Henny Penny or Chicken Licken, it's a moral in the form of a tale about a chicken who believes the world is coming to an end, and the phrase "the sky is falling" features prominently in the story and is passed into the English language as a common idiom indicating a hysterical or a mistaken belief that disaster is imminent; imminent disasters like, we were victimized by an unscrupulous Congress and now we really, really, really need an expedited process, that kind of thing. So I want to go back to the story of the sky is falling and I'm going to read from an adaptation by Rick Walton: Once upon a time there was a tiny, tiny chicken named Chicken Little. One day Chicken Little was scratching in the garden when something fell on her head. Oh, cried Chicken Little, the sky is falling. I must go tell the king. So Chicken Little ran and she met Henny Penny. Where...why do you travel so fast, Chicken Licken, asked Henny Penny. Ah, Henny Penny, said Chicken Little, the sky is falling, and I must go and tell the king. And so on, and then they met Ducky Lucky and Goosey Loosey and Turkey Lurkey and finally they ran into Foxy Loxy, if you remember. And Foxy Loxy said, where do you travel so fast, Chicken Little? Ah, Foxy Loxy, said Chicken Little, the sky is falling, and we go to tell the king. Do you know the way to the king's house, asked Foxy Loxy. No, said Chicken Little. No, said Henny Penny. No, said Ducky Lucky. No, said Goosey Loosey. No, said Turkey Lurkey. Then come with me and I will show you, said Foxy Loxy. And they went off to the fox's house. Now depending on the child you're telling the story to, there's one of two endings. One is that, of course, Foxy Loxy ate the chickens; the other is that they all escaped and there is happy ending. So the moral to be drawn changes depending on the version that you use. When there is a happy ending, the moral is not to be a chicken but to have courage. And in the other version where the birds are eaten by the fox, which is my favorite one, the fable is interpreted as a warning not to believe everything you're told. Walt Disney Studios made two animated versions of the story. The first was released during World War II and it tells a variant of the parable in which Foxy Loxy convinces Chicken Little that the sky is falling and it was one of four cartoons produced by Walt Disney Studios at the request of the U.S. government during the war for the purpose of discrediting totalitarianism in general and Nazism in particular. Its dark comedy is used as an allegory for the idea that fearmongering weakens the war effort and costs lives. In it, Chicken Little jumps to a conclusion and whips the populace into mass hysteria which the unscrupulous fox manipulates for their own benefit. And then this whole thing of the sky is falling is actually even recorded in some pop tunes. The Aerosmith song, which I won't sing to you today, "Livin' On the Edge" has the lines "If Chicken Little tells you that the sky is falling, even if it wasn't, would you still come crawling back again?" And then there's the sky is falling as a song by Owsley from the

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

Floor Debate
April 05, 2012

1999... [LB1161]

PRESIDENT SHEEHY: One minute. [LB1161]

SENATOR HAAR: ...debut from Owsley, it includes the line "Chicken Little had a big day." So I would just like to give a message to TransCanada, the sky is not falling. And I hope they will keep messing with us and not come back again and I'm not going to throw away my box of pipeline materials because I'm afraid they will come back. And with that, I withdraw my motion. Thank you. [LB1161]

PRESIDENT SHEEHY: The motion to recommit is withdrawn. Next amendment, Mr. Clerk. [LB1161]

CLERK: Mr. President, Senator Smith would move to amend, AM2782. (Legislative Journal page 1500.) [LB1161]

PRESIDENT SHEEHY: Senator Smith, you're recognized to open on AM2782 to LB1161. [LB1161]

SENATOR SMITH: Thank you, Mr. President. And I am prepared here shortly to withdraw AM2782 in hopes that we can move this bill forward, that is LB1161. Though AM2782 was sound and reflected input from those that challenged the constitutionality of LB1161 on General File, I believe we can also address those concerns with the amendment that will follow. AM2782 and the amendment that follows remain in the spirit of agreements made in the special session and with the development of LB1 and LB4 as a result of the special session. So with that, please withdraw AM2782. [LB1161]

PRESIDENT SHEEHY: AM2782 is withdrawn. Next amendment, Mr. Clerk. [LB1161]

CLERK: Senator Langemeier would move to amend, Mr. President, with AM2788. (Legislative Journal pages 1500-1505.) [LB1161]

PRESIDENT SHEEHY: Senator Langemeier, you're recognized to open on AM2788 to LB1161. [LB1161]

SENATOR LANGEMEIER: Mr. President, members of the body, thank you. I first want to start off by thanking Senator Smith and Senator Haar and Senator Dubas and Senator Conrad and all their staff for all the efforts they put into this over the last few weeks. When we heard LB1161 on the floor, I got a lot of questions. A lot of them were kind of focused on the eminent domain component and so we're going to try and resolve that here today, as well as Senator Avery had some disclosure issues we wanted to talk about and some other things. And so with AM2788, I'm going to go through and I'm kind of going to walk you through this. Goes back to 3rd grade where they told me keep it

Floor Debate
April 05, 2012

simple, stupid; we're going to try and keep it a little more simple here and so for my benefit, that helps me think. What you're going to do with the new process, currently we have LB4 on one hand, we had LB1 that is soon to be enacted on the other hand, and the question was is how do you apply to each of those different methods? How do you know which way to go? That was some of the constitutional arguments out there, which I didn't really think had water, but that was some of the concerns out there. So with AM2788 we stack LB4 on top of LB1. So anybody in the future that wants to build a pipeline, you're going to come apply and you're going to apply through LB4. It's going to go through DEQ. DEQ is going to do their review. And then upon completion of that review, it's going to go to the Governor, and then the Governor has an option. He can say yes: off on your merry way to build a pipeline. He can say no: it continues down through LB1, which is the major pipeline siting authority. So now that's the simple process; it's pretty clear, pretty simple. You've stacked them on top of each other. Now let's talk a little bit of reminder of LB4. You know there was a lot of concern out there through LB4 that we're going to follow a NEPA-like process. And in NEPA, within that, has a number of public comment sections. They're going to go out and do town hall meetings. On the last discussion of this, we talked about a letter that we received from Mike Linder, director of DEQ, and he talks in here about having the opportunity to go out and have prehearings or pre-informational sessions, as well as post sessions once the route is a little more to the finalized section. We're going to do one more thing in AM2788. We're going to add in there that they have to have a public hearing, because in the letter we talk about having public input and going out and having informational meetings, but in the letter it doesn't say hearing. We're going to require them to have one hearing, which we've added into AM2788, so throughout that process. So the goal of this all was is to take a system and not set new policy but try and make it clear to where you're going to apply for a pipeline. A couple of other things we added in here, I had a lot of questions, Senator Burke Harr asked a lot of questions; Senator Krist, I thank him for questions; asked about eminent domain. How long would a company that applies for a pipeline have eminent domain in Nebraska? Department of Roads, I use that as a reference and probably not the best reference, they have the right of eminent domain every day as they try and build roads across Nebraska and improve the ones we have. And so what we've put in here is there is a two-year expiration date. So once you have your pipeline approved, you have two years to use your eminent domain or you lose it, so you don't have it into perpetuity and that's pretty important. In LB1161, the committee amendment that had already been adopted, we had put some language in there about if you didn't use the work we did the Governor could request that you repay us back. Well, we're going to change that in here; we're going to require them to pay for the survey, used or not, they're going to have to come back and pay for it. And so that's a change. We added in...we included in...Senator Avery...we heard comments from Senator Avery on transparency. And he had had an amendment on the floor that we didn't quite get to that he withdrew and we want to thank him for that. And so we're going to add that in as well. So we've made this a very simple process. It still respects what is done in the system in which LB4 was going to proceed, as well as LB1 was

Floor Debate
April 05, 2012

going to proceed. You start at the top and you work your way through. And so we want to make sure that it's open and everybody has the same methodology and ability to go through the system. And so that's what AM2788 does. I think this makes it much, much clearer and simpler. There is going to be an amendment to follow within LB4. As we always...as you always see, we always put in some enacting language to allow a department to spend money. That was not in LB4; we're going to add it in here. Senator Heidemann has one more amendment because in quickly drawing that component to this amendment in the last few minutes they got the numbers inverted, so he's going to offer an amendment that will flip that zero and the two million, flip it backwards within the amendment so it's in the proper alignment. And so we would ask for your adoption of AM2788. Senator Heidemann will open on the next floor amendment here momentarily. Thank you, Mr. President. [LB1161]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You've heard the opening of AM2788 to LB1161. Mr. Clerk, do you have an amendment to the amendment? [LB1161]

CLERK: I do, Mr. President. Senator Heidemann would move to amend with FA71. (Legislative Journal page 1505.) [LB1161]

PRESIDENT SHEEHY: Senator Heidemann, you're recognized to open on FA71 to AM2788. [LB1161]

SENATOR HEIDEMANN: Thank you, Mr. President. Fellow members of the body, this is just a technical amendment. When the amendment was drafted, the money was put in the year '13-14. This would put the money in the year '12-13, which we need to do to carry this out. I would ask your support of FA71 to AM2788. [LB1161]

PRESIDENT SHEEHY: Thank you, Senator Heidemann. You've heard the opening of FA71. Member requesting to speak, Senator Conrad. [LB1161]

SENATOR CONRAD: Thank you, Mr. President. And, colleagues, I am going to try and just get the remainder of my concerns on the record as quickly as possible. I know this is standing in between a long weekend and what's been a very long week for all of us, so please bear with me. I'm trying to go as quickly as possible and don't anticipate a protracted debate strategy. I'm glad that proponents have acknowledged that there were, indeed, substantive and technical issues in relation to the amendments that they proposed earlier today and I just want to reiterate for the record that here we are on day fifty-seven at literally almost the eleventh hour in terms of our legislative session, which only spans sixty days, and from what I can tell there have been approximately three to four substantial, substantive changes put forward just in the last 4 hours on this bill just today and probably five or six versions in the last 24 hours. I think we've all struggled to get up to speed with those changes and trying to get a level of understanding about

Floor Debate
April 05, 2012

what they do mean, and I think it's unfortunate that at this stage in the game we don't have an ability to have a thoughtful, independent review of those various and ever-moving changes and targets that's been put forward here. And I think that that's a disservice to the state, to the citizenry, and this body, and that's why I will be voting against these amendments and the legislation itself. When I go back and I look at the committee statement here, I see there's only...the only proponents we have are the Nebraska Department of Environmental Quality, a state agency, and a multinational corporation, TransCanada. And then I look at the opponents and there's literally 14 different Nebraskans representing themselves, 3 representing Nebraska-based groups, and I don't have a level of comfort that their concerns have been completely or fully addressed. This hasn't even had a chance to be reviewed by many of those who took their own time to come down and engage the Nebraska Legislature. Again, we saw thousands of e-mails, phone calls, and citizens weighing in during the special session before, since, and including today, and there's no question this is a significant and sensitive issue in the public sphere and it deserves a public hearing and a clear record and time for thoughtful and independent analysis before we jump forward just because we're tired or just because it is the eleventh hour. And I was hoping that maybe Senator Langemeier would quickly respond to some questions because there's something else kind of gnawing at me that I want to make sure we do get on the record, Senator Langemeier, if you'd yield. [LB1161]

PRESIDENT SHEEHY: Senator Langemeier, would you yield to Senator Conrad?
[LB1161]

SENATOR LANGEMEIER: I would. [LB1161]

SENATOR CONRAD: Senator Langemeier, I was trying to jog my memory to be clear about the process that occurred during the special session where we had some significant changes based upon what was put forward at the public hearing time and we kind of had to hit the reset button and hold off for seven days to let things lay over. Can you kind of refresh my recollection in terms of why that happened then and why that shouldn't happen now? [LB1161]

SENATOR LANGEMEIER: I really wasn't involved in that seven-day...I don't remember having a seven-day layover but... [LB1161]

SENATOR CONRAD: Okay. And I don't mean to put you on the spot, Senator Langemeier. If there's others here that do have a clear recollection of the process piece that did come to a head in the special session, I just wanted to make sure that if we have a precedent that we've set, that we're clear in upholding our rules and following what we put forward and had to put forward according to those rules during special session, because it seems that there might be some similarities here. [LB1161]

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

Floor Debate
April 05, 2012

PRESIDENT SHEEHY: One minute. [LB1161]

SENATOR CONRAD: But again, I don't want to put you on the spot for that because I'm trying to remember myself exactly how that process piece played out. [LB1161]

SENATOR LANGEMEIER: I do know there was a number of days from when we had the hearing till something advanced from committee... [LB1161]

SENATOR CONRAD: Okay. [LB1161]

SENATOR LANGEMEIER: ...and that wasn't a layover for anything. It was just the committee... [LB1161]

SENATOR CONRAD: So they had time to do their work. [LB1161]

SENATOR LANGEMEIER: ...having a lot of good discussion about this issue. [LB1161]

SENATOR CONRAD: Sure, so they had time to do their work. It wasn't based upon any sort of required waiting period, right, I agree. And maybe if my recollection is wrong I'd be happy to correct the record there, but I do feel that these are substantive changes that should be subject to a public hearing and should at least require us some pause for concern to maybe hit the pause button here before we jump feet first into what is now the third or fourth changes in even just four hours this morning. So thank you, Mr. President. [LB1161]

PRESIDENT SHEEHY: Thank you, Senator Conrad. Members requesting to speak on FA71 to AM2788, we have Senator Dubas, followed by Senator Ken Haar. Senator Dubas. [LB1161]

SENATOR DUBAS: Thank you, Mr. Lieutenant Governor. I do rise in support of the amendment and I want to be, again, very clear. I've said this multiple, multiple times. I do not oppose the pipeline, and any of my actions and my motivations from the very beginning have been simply because I felt we deserved what other states already have in place and that is a state agency that has oversight over these types of pipeline projects. These don't fall under the same types of regulations and guidelines that natural gas pipelines have. That's completely another agency. That's FERC. Our PSC is involved with that process through FERC, but we have no...we did not have a process in place for oil pipelines. And because of what we accomplished in the special session, we're here today not because of anything that we did wrong. We were able to put out two very good pieces of legislation that for the most part, I think Senator Burke Harr said this, this morning, not everybody got everything that they wanted but for the most part everybody was on board. We were days, if not hours, away from having our memorandum of understanding with the State Department, ready to move forward with

Floor Debate
April 05, 2012

determining where a new route would go and what that would look like and the process to unfold. But because of politics and lobbying efforts in Washington, D.C., those efforts totally undermined our achievements and now TransCanada wants us to fix that predicament. So again, I support the amendment. I think it comes a long way. It protects LB1, which I said I was going to be very protective of, keeps that process intact, which I think is so important. And with that, I would yield the remainder of my time. [LB1161]

PRESIDENT SHEEHY: Thank you, Senator Dubas. Senator Ken Haar. [LB1161]

SENATOR HAAR: Mr. President, members of the body, I will vote for this amendment but I'm going to vote against LB1161. I still believe TransCanada has been a victim of their own machinations and we've done our part. We did our part in November. But I want to read into the record some important things then that the DEQ has told us that immediately when they get the application, whatever it is, will immediately make the route available for inspection on the Web site and then a series of three to five public information sessions will be scheduled, these sessions to be held in the affected area. We would provide the public with information on the process that NDEQ would use. The public would also be able to examine the proposed alternative route and alternatives, if any. These meetings would occur before any in-depth work is done to evaluate the submitted code...the submitted route. Now in the amendment being proposed there is in the law one required public meeting, but you can see the additional public input promised by NDEQ. And then again in a further paragraph in the letter dated March 19, 2012, to Senator Langemeier, it says after completion of the DSEIS, the document would be available for public review. Again, public information meetings will be held to collect public comments on the draft document and so on. So we...and a really important part of this will be that there will be public input in the areas affected. And with that again I'd repeat, I will support the amendment because I think it's much better than what we got early this morning, but I will vote against LB1161. Thank you. [LB1161]

PRESIDENT SHEEHY: Thank you, Senator Haar. Seeing no additional requests to speak, Senator Heidemann, you're recognized to close on FA71 to AM2788. [LB1161]

SENATOR HEIDEMANN: Thank you, Mr. President. Fellow members of the body, this is once again just a technical amendment that moves the money into fiscal year '12-13, where we need to have it. Thank you. [LB1161]

PRESIDENT SHEEHY: Thank you, Senator Heidemann. You have heard the closing. The question before the body is on the adoption of FA71 to AM2788. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB1161]

ASSISTANT CLERK: 26 ayes, 1 nay on the adoption of Senator Heidemann's amendment. [LB1161]

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

Floor Debate
April 05, 2012

PRESIDENT SHEEHY: FA71 is adopted. We will now return to floor discussion on AM2788 to LB1161. Seeing no requests to speak, Senator Langemeier, you're recognized to close. [LB1161]

SENATOR LANGEMEIER: Mr. President, members of the body, I'd like to thank again Senator Conrad and Senator Dubas and Senator Smith and Senator Haar, and I also want to confirm the paragraph that Senator Haar was reading from is from a letter dated March 19, 2012, from Mike Linder, director of DEQ, talking about their process. AM2788, we've heard about lots of versions. This actually was the first version and then we tried to put belts and suspenders and another pair of suspenders on, which we tend to do in this body and there's nothing wrong with that, as those other amendments were drafted. So we're getting back to the simple version. I think it accomplishes the goals that everybody hoped to be at with respecting LB1 and LB4, and it addresses the issues before us. So with that, I'd ask for your adoption of AM2788, and again I thank...and thank...we never do this but I want to thank Bill Drafters for rushing these things through and dealing with us throughout our legislative career. So thank you. [LB1161]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You have heard the closing. The question before the body is on the adoption of AM2788 to LB1161. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB1161]

ASSISTANT CLERK: 34 ayes, 1 nay on the adoption of Senator Langemeier's amendment. [LB1161]

PRESIDENT SHEEHY: AM2788 is adopted. [LB1161]

ASSISTANT CLERK: Mr. President, I have nothing further pending. [LB1161]

PRESIDENT SHEEHY: Senator Langemeier, you're recognized for a motion. [LB1161]

SENATOR LANGEMEIER: Mr. President, I'd move LB1161 advance to E&R Engrossing. [LB1161]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. The Chair rules the ayes have it. LB1161 advances. Mr. Speaker, Speaker Flood, you're recognized for an announcement. [LB1161]

SPEAKER FLOOD: Thank you, Mr. President. Members, we are going to pass over LB1050; that bill will not be rescheduled again this year. We will now proceed immediately to LB807. Following the resolution of LB807, we will remain in session to allow Bill Drafters to return bills, to place them back on Final as we approach sine die adjournment this year. Thank you, Mr. President.

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

Floor Debate
April 05, 2012

PRESIDENT SHEEHY: Thank you, Speaker Flood. Senator Lautenbaugh, you are recognized for a motion. [LB807]

ASSISTANT CLERK: Mr. President, I do have E&R amendments to LB807. (ER176, Legislative Journal page 527.) [LB807]

PRESIDENT SHEEHY: Senator Lautenbaugh. [LB807]

SENATOR LAUTENBAUGH: Mr. President, I move we adopt the E&R amendments. [LB807]

PRESIDENT SHEEHY: You have heard the motion on the adoption of the amendments. All those in favor say aye. Opposed, nay. They are adopted. [LB807]

ASSISTANT CLERK: Mr. President, Senator Lautenbaugh would offer AM2030. (Legislative Journal page 700.) [LB807]

PRESIDENT SHEEHY: Senator Lautenbaugh, you're recognized to open on AM2030 to LB807. [LB807]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. We did this bill on General File a long time ago and I don't know if anyone remembers it, but here it is again. What it did, the underlying bill, what it does, I should say, is it makes it clear that for concealed carry permitholders, or applicants even, and people trying to seek a renewal, there's an ambiguity in existing law that says that if you have violated certain laws you may not obtain a concealed carry permit. Well, we don't usually act on violations; we act on convictions. And we put...with existing law, the State Patrol has been in a position to make determinations based upon whether or not you were charged with a violation, not whether or not you were convicted of a violation. And I have worked with the State Patrol on this and we all agree it is a matter that needs to be addressed and it is holding up some permit renewals and whatnot for that very reason. I have a case I'm specifically familiar with where a gentleman was ticketed with a weapons violation and it turned out that the violation, if any, was committed by his son, not by him, they were both at the same place, and so the charge against him was dismissed. But when he went to renew his concealed carry, he was denied because he'd been alleged to have violated the law. So that's what we're doing here; we're trying to change this to make it clear that we don't rely on allegations; we rely on convictions before we take away someone's rights. And the original bill did that. We adopted the committee amendment which, I think, added an emergency clause. But then after General File, concerns were raised about what I would call sort of trivial law violations under the hunting, Game and Parks-type statutes. So working with the Patrol in this amendment, we've added an exception that says this subdivision does not apply to any conviction under Chapter 37, which is the hunting and fishing laws, or any similar law of another

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

Floor Debate
April 05, 2012

jurisdiction, except for a conviction under Sections 37-509, 37-513, and 37-552. What those deal with is hunting from aircraft, shooting from the highway, or having a loaded shotgun on the highway. And in the belief of State Patrol, if you are charged with those violations and convicted, those are serious enough that you probably shouldn't have a concealed carry. But the other violations contained in the Game and Parks-type statutes, if you will, and hunting statutes do not rise to the level, I guess, in the Patrol's opinion, certainly in my opinion, that would...should disqualify you for concealed carry. So that is what this amendment is meant to address to make it clear that we're still counting convictions, not charges, but if there are some more technical violations that you're convicted of under the hunting laws, those don't count, with the exceptions as I delineated. And I'd appreciate your support of the amendment. [LB807]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. You've heard the opening of AM2030 to LB807. Mr. Clerk, you have an amendment on your desk. [LB807]

ASSISTANT CLERK: Mr. President, Senator Lautenbaugh would move to amend his amendment with AM2089. (Legislative Journal page 701.) [LB807]

PRESIDENT SHEEHY: Senator Lautenbaugh, you're recognized to open on AM2089. [LB807]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. What this additional amendment does is we've had some issues here over the last few years of people bringing bills dealing with the signage requirements. And you can post on a, you know, shopping mall, for instance, a sign that says no concealed carry, don't bring your guns in here, no guns allowed. And if you violate that, you can lose your concealed carry permit on a first offense. And that's problematic, and the example that's always used is the Oak View Mall, because if you've ever been there in Omaha there can be 20 doors and a bank on one side of the building, and there can be a sign on one door that says firearms permitted, and if you don't see it and you're found to be in violation of that you can lose your concealed carry. So all this amendment does is said that it's optional. Doesn't say you have to lose your concealed carry right; it says you may lose it. All this amendment does is state that on a first offense of such a violation you do not...you cannot automatically lose your concealed carry permit. And that's what this amendment does, Mr. President, and I'd ask for your support as well. [LB807]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. You've heard the opening of AM2089 to AM2030. Member requesting to speak, Senator Coash. [LB807]

SENATOR COASH: Thank you, Mr. President. Would Senator Lautenbaugh yield to a question? [LB807]

PRESIDENT SHEEHY: Senator Lautenbaugh, would you yield to Senator Coash?

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

Floor Debate
April 05, 2012

[LB807]

SENATOR LAUTENBAUGH: Yes, I will. [LB807]

SENATOR COASH: Thank you, Senator Lautenbaugh. I just want to ask you about AM2089. We saw so many concealed carrying gun bills in Judiciary that it's hard for me to keep them all straight. Was AM2089 a bill that we did hear? Was it...was this part of what we...did this come from a bill that we heard in Judiciary? [LB807]

SENATOR LAUTENBAUGH: It was spurred by a bill, but it didn't come from a bill and I...if I take too much of your time explaining that kind of cryptic response I'll give you back some of mine. Senator Christensen had a bill a year or two ago that would have addressed this by requiring these very large, garish signs of a specific size on every entrance to a place and nobody seemed to want that. It would be unsightly; it would surely give notice, you couldn't miss them, but there was a problem with that because we were telling people that they had to post on their property and it was not what you would call aesthetically appealing to some, I'd hazard most, so we didn't want to go down that road. So this is, admittedly, just a half measure, but it's a way of saying, look, you get one time of running afoul of this, you don't automatically lose...or you don't face the possibility being denied concealed carry. So while this wasn't part of that bill, it's a way to address the same issue, in my mind. [LB807]

SENATOR COASH: Okay, thank you, Senator Lautenbaugh. Is there any consideration within AM2089 as to where this violation might occur? And the reason I ask is because walking into Oak View Mall with a conceal carry, because you missed the right entrance with the right sign, is a little different than maybe if you walk into a courthouse which also has a sign there. Is there any consideration in the amendment that would delineate that? [LB807]

SENATOR LAUTENBAUGH: Not in the amendment as drafted. And even in the existing law there really isn't any sort of provision for that. But it doesn't say in existing law that you "shall" lose your permit on a first violation; it says you "may." So there is judicial discretion and the concern expressed by some was, well, depending on your judge's attitude towards guns, you may lose it every time, next judge you may never lose it on a first offense. So there really isn't anything in existing law or the amendment that is place specific, but in existing law the judge has discretion to maybe take away concealed carry. This just says you don't take it away on a first offense. [LB807]

SENATOR COASH: Thank you, Senator Lautenbaugh. Thank you, Mr. President. [LB807]

PRESIDENT SHEEHY: Thank you, Senator Coash. Seeing no additional requests to speak, Senator Lautenbaugh, you're recognized to close on AM2089. [LB807]

Floor Debate
April 05, 2012

SENATOR LAUTENBAUGH: Thank you, Mr. President. I do appreciate Senator Coash's questions here. And again, this is not something that is meant to put anyone at risk or create any peril. It is a very subtle change to existing law to basically give you, you know, one error and not have your concealed permit...concealed carry permit at risk. I think it is a good compromise and that it addresses the signage issue without putting an imposition on property owners to have a large and unsightly sign posted. They still have to post a sign saying it is not allowed, but it sort of, I don't know, evens the playing field in circumstances where errors could occur. And I'd ask you to support it. Thank you, Mr. President. [LB807]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. You have heard the closing. The question before the body is on the adoption of AM2089 to AM2030. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB807]

ASSISTANT CLERK: 26 ayes, 1 nay on the adoption of Senator Lautenbaugh's amendment, Mr. President. [LB807]

PRESIDENT SHEEHY: AM2089 is adopted. You have an amendment on your desk, Mr. Clerk. [LB807]

ASSISTANT CLERK: Mr. President, Senator Karpisek would move to amend the Lautenbaugh amendment with AM2382. (Legislative Journal page 919.) [LB807]

PRESIDENT SHEEHY: Senator Karpisek, you're recognized to open on AM2382 to AM2030. [LB807]

SENATOR KARPISEK: Thank you, Mr. President. Members of the body, AM2382 was LB538 that was in front of the Judiciary Committee. The amendment would amend Section 29-820 to clarify that firearms in the possession of law enforcement agencies through a voluntary surrender, or which have been taken into custody for safekeeping and which have not been seized or used in commission of a crime, can be released to the owner without obtaining a court order. Under the current law, Section 29-820 directs that when law enforcement agencies have firearms that have a lawful use and are no longer required as evidence, the items can be released or disposed of only on...sorry, only on order of the court as the court may deem appropriate. The statute says that it applies to these items that are seized or held. That language implies that the statute, regardless of how police obtain the firearm, and it extends to firearms that are held, because they've been turned over to police voluntarily for safekeeping or which police have just found. When criminal charges are filed, the court decides what happens to the guns. But if no charges are filed or even considered, there is inconsistency in how law enforcement agencies throughout the state apply this statute. Some agencies require a court order to return any firearm that is held but hasn't been seized and some do not.

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

Floor Debate
April 05, 2012

This amendment would clarify the procedure to provide consistent implementation of the law. So what it really says is if police come into possession of a firearm that was not used in a crime, say they find it in the house when they go to a suicide but was not used in the suicide and they take it for safekeeping, a court order would not be needed to get it to the owner of the gun. That is what the amendment does. Thank you, Mr. President. [LB807 LB538]

PRESIDENT SHEEHY: Thank you, Senator Karpisek. You have heard the opening of AM2382 to AM2030. Member requesting to speak, Senator Avery. [LB807]

SENATOR AVERY: Thank you, Mr. President. I wonder if Senator Karpisek would yield to a question or two. [LB807]

PRESIDENT SHEEHY: Senator Karpisek, would you yield to Senator Avery? [LB807]

SENATOR KARPISEK: Yes, I will. [LB807]

SENATOR AVERY: Senator Karpisek, thank you for yielding. Did this get a vote in committee? Was it ever reported out? [LB807]

SENATOR KARPISEK: Yes, it was reported out of Judiciary Committee. [LB807]

SENATOR AVERY: But it just did not have a priority designation? [LB807]

SENATOR KARPISEK: Correct. [LB807]

SENATOR AVERY: Could you give me the original bill number again so I can look at the committee statement? [LB807]

SENATOR KARPISEK: It was LB538, Senator Avery. [LB807 LB538]

SENATOR AVERY: Thank you. Thank you, Mr. President. [LB807]

PRESIDENT SHEEHY: Thank you, Senator Avery. Senator Fulton. [LB807]

SENATOR FULTON: Thank you, Mr. President. Would Senator Karpisek yield to a question? [LB807]

PRESIDENT SHEEHY: Senator Karpisek, would yield to Senator Fulton? [LB807]

SENATOR KARPISEK: Yes, I will. [LB807]

SENATOR FULTON: Thank you, Senator. The opponents, what was the opposition to

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

Floor Debate
April 05, 2012

the bill, do you remember? [LB807]

SENATOR KARPISEK: Gosh, I don't...I don't remember very well. Maybe someone in the committee can tell me that...remember better. [LB807]

SENATOR FULTON: Okay. Thank you. [LB807]

SENATOR KARPISEK: I'm sorry. I apologize. [LB807]

SENATOR FULTON: Thank you, Senator. Would Senator Lautenbaugh yield to a gentle question? [LB807]

PRESIDENT SHEEHY: Senator Lautenbaugh, would you yield to Senator Fulton? [LB807]

SENATOR LAUTENBAUGH: Yes, I will. [LB807]

SENATOR FULTON: Gently, what...I think it was the Nebraska Firearms Owners Association that registered opposition. There is a...there was a committee amendment on LB538. Do you remember specifically what the concern was, if there was a concern? [LB807 LB538]

SENATOR LAUTENBAUGH: I'll be honest, Senator Fulton, I don't recall what that was from Senator Karpisek's amendment. I knew he was bringing this and it has been on file, but I don't recall what the issue was that was addressed with the committee amendment as I stand here. [LB807]

SENATOR FULTON: Okay. Okay, we'll just leave it there. Thank you, Mr. President. [LB807]

PRESIDENT SHEEHY: Thank you, Senator Fulton. Senator Lautenbaugh. [LB807]

SENATOR LAUTENBAUGH: Thank you, Mr. President. I think I just said what I needed to say was that I was aware of Senator Karpisek bringing this and I do support it. I had a bill that kind of addressed this in a different way, but we're both trying to get to the same result and he wanted to attach his bill to this and I support that. Thank you, Mr. President. [LB807]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. Seeing no additional requests to speak, Senator Karpisek, you're recognized to close. Senator Karpisek waives closing. The question before the body is on the adoption of AM2382 to AM2030. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB807]

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

Floor Debate
April 05, 2012

ASSISTANT CLERK: 27 ayes, 0 nays on the adoption of Senator Karpisek's amendment. [LB807]

PRESIDENT SHEEHY: AM2382 is adopted. Mr. Clerk, you have an amendment on your desk. [LB807]

ASSISTANT CLERK: Senator Lautenbaugh would offer AM2692. (Legislative Journal pages 1505-1507.) [LB807]

PRESIDENT SHEEHY: Senator Lautenbaugh, you're recognized to open on AM2692 to AM2030. [LB807]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. What this amendment is designed to do is to clarify an issue that was raised by the State Patrol. And I have to apologize for the presentation of this. This bill was advanced on General File but not prioritized, and it's kind of languished for weeks and the amendments have sat there and I think everybody kind of forgot it was out there. So people are coming to me with concerns on the fly this morning. As to everyone's surprise, we're now talking about this again. So I apologize and I am trying to address that. This amendment adds language that makes it clear...making sure I have the right amendment before I mislead you on this. The concern was that when we granted this exception for the first offense that there would still be a possibility, if we clarified that that offense...you wouldn't get to the second offense if the first offense didn't count as an offense. This adds a statutory reference back that says what we previously discussed, which was you cannot lose your concealed carry permit for a first offense violation, but it adds in statutory references that makes it clear that that does count when you're trying to calculate the second offense. I know this sounds kind of clumsy, but, yeah, to not change this would adversely affect renewals and that process, and so that's why we're adding the additional statutory reference. Thank you, Mr. President. [LB807]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. You've heard the opening of AM2692 to AM2030. Member requesting to speak, Senator Avery. [LB807]

SENATOR AVERY: Thank you, Mr. President. I wonder if Senator Lautenbaugh would yield? [LB807]

PRESIDENT SHEEHY: Senator Lautenbaugh, would you yield to Senator Avery? [LB807]

SENATOR LAUTENBAUGH: Yes, I will. [LB807]

SENATOR AVERY: Thank you, Senator Lautenbaugh. What happens if the weapon

Floor Debate
April 05, 2012

that is seized is a weapon that has no legal use? For example, a sawed-off shotgun; they're not legal (inaudible)...they wouldn't be returned, would they? [LB807]

SENATOR LAUTENBAUGH: Senator Avery, the most inadequate answer I can probably give you would be this, you're dealing with Senator Karpisek's amendment, which I don't have in front of me because I'm shuffling through my own amendments, so I can't refer to it and tell you exactly what it does. But I'm hoping, I hate to pass the buck, but I'm hoping maybe Senator Karpisek could clarify that. [LB807]

SENATOR AVERY: Yeah, I appreciate that. The sausage we're making right now is moving so fast that it's hard to keep up. It seems to me that if you have a weapon that has...that's in question, if it's in the possession of the law enforcement and that weapon is not lawfully possessed or...and/or does not have a legal use, those should not be returned. And you're right, it probably is a question I should be directing toward Senator Karpisek. So, Senator Karpisek, would you yield and I will ask you that question? [LB807]

PRESIDENT SHEEHY: Senator Karpisek, would you yield to Senator Avery? [LB807]

SENATOR KARPISEK: Yes, I will, Senator; we'll try anyway. [LB807]

SENATOR AVERY: All right. If a...the firearm is not lawfully possessed and/or the firearm does not have a legal use, for example, a sawed-off shotgun, they're not legal, they have no legal use, and therefore they cannot be lawfully possessed, what happens? Would that be returned? [LB807]

SENATOR KARPISEK: I don't think so, Senator Avery. It has to have... [LB807]

PRESIDENT SHEEHY: (Gavel)

SENATOR KARPISEK: ...a legal use and I read that off..."when law enforcement agencies have firearms that have a lawful use and are no longer required as evidence, the items can be released or disposed of," and that's right now. So this does not change that. It just says that they don't need a court order if they qualify. [LB807]

SENATOR AVERY: Okay. But I was looking at the committee amendment to the original bill and the amendment would have covered those weapons that do not have a legal use. And that, apparently, is not a part of your amendment that we just adopted to LB807, correct? [LB807]

SENATOR KARPISEK: I'll have to check with legal counsel on that, Senator. [LB807]

SENATOR AVERY: Well, if it's not, then I think we just make a mistake and we need to

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

Floor Debate
April 05, 2012

correct it. So I would ask you to please do that. [LB807]

SENATOR KARPISEK: And I agree, Senator. If it is not, we will get that fixed. I agree. [LB807]

SENATOR AVERY: All right. Thank you. [LB807]

PRESIDENT SHEEHY: Thank you, Senator Avery. Speaker Flood, you're recognized for an announcement. [LB807]

SPEAKER FLOOD: Thank you, Mr. President. When the bill first started that we're on here, Bill Drafters advised it would be about an hour. It looks like, due to the fact we're going to be adding some additional bills, we're bumping that up to 90 minutes that we'll remain in session. And I am counting on having most of you here to maintain more than a quorum as is required. So as soon as we resolve LB807, we will stay in session to allow these bills to come back and be processed. But now I'm revising the hour estimate to 90 minutes, given the fact that we're adding more bills on, and I would reserve the right to extend that time the more bills that are added on. Thank you. [LB807]

PRESIDENT SHEEHY: Thank you, Speaker Flood. Senator Lautenbaugh, you're recognized for AM2692 to AM2030. [LB807]

SENATOR LAUTENBAUGH: Thank you, Mr. President. And I'm really referencing back to Senator Avery's question where I managed to actually find a thought after I was off the microphone the first time around. And I understand Senator Avery's concern, but it is dealt with otherwise in law. If this weapon is illegal, it isn't coming back. That's not what Senator Karpisek's amendment deals with and it is dealt with elsewhere in the law where it basically sets forth what is legal and what isn't. There is no...nothing in this would create an obligation by law enforcement to return an illegal weapon. It may not be apparent from the statute, but it's otherwise dealt with in law, so it really wasn't in Senator Karpisek's bill as I recall it. Thank you, Mr. President. [LB807]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. Seeing no additional requests to speak, Senator Lautenbaugh, you're recognized to close. Senator Lautenbaugh waives closing. The question before the body is on the adoption of AM2692 to AM2030. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB807]

ASSISTANT CLERK: 26 ayes, 0 nays on the adoption of the amendment to the amendment, Mr. President. [LB807]

PRESIDENT SHEEHY: AM2692 is adopted. You have an amendment on your desk, Mr. Clerk. [LB807]

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

Floor Debate
April 05, 2012

ASSISTANT CLERK: Mr. President, Senator Lautenbaugh would move to amend with FA72. (Legislative Journal page 1507.) [LB807]

PRESIDENT SHEEHY: Senator Lautenbaugh, you're recognized to open on FA72 to AM2030. [LB807]

SENATOR LAUTENBAUGH: Thank you, Mr. President. Members of the body, we can dub this the Coash amendment because it's addressing, I think, what Senator Coash was concerned about, and I'm nothing if not accommodating, and this addresses some law enforcement concerns as well. We had the discussion previously about one violation of the posted no weapon allowed sign would not result in you losing your concealed carry. We've added the language, "Except for property owned by the state or any political subdivision," which would cover the Capitol and courthouses which seem to be...and other public buildings, obviously, which seem to be the concern voiced. Again, it's certainly belatedly, but I think this caught everyone else off guard, so I apologize for yet another amendment, but I think this addresses what Senator Coash was concerned about. He's nodding, so I'm going to say it does. And I would urge your approval. [LB807]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. You've heard the opening of FA72 to AM2030. Seeing no requests to speak, Senator Lautenbaugh, you're recognized to close. Senator Lautenbaugh waives closing. The question before the body is on the adoption of FA72. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB807]

ASSISTANT CLERK: 28 ayes, 0 nays on the adoption of the Lautenbaugh amendment to his amendment, Mr. President. [LB807]

PRESIDENT SHEEHY: FA72 is adopted. [LB807]

ASSISTANT CLERK: Mr. President, I have nothing further pending to AM2030. [LB807]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We will now return to floor discussion on AM2030. Member requesting to speak, Senator Burke Harr. [LB807]

SENATOR HARR: I waive. [LB807]

PRESIDENT SHEEHY: Senator Harr waives. Seeing no additional requests to speak, Senator Lautenbaugh, you're recognized to close on AM2030 to LB807. Senator Lautenbaugh waives closing. The question before the body is on the adoption of AM2030 to LB807. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB807]

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Floor Debate
April 05, 2012

ASSISTANT CLERK: 29 ayes, 0 nays on the adoption of the amendment, Mr. President. [LB807]

PRESIDENT SHEEHY: AM2030 is adopted. [LB807]

ASSISTANT CLERK: Mr. President, I have nothing further pending on the bill. [LB807]

PRESIDENT SHEEHY: Speaker Flood, you're recognized for a motion. [LB807]

SPEAKER FLOOD: Mr. President, I move LB807 to E&R for engrossing. [LB807]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB807 advances. Mr. Clerk, you have items for the record. [LB807]

ASSISTANT CLERK: Mr. President, I do. New resolution, LR630 by Senator Schumacher, that will be laid over. The bills that were read this morning have been presented to the Governor at 12:20 p.m. (re LB40, LB66, LB66A, LB209, LB209A, LB426, LB541, LB541A, LB576, LB727, LB806, LB806A, LB817, LB817A, LB820, LB820A, LB821, LB821A, LB825, LB825A, LB830, LB862, LB862A, LB872, LB887, LB950, LB950A, LB970, LB993, LB993A, LB1020, LB1020A, LB1063, LB1080, LB1090, LB1090A, LB1091, LB1091A, LB1097, LB1128, LB1128A, LB1145, LB1145A, LB1160, and LB1160A.) Name add: Senators Lathrop and McGill to LB357. (Legislative Journal pages 1507-1508.) [LR630 LB40 LB66 LB66A LB209 LB209A LB426 LB541 LB541A LB576 LB727 LB806 LB806A LB817 LB817A LB820 LB820A LB821 LB821A LB825 LB825A LB830 LB862 LB862A LB872 LB887 LB950 LB950A LB970 LB993 LB993A LB1020 LB1020A LB1063 LB1080 LB1090 LB1090A LB1091 LB1091A LB1097 LB1128 LB1128A LB1145 LB1145A LB1160 LB1160A LB357]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Members, we will be standing at ease until the bills come back from the Drafters as Revisors.

EASE

SENATOR GLOOR PRESIDING

SENATOR GLOOR: The Legislature will come back to order. Mr. Clerk.

ASSISTANT CLERK: Mr. President, your Committee on Enrollment and Review reports LB1161 as correctly engrossed. In addition to that, I have an amendment to LB807 from Senator Lautenbaugh to be printed. (Legislative Journal page 1509.) [LB1161 LB807]

And a priority motion: Senator Langemeier would move to adjourn until Tuesday, April 10, 2012, at 10:00 a.m.

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Floor Debate
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SENATOR GLOOR: Members, you've heard the motion to adjourn until April 10 at 10:00 a.m. Those in favor say aye. Those opposed, nay. We stand adjourned.