

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

Floor Debate  
November 08, 2011

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[LR1 LR2 LR10 LR16 LR17 LR18]

SPEAKER FLOOD PRESIDING

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

SENATOR CARLSON: (Prayer offered.)

SPEAKER FLOOD: Thank you, Senator Carlson. I call to order the sixth day of the One Hundred Second Legislature, First Special Session. Senators, please record your presence. Mr. Clerk, please record.

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

SPEAKER FLOOD: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections, Mr. President.

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

CLERK: Mr. President, confirmation hearing reports from the...

SPEAKER FLOOD: (Gavel)

CLERK: ...Government, Military and Veterans Affairs Committee, two separate reports. New resolutions: LR16 by Senator Schumacher congratulating Nathan German, and LR17 by Senator Campbell recognizing November 2011 as Lung Cancer Awareness Month in Nebraska; both of those will be laid over, Mr. President. And that's all that I had. (Legislative Journal pages 55-57.) [LR16 LR17]

SPEAKER FLOOD: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR1 and LR2. Members, we now move to the first item on the agenda, legislative confirmation reports. [LR1 LR2]

CLERK: Mr. President, the report I have this morning is from Health and Human Services Committee. It involves three appointments to the Nebraska Child Abuse Prevention Fund Board. (Legislative Journal page 47.)

SPEAKER FLOOD: Senator Campbell, as Chair of the Health and Human Services Committee, you're recognized to open on your confirmation report.

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SENATOR CAMPBELL: Thank you, Mr. President, and good morning, colleagues. Today the Health and Human Services Committee brings three appointments that we would ask your confirmation on for the Child Abuse Prevention Board. All of them received a unanimous vote by the Health and Human Services Committee. Our first candidate is Joni Kuzma, who is a reappointment to the board.

SPEAKER FLOOD: (Gavel)

SENATOR CAMPBELL: She was unable to appear before the committee due to a health problem for her husband, but Senator Gloor, as the Vice Chair of the committee, was very familiar with Ms. Kuzma and spoke very highly of her to the committee. She graduated summa cum laude with a bachelor of arts degree in social work from UNK. She is from Grand Island, is actively involved in her community. Ms. Kuzma serves on the Nebraska Commission on Housing and Homeless Continuum of Care Committee. She is a Human Services Coalition member, a member of the North Central Regional Continuum of Care and sits on the steering committee, and is a leadership team member of the Coalition for Children, is a board member of the Heartland Family Visitation Center,...

SPEAKER FLOOD: (Gavel)

SENATOR CAMPBELL: ...and the list goes on. Our second candidate today is Dr. Mary Fran Flood, who would be a new appointment to the Child Abuse Prevention Board. Dr. Flood has a tremendous background as a pediatric psychologist and not only has a lengthy list of academic and professional credentials but has long served the state in many voluntary capacities. She participated in the Early Childhood Interagency Coordinating Council, the Early Childhood Mental Health Advisory Committee, the Early Childhood Mental Health Systems of Care federal grant project for central Nebraska. Of note to the committee is Dr. Fran Flood has done extensive research in child sexual abuse, not only from her background as children or youth who have been sexually abused but youth who are sexual predators. And the committee spent some time talking to her because of the hearing that we held in Norfolk. Our third candidate is Denise Pecha, who also will be a new appointment to the Child Abuse Prevention Fund Board. Ms. Pecha spoke at some length with the Health and Human Services Committee and is a knowledgeable and committed director of children's services at Lutheran Family Services of Nebraska. She has a master's degree in social work, after earning a bachelor's degree in psychology, and Ms. Pecha's professional background includes social work through Holt International Children's Services, case coordination through the Partners Network, and as the community programs coordinator and quality compliance coordinator at Uta Halee Village...Uta Halee and Cooper Village in Omaha. Of note with Ms. Pecha, that the committee spent some time talking to, is Ms. Pecha was very familiar with Right Turn, which is a component of the LB603 package that the

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Legislature passed several years ago. With these three appointments, we would recommend to you, our colleagues, that they be confirmed. Thank you, Mr. President.

SPEAKER FLOOD: Thank you, Senator Campbell. Members, you've heard the opening to Senator Campbell's legislative confirmation report. We now turn to discussion. Senator Avery, you are recognized.

SENATOR AVERY: Thank you, Mr. President. Good morning, colleagues. I rise not to oppose any of these nominees nor necessarily to support them. Rather, I want to take this opportunity to comment on the process by which we approve these nominations. Most of us, I suspect, pay very little attention to the nominations. We, quite understandably, depend on the committees to evaluate them and we trust these recommendations. So we vote to affirm the nominations. Seldom, if ever, do we see a red vote. There is nothing basically wrong with this procedure. The committees generally do a good enough job of assessing the candidate's qualifications for the respective appointments. However, perhaps we do not pay enough attention to the significance of our decisions in these matters. Members of the various commissions and boards do have authority to influence state policy, and they do have an impact on important activities of the state's administrative functions. I am not suggesting that we need to completely overhaul the current process of nominee confirmation, but I do think that we need to pay more attention to the potential consequences of these decisions. Now let me explain why I am even speaking on this matter. Yesterday local newspapers ran full-page advertisements that featured a state employee telling Nebraskans why they should support TransCanada's plans to plant an oil pipeline through the Sandhills. This employee is the director of Nebraska's Oil and Gas Conservation Commission, a state-supported commission with compensation for services of the commissioners not to exceed in any single year more than \$2,000 for each member. The director who was featured in these ads is an employee of the commission. I believe this is a full-time position with benefits. The salary is \$103,000 a year. I have not had time to see if that salary comes out of the General Fund, but I suspect that it does. There are eight employees of this commission and only three commissioners. Now let me make clear that this individual did not break any law that I know of. In fact, he took advantage of a change in law that we approved in 2009 that relaxed the use of public resources by public employees if this use is deemed to be incidental or de minimis. I supported that bill, LB626. It was, I believe, the priority bill of Senator Karpisek, and I worked very closely with him on it and I vigorously defended it on the floor. And as you recall, we passed that bill over the Governor's veto. I still support what we did in 2009.

SPEAKER FLOOD: Time, Senator.

SENATOR AVERY: I didn't get to my main point.

SPEAKER FLOOD: You are next and recognized.

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SENATOR AVERY: Thank you. So why do I raise this issue now? I think this action by the director of the Oil and Gas Conservation Commission is a misuse of this revision of the law. It is not technically illegal but it is wrong. We must never forget that what we may do cannot...can be legal but it can also be wrong. The endorsement of the TransCanada Keystone pipeline by the executive director of this commission suggests that the Oil and Gas Conservation Commission endorses the product...or endorses this project. And indirectly, it also suggests that our state government might support the current Keystone proposal, and I doubt that this is true. So it may not be illegal but it is wrong, and we must be careful about how we vote on confirmations that can lead to unfortunate circumstances such as this one. I am not asking for any specific action, only that we be more alert to our actions in these confirmation votes. And by the way, this applies to me as much as it does to any of us, because I have cast as many casual votes for confirmations as anybody else. And with that, Mr. President, hopefully having made my point, I will vote for this, these confirmations, with the same amount of incomplete knowledge of the nominees that I have exercised in countless number of confirmations in the past. Thank you.

SPEAKER FLOOD: Thank you, Senator Avery. There are no other lights on. Senator Campbell, you're recognized to close. Senator Campbell waives her opportunity. The question for the body is, shall the Health and Human Services Committee confirmation report be adopted? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record.

CLERK: (Record vote, Legislative Journal page 58.) 42 ayes, 0 nays on adoption of the confirmation report, Mr. President.

SPEAKER FLOOD: The confirmation report is adopted. Mr. Clerk.

CLERK: Mr. President, items: Senator Hadley would offer LR18. It's a resolution congratulating Bob Lanik; that will be laid over. Name adds: Senator Council to LR10 and Senator Burke Harr to LR10. (Legislative Journal pages 58-59.) [LR18 LR10]

I do have a priority motion, Mr. President. Senator Ashford would move to adjourn the body until Wednesday morning, November 9, at 9:00 a.m.

SPEAKER FLOOD: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. We are adjourned. (Gavel)