

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

Floor Debate  
January 26, 2009

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PRESIDENT SHEEHY PRESIDING []

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirteenth day of the One Hundred First Legislature, First Session. Our chaplain for today is Pastor Rick Fine of the Bible Fellowship Church from Falls City, Nebraska, Senator Heidemann's district. Would you all please rise. []

PASTOR FINE: (Prayer offered.) []

PRESIDENT SHEEHY: Thank you, Pastor Fine. I call to order the thirteenth day of the One Hundred First Legislature, First Session. Senators, please record your presence. Please record, Mr. Clerk. []

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

PRESIDENT SHEEHY: Are there corrections for the Journal? []

CLERK: I have no corrections. []

PRESIDENT SHEEHY: Messages, reports, or announcements? []

CLERK: I have a Reference report rereferring LB464 and LB673, and as well as LR11 referred to the Executive Board for public hearing. Enrollment and Review reports LB61, LB11, and LB29 to Select File. The Committee on Agriculture chaired by Senator Carlson reports LB100 and LB101 to General File. (LB99 placed on General File.) And Government Committee reports LB24 on General File, those reports signed by the respective Chairs. Hearing notices from the Banking, Commerce and Insurance Committee and the Education Committee signed by the respective Chairs. New resolution, Senator Gay offers LR12. It will be laid over. A communication from the Executive Board regarding appointments to The Community Corrections Council, The Interstate Compact for Adult Supervision, Streamlined Sales and Use Tax, and Homeland Security Policy Group. That's all that I have, Mr. President. (Legislative Journal page 287-290.) [LB464 LB673 LR11 LB61 LB11 LB29 LB100 LB101 LB99 LB24 LR12]

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

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CLERK: Mr. President, Senator Pirsch would move to withdraw LB672. [LB672]

PRESIDENT SHEEHY: Senator Pirsch, you're recognized to open on your motion to withdraw LB672. [LB672]

SENATOR PIRSCH: Mr. President, members of the body, I'd ask to withdraw LB672. It deals with criminal violence utilizing guns and the subject matter is close to another...other...a couple bills have been introduced. I think there is an opportunity to integrate that, the concepts into those bills. And so for that reason I would ask the body to withdraw. [LB672]

PRESIDENT SHEEHY: Thank you, Senator Pirsch. You've heard the opening on the motion to withdraw LB672. Are there members requesting to speak? Seeing none, Senator Pirsch, you're recognized to close. Senator Pirsch waives closing. The question before the body is on the motion to withdraw LB672. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB672]

CLERK: 40 ayes, 0 nays, Mr. President, on the motion to withdraw the bill. [LB672]

PRESIDENT SHEEHY: LB672 is withdrawn. First item under General File. [LB672]

CLERK: Mr. President, Senator Fischer offers LB49A (Read title). As per rule, the bill was reported directly to General File. [LB49A]

PRESIDENT SHEEHY: Senator Fischer, you're recognized to open on LB49A. [LB49A]

SENATOR FISCHER: Thank you, Mr. President and members. This is the A bill for the bill that we discussed last week dealing with the VTR system and the one-stop process with the counties that we discussed last week. I would ask that you advance this to Select File. Thank you. [LB49A]

PRESIDENT SHEEHY: Thank you, Senator Fischer. You've heard the opening to LB49A. Are there members requesting to speak? Seeing none, Senator Fischer, you're recognized to close. Senator Fischer waives closing. The question before the body is on the advancement of LB49A. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB49A]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB49A. [LB49A]

PRESIDENT SHEEHY: LB49A does advance. I have two announcements. (Doctor of the day and visitors introduced.) Mr. Clerk, we'll now move to items under Select File. [LB49A]

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CLERK: Mr. President, LB1. Senator, I have no amendments to the bill. [LB1]

PRESIDENT SHEEHY: Senator Nordquist. [LB1]

SENATOR NORDQUIST: Mr. President, I move LB1 to E&R for engrossing. [LB1]

PRESIDENT SHEEHY: You have all heard the motion. All those in favor say aye. Opposed, nay. LB1 advances. [LB1]

CLERK: LB2, Senator, I have no amendments to the bill. [LB2]

PRESIDENT SHEEHY: Senator Nordquist. [LB2]

SENATOR NORDQUIST: Mr. President, I move LB2 to E&R for engrossing. [LB2]

PRESIDENT SHEEHY: You have all heard the motion. All those in favor say aye. Opposed, nay. LB2 advances. [LB2]

CLERK: LB3, Senator, I have no amendments to the bill. [LB3]

PRESIDENT SHEEHY: Senator Nordquist. [LB3]

SENATOR NORDQUIST: Mr. President, I move LB3 to E&R for engrossing. [LB3]

PRESIDENT SHEEHY: You have all heard the motion. All those in favor say aye. Opposed, nay. LB3 advances. [LB3]

CLERK: LB61, Mr. President, on Select File. I have no E&Rs. Senator Adams would move to amend with AM41. (Legislative Journal page 290.) [LB61]

PRESIDENT SHEEHY: Senator Adams, you're recognized to open on your amendment. [LB61]

SENATOR ADAMS: Thank you, Mr. President, members of the body. Just as a summary and a reach back, what this bill does is, for the one year, move the certification date for state aid from February 1 to on or before April 1. This amendment is purely a technical correction. Bill Drafters has suggested that we needed to include another place that that April 1 date. And that frankly is all that this amendment would do, and I would encourage your support of that. Thank you, Mr. President. [LB61]

PRESIDENT SHEEHY: Thank you, Senator Adams. You have heard the opening of AM41 to LB61. Are there members requesting to speak? Seeing none, Senator Adams,

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you're recognized to close. Senator Adams waives closing. The question before the body is on the adoption of AM41 to LB61. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB61]

CLERK: 41 ayes, 0 nays, Mr. President, on the adoption of Senator Adams' amendment. [LB61]

PRESIDENT SHEEHY: AM41 is adopted. [LB61]

CLERK: Mr. President, I have nothing further on the bill. [LB61]

PRESIDENT SHEEHY: Senator Nordquist. [LB61]

SENATOR NORDQUIST: Mr. President, I move LB61 to E&R for engrossing. [LB61]

PRESIDENT SHEEHY: You have all heard the motion. All those in favor say aye. Opposed, nay. LB61 advances. Mr. Clerk, we'll move to first item under General File. [LB61]

CLERK: Mr. President, LB179. (Read title.) The bill was introduced on January 12 of this year, referred to Natural Resources, advanced to General File. At this time, I have no amendments to the bill. [LB179]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Langemeier, you're recognized to open on LB179. [LB179]

SENATOR LANGEMEIER: Mr. Lieutenant Governor and members of the body, the Natural Resources Committee introduced LB179 on the behalf of the Department of Natural Resources. It is a cleanup measure to fix a statute that was inadvertently altered by a bill in 2006. The bill restores a certain level of spending authority to the department's projects under the Nebraska Resource Development Fund. The law governing this fund states that there is a limit of \$10 million available per project, but it also originally provided that an annual adjustment of a limited base on the specific federal cost indexes, which is no longer needed. The 2006 bill made several cleanup modifications to this statute, one in which deleted the reference to this cost index. This cleanup attempt is a result in eliminating the cost index referenced in the start. With that, I would ask for your support for LB179, and advance from committee unanimously. Thank you. [LB179]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You have heard the opening to LB179. Are there members requesting to speak? Seeing none, Senator Langemeier, you're recognized to close. Senator Langemeier waives closing. The question before the body is on the advancement of LB179. All those in favor vote yea; opposed, nay.

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Please record, Mr. Clerk. [LB179]

CLERK: 42 ayes, 0 nays, Mr. President, on the advancement of LB179. [LB179]

PRESIDENT SHEEHY: LB179 advances. [LB179]

CLERK: Mr. President, LB180 introduced by the Natural Resources Committee and signed by its members. (Read title.) The bill was introduced on January 12 of this year, at that time referred to Natural Resources Committee. The bill was advanced to General File. At this time I have no amendments to the bill, Mr. President. [LB180]

PRESIDENT SHEEHY: Thank, Mr. Clerk. Senator Langemeier, you're recognized to open on LB180. [LB180]

SENATOR LANGEMEIER: Mr. Lieutenant Governor and members of the body, the Natural Resources Committee introduced LB180 on behalf of the Department of Environmental Quality. LB180 does two things: First, the bill would create a new category of eligibility grants funded under the Waste Reduction and Recycling Incentive Act. It allows the department to award grants for reimbursement of costs to communities under 5,000 people or less for abandoned building demolition. Reimbursement will be for those costs related to the recovery and processing of the recyclable materials in those buildings. Materials may include lumber, metal, brick, block, or fixtures. The intent is to provide an alternative to demolition of buildings and depositing materials in landfills. Second, the bill also allows counties and municipalities under the Integrated Solid Waste Management Act to apply and receive disposal rebate fees on a more convenient schedule no more than quarterly, but no less than annually. This is to reduce the amount of paperwork that communities and the department have to complete in order to process these very small rebates. There was no opposition to the bill, and the committee advanced it unanimously. And I'd ask for your support. Thank you, Mr. President. [LB180]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You have heard the opening to LB180. Mr. Clerk, is there an amendment filed? [LB180]

CLERK: Mr. President, Senator Lautenbaugh would move to amend. (FA2, Legislative Journal page 291.) [LB180]

PRESIDENT SHEEHY: Senator Lautenbaugh, you're recognized to open on your amendment to LB180. [LB180]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. And I apologize for the lateness of this amendment. It wasn't meant to come in as an ambush. Basically what it does is it removes the population limit. So rather than we're talking

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counties of fewer than 5,000, it would just apply to all the counties throughout the state of Nebraska. I believe it is a warranted amendment and I would ask for your support. [LB180]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. You have heard the opening to FA2 to LB180. Members requesting to speak are Senator Langemeier and Senator Louden. Senator Langemeier. [LB180]

SENATOR LANGEMEIER: Thank you, Mr. Lieutenant Governor. This amendment was brought to the Natural Resources Committee by the city of Omaha and was offered at the time of the hearing. The discussion the committee had when they advanced this bill was this program is made to take down buildings that are in small communities, under 5,000 people. It would allow communities that have old abandoned buildings that become safety hazard, environmental quality issues to have the opportunity to get rid of some of those buildings that may not have the opportunity to have a new building built on that lot. And so the committee chose not to advance it. This program that does collect \$5.5 million, which a majority of it already goes back to the city of Omaha and other grant programs, they are the biggest contributor, but they do get grant funds through other programs that fall in this same category. So this bill was designed strictly for small communities that need to get rid of old buildings. My question in the hearing was, would this allow us to take down old grain elevators, and they said, well, show me the recyclable part of that, which there isn't a lot of recyclable just in that concrete. And so we as a committee thought it was appropriate that we leave it tied to small communities under 5,000 people. And so at this time, I would ask that you do not adopt FA2. Thank you, Mr. President. [LB180]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. Senator Louden, followed by Senator Fulton and Senator Lautenbaugh. Senator Louden. [LB180]

SENATOR LOUDEN: Thank you, Mr. President and members. Last summer, the Natural Resources Committee held hearings all across the state of Nebraska. In many of the small towns that was one of the hearings that we had on was what to do about deconstruction of buildings in these small towns. And that was something that was brought forwards that a lot of them didn't realize that that could be done and that it would come through this agency. What we have to do in these small towns is they usually don't have enough budget to take care of buildings. They either will be stuck with the taxes on them and they have to deconstruct these buildings and tear them down. And the way it's set up is so that they do have to try and recycle some of the materials in there. Hopefully there's some valuable scrap metals or something like that in there. Some of them have some hardwoods that can be used, but this was...Senator Langemeier said the whole thing was designed for the smaller rural areas and towns that don't have that much money, and if you had something like the city of Omaha, I'm afraid there probably wouldn't be much money to go around the state. So this is a small,

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small-scale operation and I would oppose FA2. Thank you, Mr. President. [LB180]

PRESIDENT SHEEHY: Thank you, Senator Louden. Senator Lautenbaugh. [LB180]

SENATOR LAUTENBAUGH: Thank you, Mr. President. I'm wondering if Senator Langemeier would yield to a question? [LB180]

PRESIDENT SHEEHY: Senator Langemeier, would you yield? [LB180]

SENATOR LANGEMEIER: Yes. [LB180]

SENATOR LAUTENBAUGH: Thank you, Senator Langemeier. How was the 5,000 population limit derived at, if you know, or arrived at, I should say, if you know? [LB180]

SENATOR LANGEMEIER: That was the number brought by the department. [LB180]

SENATOR LAUTENBAUGH: Okay. Are you aware of any basis or reason why that number is better than 6,000 or 4,000 or 7,000? [LB180]

SENATOR LANGEMEIER: No, matter of fact, I made the comment in the hearing, I preferred at 6,000, and Schuyler could get rid of one building that I could think of. That would be nice, but unfortunately it's the belief of the committee and myself that this is designed for smaller communities. So I'm content with the 5,000 at this time. [LB180]

SENATOR LAUTENBAUGH: Do you know how much money comes into the fund annually, Senator? [LB180]

SENATOR LANGEMEIER: \$5.5 million. [LB180]

SENATOR LAUTENBAUGH: Do you know how much of that comes from the city of Omaha? [LB180]

SENATOR LANGEMEIER: I do not have that broke down, no. [LB180]

SENATOR LAUTENBAUGH: Thank you, Senator. I don't want this to be seen, fellow members, as an Omaha versus the rest of the state issue. With the 5,000 population limit, this would also exclude the city of Blair, would also exclude Washington County, would exclude a lot of towns and cities and counties throughout the state. And the argument again, I guess, is just a simple equity argument. I do believe Omaha contributes the lion's share to this fund and gets very little back. So Omaha certainly has an argument that I'm cognizant of, but beyond that there are small communities throughout the state that exceed 5,000 that would be excluded based upon this limitation. And I'm sure we all have some of those, most of us would have some of those

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in our districts, and I would just ask you to consider this amendment. I believe the department would still have to approve the projects and would still be the ones doling out the funds. This would merely remove the population limit. And I would ask you to look favorably on this amendment for that reason. [LB180]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. We have Senator Wightman, followed by Senator Schilz, and Senator Fulton. Senator Wightman. [LB180]

SENATOR WIGHTMAN: Thank you, Mr. President. If Senator Langemeier would yield to a question, I'd have a question or two. [LB180]

PRESIDENT SHEEHY: Senator Langemeier, would you yield? [LB180]

SENATOR LANGEMEIER: I would. [LB180]

SENATOR WIGHTMAN: Senator Langemeier, what is the source of the fund that would be used? I know you said there was \$5.5 million a year coming into it. [LB180]

SENATOR LANGEMEIER: The funds are collected from every ton of garbage that goes into landfills statewide goes to the department to put in this program. Then the department has this fund, and they create grant programs like the one we're talking about here, that \$5.5 million does not go particular to this particular program we're talking about in LB180. It goes to a number of programs, and then the department weighs the applications through each one of these programs, and then they determine who gets the funding. So it's divided a variety of programs within that \$5.5 million. [LB180]

SENATOR WIGHTMAN: Thank you. In addition to the annual funding \$5.5 million that normally comes into it, how much is currently in the fund? Are there unexpended funds currently that have been accumulated or do you know that? [LB180]

SENATOR LANGEMEIER: I could not answer to what there...if there is a remaining balance. That money continuously comes in. And so I can get you if they have a cash reserve balance, I can get that information for you. [LB180]

SENATOR WIGHTMAN: Okay. Now, any community in a county of more than 5,000 can qualify. The limitation is both at the municipality or village level or at the county level. Is that correct, whoever the applicant is? [LB180]

SENATOR LANGEMEIER: Correct. [LB180]

SENATOR WIGHTMAN: Okay. So a town of 500 in a county of 20,000 would qualify for the loan or the grant, is that correct? [LB180]

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SENATOR LANGEMEIER: The town under 5,000 would qualify, and I can give you a bunch of examples of who they funded in 2008 if you're looking for that. [LB180]

SENATOR WIGHTMAN: Okay. No, not necessarily, but just to clarify it. And the idea I assume...and I have a lot of small towns in my district and some of them reach the point where an abandoned building and a lot have almost no value. As a matter of fact, quite a few of them are sold in tax foreclosures. So the idea is probably to help those communities where the underlying lot would have very little value. Is that a fair statement? [LB180]

SENATOR LANGEMEIER: Yes. [LB180]

SENATOR WIGHTMAN: That's all I have. Thank you, Senator Langemeier. Thank you, Mr. President. [LB180]

PRESIDENT SHEEHY: Thank you, Senator Wightman. Senator Schilz. [LB180]

SENATOR SCHILZ: Thank you, Mr. President and members of the body. I guess one of the things that, as we were talking about this in our Natural Resources Committee meeting was, many communities that are larger have an opportunity to engage in other programs such as TIF and things like that to take care of some of these things where this is happening. A lot of these smaller communities don't have that opportunity or aren't into that process. And so this was one of the ways that we could see to bring some dollars to these communities to help them out. And I just look at it as one of those areas that in that sense does make some sense. Now, maybe, you know, I don't know, maybe that number is not quite right, but I do think that we need to be cognizant of that. And that was one of the discussions we had in the committee hearing. Thank you very much. [LB180]

PRESIDENT SHEEHY: Thank you, Senator Schilz. We have Senator Fulton, followed by Senator Loudon, Senator Carlson, and others. Senator Fulton. [LB180]

SENATOR FULTON: Thank you, Mr. President, members of the body. Would Senator Langemeier yield to a question? [LB180]

PRESIDENT SHEEHY: Senator Langemeier, would you yield? [LB180]

SENATOR LANGEMEIER: Yes. [LB180]

SENATOR FULTON: Senator, am I to understand then these are cash funds, right? [LB180]

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SENATOR LANGEMEIER: Correct. [LB180]

SENATOR FULTON: This isn't General Fund dollar. I didn't understand looking at the fiscal note...there isn't a fiscal note that's attached to this, but I would assume that there are going to be more cash funds expended should this bill...I'm not speaking of the amendment now specifically--but should LB180 move forward, then there would be more cash funds expended this year than was previously the case. Wouldn't that be a correct assumption? [LB180]

SENATOR LANGEMEIER: If there's more trash picked up and delivered to landfills, they will collect more money and then more will be disbursed, yes. But for an example, this program not only would include LB180 for this small demolition of buildings in small towns, for an example, the city of Omaha received last year \$277,000 grant for household waste, which they're going to receive that amount for the next five years. So those are examples of expenditures that come out of this cash account each year. [LB180]

SENATOR FULTON: Okay. So there is a...and this gets back to Senator Wightman's question I guess, there is some cash fund balance that exists presently? [LB180]

SENATOR LANGEMEIER: Right. They've just given me a little information here. Not knowing on how much money actually will come in this year, they give out grants based on spending 90...they try and spend 90 percent of it each year. [LB180]

SENATOR FULTON: Okay. So your bill would allow for more expenditure within an existing cash fund that is funded. So I'm not so much concerned about overages there. Now, this sets up the question that I have with respect directly to FA2. Let's say that we do accept FA2, what would happen to the cash fund balance at that time? Do you have a...it was contemplated at least in the committee. I see that the lobbyists from the city of Omaha testified neutral. I would expect he was testifying probably to this concept. Was it contemplated what the cash fund balance would experience in the event that something like FA2 would go forward? [LB180]

SENATOR LANGEMEIER: Well, the discussion is since this is a limited resource and there's a number of programs that are pulling funds out of it, the comments were as we decide how people apply for grants, this gives...all these programs are waiting. So as a small community applies under this one, if it passes, then it would be weighted in with Omaha's recycling of household waste as those applications come in for this same pool of funds. They just come in under different programs. [LB180]

SENATOR FULTON: Okay. [LB180]

SENATOR LANGEMEIER: So there's no change in this cash fund account. It would be

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a different distribution to some degree to have applicants within this. [LB180]

SENATOR FULTON: Okay, okay. Thank you, Senator Langemeier. This might be a good opportunity to point out, I've talked with Senator Heidemann about this a little bit, the difference between General Funds and cash funds. I hope members pay particular attention when we're talking about General Funds, we're talking about tax dollars that are raised, largely through income and sales tax in the state. Cash funds are a little bit different. I know we had this question last year, I imagine the question probably is going to exist this year. Cash funds are usually taken with a specificity to a particular fee or with regard to a particular industry or what have you. So they're not tax dollars per se, but it can be argued, I suppose, that they come out of specific industries or communities or what have you. So the concern that I'm going to have with FA2 is alleviated. I don't know how I'm going to vote on it yet, but there isn't any chance of busting the budget, so to speak, within this cash fund because we are not giving any appropriating...any power by way of appropriation to overspend the cash fund. So if that is a concern, that ought to be alleviated. All right. Thank you, Mr. President. [LB180]

PRESIDENT SHEEHY: Thank you, Senator Fulton. Senator Louden. [LB180]

SENATOR LOUDEN: Thank you, Mr. President and members. I was wondering if Senator Langemeier would answer some questions if he would, please. [LB180]

PRESIDENT SHEEHY: Senator Langemeier, would you yield? [LB180]

SENATOR LANGEMEIER: Yes. [LB180]

SENATOR LOUDEN: Senator Langemeier, I probably need my memory refreshed here somewhat on this, but this fund that this money comes out of, that's the same...isn't that the same fund that the tire recycling fund comes out of also? [LB180]

SENATOR LANGEMEIER: Yes. There's a number of programs that... [LB180]

SENATOR LOUDEN: That all come out of this, because as we had the hearings last summer, the indication was from the department that there was enough money to go ahead and do this because as you read the bill, it is just to deconstruct buildings. It isn't adding nothing more or doing nothing less, other than, of course, setting up when the fee schedules are supposed to be that probably is some corrective language for the department to have in there. So it really...it doesn't make any difference to Omaha or anyone because this is just...these buildings and these areas. Omaha will still have the chance to get their money for their tire recycling fund, and that is the rest of the towns across the state where they have 5,000 population or not. Is that correct? [LB180]

SENATOR LANGEMEIER: Correct. [LB180]

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SENATOR LOUDEN: So I think with that, I don't see any point for the amendment because all it is, it sets it up that these towns or the smaller towns can go in and get some money to deconstruct some of these old buildings. And as you drive across these smaller towns, there certainly is something needs to be done. Your larger towns like Omaha or someplace, they have a chance to get matching funds and they do get matching funds for bigger deconstruction projects. So I think again, as I stated before, I will certainly oppose this amendment. And I think this is mostly some housecleaning for small towns across Nebraska. Thank you, Mr. President. [LB180]

PRESIDENT SHEEHY: Thank you, Senator Louden. Senator Carlson, followed by Senator Langemeier. Senator Carlson. [LB180]

SENATOR CARLSON: Mr. President and members of the Legislature, I'm simply echoing a little bit of what I heard Senator Wightman say, Senator Schilz, and Senator Louden. But my understanding is that this fund that sounds like it's \$5.5 million really doesn't have that much money available for these projects with 530-some small communities. And certainly a very small community that has a building that's been abandoned, needs to be razed, that property is just not worth very much, and certainly it has little value unless it's razed. Whereas in the larger towns, that same piece of property, same area, would have some value and there's more incentive for other reasons to raze that building. So I see it as an advantage for the real small communities, and whatever the population limit that is set, there is always going to be some questions why isn't it some other amount. But I think the original bill is okay the way it stood. Thank you. [LB180]

PRESIDENT SHEEHY: Thank you, Senator Carlson. Senator Langemeier. [LB180]

SENATOR LANGEMEIER: Mr. President and members of the body, I want to give you one more example in the thought process behind this. As we look to tear down a building, they gave us some estimated costs of...it costs basically 6 bucks a square foot to tear down a building. And you get in a small town of Rogers, Nebraska, and you tear that building down, and it costs you \$35,000 to tear it down, and now that lot is worth 500 bucks. You go downtown Omaha, yeah, it's going to cost millions to tear it down because it's a big building, but you have a pretty valuable lot. And so some of that discussion goes in there as to what you do with that. There was a question here, I've just...let me give you some more numbers here. The Department of Roads got funding from this fund last year to the tune of \$567,134 for Department of Roads for rubber modified asphalt program. The city of Hastings got \$476 for playground mats. This fund gets a lot tapped into for a lot of different things. This is just going to be one more avenue into it for small communities. And as far as how much of the \$5.5 million would be requested under this type of a program is yet to be seen. We don't know how many of the 531 cities and villages in the 36 counties that would be eligible, what they would

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come up with for decommission of buildings. And so with that, I again, I would ask you not to vote for FA2 offered by Senator Lautenbaugh, but yet support LB180. Thank you. [LB180]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. Senator Lautenbaugh. [LB180]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. How many is this? [LB180]

PRESIDENT SHEEHY: This is your second time, then you'll have your close. [LB180]

SENATOR LAUTENBAUGH: Has it always been that way? (Laughter) I understand the problem with this amendment that some of you are having and I will just again, and I will probably make...I will make this my close. There is just a fundamental equity argument here in that I do believe that the bulk of the money in this fund does come from the metropolitan area and we're specifically excluding them. But as I said before, it does go beyond that, and it excludes the city of Blair, it excludes Washington County, it excludes any entity that has population of more than 5,000. And I could sit here all day and throw in amendments, one that substitute 15,000 for 5,000, then one 16,000 for 5,000, then one 10,000 for 5,000, because I don't know that there's a rational basis for the 5,000. I realize what we do here all day is draw lines, and there's always got to be a line somewhere, and someone can say, well, why not one more or one less. That's why I like this amendment, that it just removes, puts everyone on an equal footing, lets all entities--big and small and medium--apply for these funds, and I would urge your approval of the amendment. [LB180]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. Would you like that to be your closing? [LB180]

SENATOR LAUTENBAUGH: Yes, Mr. President. [LB180]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. You have heard the closing to FA2 to LB180. The question before the body is on the adoption of FA2. All those in favor vote yea; opposed, nay. Senator Lautenbaugh. [LB180]

SENATOR LAUTENBAUGH: I would request a call of the house. [LB180]

PRESIDENT SHEEHY: Thank you, Senator Lautenbaugh. There has been a request for the call of the house. All those in favor of the call of the house vote yea; opposed, nay. Please record, Mr. Clerk. [LB180]

CLERK: 36 ayes, 1 nay, Mr. President, to place the house under call. [LB180]

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PRESIDENT SHEEHY: The house is placed under call. All unauthorized personnel please step from the floor. Senators, please return to the Chamber. Please record your presence. The house is under call. Senator Nantkes. Senator Lautenbaugh, all members are present and accounted for. How would you like to proceed? [LB180]

SENATOR LAUTENBAUGH: Just a board vote is fine. I'll authorize call-ins as well. [LB180]

PRESIDENT SHEEHY: Senator Lautenbaugh is accepting call-ins. [LB180]

CLERK: Senator Christensen voting no. Senator Hansen voting no. Senator Cornett voting no. Senator Ashford voting yes. [LB180]

PRESIDENT SHEEHY: Senator Lautenbaugh, do you request a roll call? [LB180]

SENATOR LAUTENBAUGH: Yes. [LB180]

PRESIDENT SHEEHY: Roll call, Mr. Clerk. [LB180]

CLERK: (Roll call vote taken, Legislative Journal page 291.) 20 ayes, 24 nays, Mr. President, on the amendment. [LB180]

PRESIDENT SHEEHY: FA2 is not adopted. The call is raised. [LB180]

CLERK: I have nothing further on the bill, Mr. President. [LB180]

PRESIDENT SHEEHY: Senator Langemeier, you're recognized to close on LB180. [LB180]

SENATOR LANGEMEIER: Mr. President, I'd ask for your adoption of LB180. [LB180]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You have heard the closing to LB180. The question before the body is on the advancement. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB180]

CLERK: 41 ayes, 2 nays, Mr. President, on the advancement of LB180. [LB180]

PRESIDENT SHEEHY: LB180 advances. [LB180]

CLERK: Mr. President, next bill, LB154, was a bill originally introduced by the Government, Military and Veterans Affairs Committee. (Read title.) The bill was introduced on January 9 of this year, at that time referred to the Government, Military

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and Veterans Affairs Committee. The bill was advanced to General File. There are committee amendments pending, Mr. President. (AM25, Legislative Journal page 280.) [LB154]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Avery, you're recognized to open on LB154. [LB154]

SENATOR AVERY: Thank you, Mr. President, colleagues. LB154 will eliminate certain boards and commissions. I have here in my hand a document that is a compilation of all of the 250 boards and commissions that we have in the state of Nebraska. It's one and one-quarter inches thick, and Senator Hansen and I think it probably weighs about five pounds. What we're trying to do is reduce this. Every four years the Government Committee is statutorily required to survey every state board, commission, council, committee, task force, work group created by statute. In 2008, the committee completed this project. After the surveys were collected from the various boards and commissions, the Government Committee staff reviewed the responses and recommended a list of boards and commissions for closure. The committee staff set some criteria for determining which of these boards and commissions that we recommend for termination. And these criteria were really quite generous. They looked at whether the board or commission had met in the last four years and whether or not it could list at least one accomplishment. Eleven boards did not meet these criteria, and they are included in the bill for termination. One exception is the Women's Commission. The Women's Commission was defunded two years ago. They did not return their survey. They have not met. They do not have a staff. They do not have officers. All of the commissioners have resigned. They do not have a telephone. So they are on the list. I have talked with the former president and they do not object to us including them. Other boards and commissions are included in the bill because they have sunset dates that terminate their work in statute. Eleven of the boards on the list have a sunset date. That I think brings the total to about 20 boards and commissions to be eliminated. With that, I would urge your approval. Thank you, Mr. President. [LB154]

PRESIDENT SHEEHY: Thank you, Senator Avery. You have heard the opening to LB154. Senator Avery, you're recognized to open on AM25 from the Government, Military and Veterans Affairs. [LB154]

SENATOR AVERY: The committee, after we had our public hearing, agreed to make three changes to the bill. One of those is to remove the Biopower Steering Committee from the bill thereby retaining this committee in statute. We did this at the request of Senator Annette Dubas who has a bill in the Natural Resources Committee that would extend the work of this committee and we wanted to give her the opportunity to do that. The second change in this amendment is to remove from the list for closure the Nebraska Community College Aid Grant and Contract Review Committee. If you refer to your fiscal note, you will see that this particular committee historically has facilitated

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distribution of amounts of money appropriated to agencies, aid to the community colleges, for example, Program 99 and Program 83. Appropriations for the program historically have been distributed in the form of grants to community colleges, and they use this committee as a means to transfer those monies. So we have decided to leave that or to take that one off the list for termination. Finally, the committee amendment includes provisions of Senator LeRoy Loudon's bill, LB115, which eliminates the Nebraska Veterans Cemetery Advisory Board. Testimony heard at the hearing from the Department of Veterans' Affairs indicated that this advisory board is no longer necessary because its work has been completed. It has done what it was intended to do. If the Department of Veterans' Affairs needs additional advice regarding the cemetery system, statute still retains the Veterans' Affairs Commission for that purpose. The committee advanced the bill with committee amendments on a 7 to 0 vote, with one member absent. It is my understanding that Senator Harms has an additional amendment, and the committee discussed that and I will be speaking on that in a few minutes. Thank you, Mr. President. [LB154]

PRESIDENT SHEEHY: Thank you, Senator Avery. You have heard the opening from the Government, Military and Veterans Affairs Committee. Members requesting to speak, Senator Dubas. [LB154]

SENATOR DUBAS: Thank you, Mr. Lieutenant Governor, members of the body. I'd like to thank Senator Avery for the amendment and do intend to support it. I do appreciate the opportunity. I have some specific plans in mind for the Biopower Steering Committee, and I'd like to have that opportunity to bring that cause to the committee and hopefully to the full body. I understand where the concerns are coming from as far as task forces and committees, and sometimes we can get bogged down with so many of those types of entities. But I feel like the specific direction that I would like to see the Biopower Steering Committee go with a specified objective and a limited amount of time to do it will kind of address some of the concerns that the body seems to have with the creation of task forces. So again, I appreciate Senator Avery introducing this amendment and taking my considerations into concern, and hope the body will support it. Thank you. [LB154]

PRESIDENT SHEEHY: Thank you, Senator Dubas. Are there additional members requesting to speak? Seeing none, Senator Avery, you're recognized to close on AM25. Senator Avery waives closing. The question before the body is on the adoption of AM25 to LB154. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB154]

CLERK: 38 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB154]

PRESIDENT SHEEHY: AM25 is adopted. Next amendment, Mr. Clerk. [LB154]

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CLERK: Mr. President, Senator Harms would move to amend with AM39. (Legislative Journal page 291.) [LB154]

PRESIDENT SHEEHY: Senator Harms, you're recognized to open on AM39. [LB154]

SENATOR HARMS: Thank you, Mr. President and colleagues. The reason I'm introducing this amendment is that the Nebraska State Airline Authority Act allows us to create an intra-airlines within the state of Nebraska, and it could be funded by the state. My concern has been for a long time is the infrastructure for rural America is just slowly being eroded, and it's extremely important that we have some way to be able to get here. Most of our business is done in Lincoln, Nebraska, and it's very difficult for people to be able to get from Scottsbluff, Nebraska, to Lincoln, Nebraska, to do their business. You can fly to Denver and into Lincoln, but the connections are very poor and the cost is almost prohibitive for us, it depends on when you actually do this. And so what I'm asking you to do is to remove this and give us the opportunity to continue to work towards creating an airline for rural Nebraska. Knowing that this act was on the books, in this past September, we had a meeting in Scottsbluff, Nebraska, where we invited representatives from North Platte, Kearney, Grand Island, Lincoln, and I think maybe Omaha. Those that did attend felt very comfortable in saying, you know, this is important to have. This is important to find a way that we can at least travel within the state of Nebraska, and help rural Nebraska be able to get to Lincoln, Nebraska, or to fly to North Platte or fly to Kearney or Grand Island where we have to do our business. It has a negative impact on economic development for us in rural Nebraska. When we bring people out in Scottsbluff, Nebraska, to take a look at maybe relocating a company or a business and they can't fly to the Capitol directly on the old river run, it does have an impact of how people view us. And I will tell you that when we had this discussion with the people that were there, they felt like it was important for us to at least have the discussion. I will tell you in all honesty, our Governor was not interested in this because of the cost, and I can understand that. But now the American recovery and reinvestment bill that's before Congress, or what's referred to as the stimulus plan, if you take a moment to just look at that and see that they are placing a great deal of money into the infrastructures for rural America and rural Nebraska will qualify for that. There may be a great opportunity here, colleagues, that we can find the funding with a partnership with the state, cities and counties, and the federal government to provide an appropriate airline that we could at least use to get back and forth in this great state. So I would ask that you give consideration to this. I'm not asking for it to be long term. I think after we find out about the incentive programs that we have or the stimulus programs that we have available and see how this matches up, we'll probably want to bring this back and have this discussion. But what will happen to as we close this door now, it's going to be hard for us to open. As I understand the stimulus plan programs that are available, if you have something ready to go now and if you have it in law, then you can move forward quickly and then you could be funded for this. They're not going to fund things that's only a dream, only just a thought. It's there. It's been there for a long period of

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time. We haven't used it, but now we've realized that it's quite important for rural Nebraska. So I would ask that you support AM39. Thank you, Mr. President. [LB154]

SENATOR ROBERT PRESIDING []

SENATOR ROBERT: Thank you, Senator Harms. You've heard the opening on AM39 to LB154. Those wishing to speak are Senators Avery and Fulton. Senator Avery, you're recognized. [LB154]

SENATOR AVERY: Thank you, Mr. President, colleagues. I'm going to support Senator Harms on this amendment. In committee, we discussed the possibility of taking that off the list for closure, and the vote was split, we couldn't get a majority, and therefore we left it on the list. If there is something that can be done to improve intrastate air travel and Senator Harms can get it done and he can use this vehicle to do it, I'm all for it. If I can help you, Senator Harms, let me know. Thank you, Mr. President. [LB154]

SENATOR ROBERT: Thank you, Senator Avery. Senator Fulton, you're recognized. [LB154]

SENATOR FULTON: Thank you, Mr. President. Would Senator Harms yield to a question or two? [LB154]

SENATOR ROBERT: Senator Harms, will you yield to a question? [LB154]

SENATOR HARMS: Yes, I will. [LB154]

SENATOR FULTON: Okay. So we're talking about...I have not reviewed where 3-801 through 3-806 or whatever, I haven't actually reviewed where this is in the statute. Can you tell us what are the concerns by way of cost? So there are going to be some type of cost savings. You'd mentioned that there was some opposition, and so I would assume that the opposition would have to do with money. [LB154]

SENATOR HARMS: Yes, it would be. And it's really the cost of putting in an airline and funding the airline to make it happen, and that varies, and I can't give you the exact cost at this point. It's a matter of negotiating out for an airline to come in to be funded. And the nice thing about this, Senator, would be that it could be done through a partnership. Right now the way this would be without the stimulus plan, it would be hard for the state to do anything like this, cities and counties are strapped. But I think in the future as we look at this, there's some great opportunity here, and there's great opportunity to be able to negotiate with air companies to come in and provide that service in the state of Nebraska. [LB154]

SENATOR FULTON: Okay. So if we adopt your amendment, then it allows you or any

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other senator or anyone else to continue work toward an intrastate air travel system. It doesn't obligate anybody, correct? [LB154]

SENATOR HARMS: No, Senator, there's no obligation here at all. In fact, we would have to bring this back to the body for approval of this airline. Even though it authorizes us to go ahead and do it, it's still going to take funding, and you and I know we'd see that in the Appropriations Committee, and we know that's where it would take place. [LB154]

SENATOR FULTON: Okay. [LB154]

SENATOR HARMS: So it does not commit us to anything, it just leaves the door open. And that's all I'm asking for, leave the door open for us. [LB154]

SENATOR FULTON: Okay. Thank you, Senator. Would Senator Avery yield to a question then? [LB154]

SENATOR ROBERT: Senator Avery, would you yield to a question from Senator Fulton? [LB154]

SENATOR AVERY: Yes, I will. [LB154]

SENATOR FULTON: Senator, in the committee, what was the objection to this idea? I'm trying to flush out where the decision point here is. [LB154]

SENATOR AVERY: Well, we discussed whether to take it off the list because there was some discussion that maybe Senator Harms might want to keep it...we had not heard at that time from Senator Harms, and frankly we were looking for...we hoped to come in with more than just 22 boards and commissions to retire. But because we didn't know for sure, we thought, well, we'll leave it on and not talk to Senator Harms about a floor amendment. And I will support it. [LB154]

SENATOR FULTON: Okay. Thank you, Senator. Hearing that, I'll support AM39 also. This still doesn't escape the purview of the Legislature should it end up costing money, it's still going to come before us. Nothing changes, this just allows this to be a potentiality at some point in the future, so. Thank you, Mr. President. [LB154]

SENATOR ROBERT: Thank you, Senator Fulton. Senator Sullivan, you are now recognized. [LB154]

SENATOR SULLIVAN: Yes, thank you, Chairman and members of the body. Following up Senator Fulton on your remarks, and I was the one in committee who introduced the amendment to retain the authority. And we had one person that represented the

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Nebraska Association of Airport Officials. She spoke in a neutral position, but basically what I heard her say that she was hoping that we would retain this. And so I'm just echoing the support for Senator Harms' amendment, leaves the door open, doesn't obligate us for anything, and we certainly don't want to close any opportunities that help rural Nebraska. [LB154]

SENATOR ROBERT: Thank you, Senator Sullivan. Seeing no others wanting to speak, Senator Harms, you're recognized to close on your amendment. [LB154]

SENATOR HARMS I would just simply...thank you, Mr. President, colleagues. I'd just simply ask you to support this, AM39. Thank you. [LB154]

SENATOR ROBERT: Thank you, Senator Harms. The question...you heard the closing on AM39. The question before the body shall be, shall AM39 be passed on LB154? All in favor vote aye; all opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB154]

CLERK: 39 ayes, 0 nays, Mr. President, on the adoption of Senator Harms' amendment. [LB154]

SENATOR ROBERT: AM39 is adopted. [LB154]

CLERK: I have nothing further, Mr. President. [LB154]

SENATOR ROBERT: Seeing none wishing to speak, Senator Avery, you're recognized to close on LB154. [LB154]

SENATOR AVERY: Thank you, Mr. President. Here's an opportunity to straight government. Modest, I agree, but it takes 20 commissions and boards off the books that have not been meeting, there's no reason to keep them there. It saves a little bit of money, and I urge you to vote yes. [LB154]

SENATOR ROBERT: Thank you, Senator Avery. You've heard the closing on LB154. The question shall be, shall LB154 pass and move on to E&R Initial? All those in favor vote yea; opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB154]

CLERK: 42 ayes, 0 nays, Mr. President, on the advancement of LB154. [LB154]

SENATOR ROBERT: LB154 advances. Next item on the agenda. [LB154]

CLERK: LB91 was a bill introduced by Senator Howard. (Read title.) Introduced on January 8 of this year, at that time referred to the Health and Human Services

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Committee. The bill was advanced to General File. At this time, I have no amendments to the bill, Mr. President. [LB91]

SENATOR ROBERT: Thank you. Senator Howard, you are recognized to open on LB91. [LB91]

SENATOR HOWARD: Thank you, Mr. President. Good morning, members of the body. Today I bring LB91 for your support. LB91 was heard on January 21 in the Health and Human Services Committee and advanced with no opposition. LB91 is a very simple bill that would enable children currently in guardianships to be placed in permanent adoption with their current guardians. The bill would (1) allow a state subsidized adoption when there has been a subsidized guardianship and the existing guardian is a person adopting, and (2) allow the assistance provided under present subsidized adoption to mirror the subsidized guardianship assistant. Under the existing statute, a child who is a ward of the state can, under certain circumstances, be placed in a subsidized guardianship. If, however, the guardians later wish to move to permanently adopting the child, they would give up any assistance being provided for them for the care of that child under the subsidized guardianship. During the committee hearing, Director Landry explained that the reason for the current statutory language is related to the order in which the subsidies were allowed by statute and not because of any desire to limit guardianships or place additional restrictions on adoptions for these children. While this change would not affect a large number of children and families, it will make a big difference for the children it does impact. Most of the families who assume guardianship of these children are trying to do the right thing for the child. They often require subsidy support to assist with the cost of significant behavioral or physical health concerns. Right now, guardians lose those subsidies if they should choose to adopt a child under the current statute, prohibiting these families from adopting. Not because the families don't want permanent relationships with the children, but simply because they cannot afford to assume the costs for the child's special needs. This bill will allow some guardians to adopt a child providing the following criteria are met: adoption ends the court involvement; all family members are assured of a higher degree of permanence because a guardian assumes full parental responsibilities and rights and the child becomes a legal member of the family; and neither parent nor child faces the danger of a birth parent or another person petitioning the court for visitation rights. I would also explain that these guardianship subsidies have traditionally been paid with IV-B money, which is state funds. However, with the signing of former President Bush's Fostering Connections Act, this change in Nebraska statute would make Nebraska eligible for any new funding that comes about as a result in the change in the rules and regulations that accompany this act. While these changes are still being determined, it is anticipated that future guardianship stipends will be eligible for federal IV-E funding. There is the potential that not only benefit these children and families, but to save Nebraska taxpayer money. For me, the bottom line is that this bill makes it possible for more children to have permanent adoptive homes, which is ultimately better for the

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children and their families. Thank you for your support of adoption and for your support for children in need of permanent, loving families. [LB91]

SENATOR ROBERT: Thank you, Senator Howard. You have heard the opening on LB91. We will now proceed with discussion. Those wishing to speak, Senators Stuthman and Harms. Senator Stuthman, you're recognized. [LB91]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. I would like to engage in a little conversation with Senator Howard, if I may, please. [LB91]

SENATOR ROBERT: Senator Howard, will you engage in a conversation with Senator Stuthman? [LB91]

SENATOR HOWARD: I will. [LB91]

SENATOR STUTHMAN: Senator Howard, thank you for bringing this bill. I do have some questions on this. Is this for any child, or the way I read the bill, it's only for the special needs children? Is that correct? [LB91]

SENATOR HOWARD: This bill pertains to a child who was a ward of the Department of Health and Human Services. That child was placed in a guardianship arrangement through the Department of Health and Human Services. So it does not pertain to any child in a guardianship arrangement. It pertains specifically to those children who were wards of the Department of Health and Human Services. [LB91]

SENATOR STUTHMAN: How many children would you say would be in that situation that would be in that category what you're talking about? [LB91]

SENATOR HOWARD: That would be affected by this bill? [LB91]

SENATOR STUTHMAN: Yes. [LB91]

SENATOR HOWARD: The Department estimates approximately six to eight children every year. [LB91]

SENATOR STUTHMAN: And the way I understand the bill...and you're not convinced that it's only special needs children? [LB91]

SENATOR HOWARD: The term "special needs" applies to a child coming through the department who has behavioral needs, physical needs, emotional needs. It really covers a category of needs. The only children in all reality that are excluded from this with the department would be very, very young children, infants, that haven't had an experience--the abuse, the neglect--the issues that bring a child under the wardship of

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the state. [LB91]

SENATOR STUTHMAN: Senator Howard, in the A bill portion of it, it also states in there that it would be a one-time payment of up to \$1,500 for the possibility of eight families, and with a special needs adoption for the legal cost. So can you explain to me, you know, what type of legal costs would be involved in this child when you go from...in this subsidized adoption system? [LB91]

SENATOR HOWARD: Well, to address the first part of your question, the one-time provision of funding is really a projection by the department on the cost to change the regs to put that into effect in Nebraska regulations. The cost for the actual adoption will be borne by the adoptive parents. The state will not pay for the court costs for this adoption nor will they pay for the home study. [LB91]

SENATOR STUTHMAN: In other words, Senator Howard, the cost of this \$12,000 for the first coming year would mainly be for these eight families in the adoption process? [LB91]

SENATOR HOWARD: The cost will be for this new regulation to be put in the statute. That's why it's projected to be a one-time cost. [LB91]

SENATOR STUTHMAN: I would disagree with that part of it, but I will delay my questions on that part of it until we discuss the A bill on it. I've got a concern that, you know, we're only dealing with eight subsidized families' adoptions, you know, in 2010 and seven in 2011 and six in 2012. And according to what I read of the bill, it's a ward of the department with special needs the subject of state subsidized guardianship. And would you say, Senator Howard, that there are a lot of children that are in foster care have special needs? [LB91]

SENATOR HOWARD: Senator Stuthman, I would answer that by saying to you, a child who has been abused, a child who has been neglected, a child who has experienced sexual abuse, they have very definite special needs. You can include in that category certainly physical needs, which we commonly refer to as special needs, but these children require... [LB91]

SENATOR ROBERT: One minute. [LB91]

SENATOR HOWARD: ...counseling and support to have an opportunity to be successful in life are definitely special needs children. [LB91]

SENATOR STUTHMAN: Yes, I will agree with that, and I'm very sympathetic to that. The fact is that if there's children that need this extra funding on this subsidized adoption portion of it, you know, and we're only talking about eight families when we've

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got probably thousands of kids that have special needs, are we subsidizing this enough or shouldn't we be doing it at all? With that, those are my comments. Thank you, Mr. President. [LB91]

SENATOR ROBERT: Thank you, Senators Stuthman and Howard. Senator Harms, followed by Senator Coash. Senator Harms. [LB91]

SENATOR HARMS: Thank you, Mr. President and colleagues. I rise in support of this bill. Until I got in this body I did not really understand nor did I understand what the issues were about children with special needs. Until we got involved in the Beatrice issue and then later involved in another hearing that dealt with behavioral issues of people, I started to understand how important it is to place children who have special needs in a home that's caring and loving, and I think it's critical for their success, and being placed in a family that cares about them is important. And for us to walk away from this on the basis that...because it's seven or eight children, I don't think we can turn our back anymore on our children. When we went through the safe haven issue, we saw the same thing. In the safe haven issue we found where teenagers, quite frankly, fell through the cracks, and this is exactly what's happening here. I don't think we can any longer tolerate our children not being treated appropriately. And I think this bill is a wonderful bill. It starts to address the issue and in most cases it starts to prevent us from having further issues that's going to take place with the safe haven question. And so I think this is worthwhile. I think it's important to have it taken care of, and for what little dollars we're going to spend, if we can save that child or make that child happier and make it...give the parent the opportunity to be able to take the ownership of this child, we should allow that to happen. We should give this child the opportunity that he or she needs to be able to at least grow up in a loving, caring family. You can't get that as a state ward. You cannot receive that in Health and Human Services. It's got to be a family environment, people, we cannot walk away from this. And Mr. President, I would ask that my colleagues support LB91. Thank you, Mr. President. [LB91]

SENATOR ROBERT: Thank you, Senator Harms. Senator Coash, you're recognized. [LB91]

SENATOR COASH: Thank you, Mr. President and members of the body. Would Senator Howard yield to a question? [LB91]

SENATOR HOWARD: Yes. [LB91]

SENATOR ROBERT: Senator Howard? [LB91]

SENATOR COASH: Senator Howard, when the department testified on this bill, did they indicate if there would be any reduction in state wards if this bill were passed? [LB91]

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SENATOR HOWARD: No, but that's really not the motivation behind this particular bill, because these children are already placed in a guardianship, so they're not state wards. They're children who have been state wards. So it won't lend to that in particular. What this does is ensure permanency for these children. And maybe it would be helpful, I know I'm on your time, but maybe an example would be helpful. [LB91]

SENATOR COASH: That would be fine. [LB91]

SENATOR HOWARD: All right. The reason this issue came about was a family who are constituents of Speaker Flood's had contacted the Speaker, who in turn suggested they contact me regarding this. They had taken guardianship of their grandchildren. Now, circumstances were such that that was the better plan at that time. They wished to move into a permanent relationship through adoption. Things had changed and they could do that at this time, but for the three children, the three grandchildren, one child was especially considered special needs. He had needs that could not be met by the ordinary family. If they were to move to an adoption of those three children, they would lose the state subsidy and the Medicaid benefits. This allows them to move to the permanency of adoption. [LB91]

SENATOR COASH: Thank you. Will this bill get the courts out of these children's lives? [LB91]

SENATOR HOWARD: Yes. [LB91]

SENATOR COASH: Members of the body, I urge your support of LB91. I've seen firsthand that the government makes a poor parent and families make much better parents for our children, especially children affected by this body, and I urge you to pass it. Thank you. [LB91]

SENATOR ROBERT: Thank you, Senator Coash and Senator Howard. Wishing to speak are Senators Wallman, Howard, and Price. Senator Wallman, you are recognized. [LB91]

SENATOR WALLMAN: Thank you, Mr. President. I, too, thank Senator Howard for presenting this bill. I know she's a voice for the children. And I find it ironic we spend billions to bail out billionaires, and the people at the bottom of our society, economic situations we have a little trouble supporting children, and whether they be special needs mentally, physically, or whatever. I want to again thank Senator Howard and if she wants some of my time, she may have it. [LB91]

SENATOR ROBERT: Senator Howard, you have 4:28. [LB91]

SENATOR HOWARD: Thank you, Senator Wallman. I appreciate that. I think it would

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be helpful for the body to understand maybe a bit about guardianship. In the lives of a child, in the life of a child who's not able to be with their natural parents, with the parents they were born to, the least recommended means of growing up would be in the foster care system. The best, the most permanent would be adoption. Now, on occasion a guardianship arrangement is considered. Sometimes there's a family member who doesn't wish to have the parental rights of a family member terminated, but they would take a guardianship to ensure that those children are outside of the state ward system and to have the loving support of their family. In the case I told you about, circumstances had changed and it was possible to move into an adoptive relationship with these children, which both the grandparents and the children wanted to do, but given the current regulations it was not possible. Guardianship arrangement leaves many issues open. Biological parents can come back in and petition the court for custody of the child. That may or may not be the best plan for that child. They can also petition for visitation with a child, which in some cases can be harmful to that child's well-being. Adoption is a permanency that most children benefit the most from. There are long-range effects, and I'll just mention a couple of these: One is, under an adoption arrangement those children are eligible for Social Security payments if something should happen to the adoptive parent. A second would be, quite obviously, when the child and the family is in court, the judge says to the family, you take this child to be your own as if this child were born to you. That means long-range, down the road when that child is in her twenties or his twenties, calls home, needs money for college, that family is there for that child. Adoption is a permanent arrangement that benefits the child. Thank you. [LB91]

SENATOR ROBERT: Thank you, Senator Howard. Senator Price, you are recognized. [LB91]

SENATOR PRICE: Thank you, Mr. President and members of the body. Would Senator Howard yield to a couple of questions? [LB91]

SENATOR ROBERT: Senator Howard, will you yield to a question from Senator Price? [LB91]

SENATOR HOWARD: Yes. [LB91]

SENATOR PRICE: Yes. In looking this over, I'm looking in particular at...I believe in part B where it says, if the child was under the guardianship of the state, does that mean if a natural parent had their child put into state custody and now they're out of it, they would be able to receive this support? [LB91]

SENATOR HOWARD: Are you thinking a child that had been a state ward, but was reunified with the parents? [LB91]

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SENATOR PRICE: Right. [LB91]

SENATOR HOWARD: No, this wouldn't apply in that situation. [LB91]

SENATOR PRICE: Thank you. Also we heard the mention of eight children would be able at this time and qualify for this. [LB91]

SENATOR HOWARD: Well, that's a projection by the department. Across the state, they're projecting six to eight children. Now, keep in mind the family that I told you about, there were three children in that family alone. So I think at this time we're really too early in the game to know the accurate numbers on this. [LB91]

SENATOR PRICE: So the state has no knowledge of the number of children in need that are in adoptive status? [LB91]

SENATOR HOWARD: Well, this would apply to children who were in a guardianship status, and, yes, they would know that. The question mark would be, which of those families would make the choice to move to adoption. [LB91]

SENATOR PRICE: Okay, because I stand in support of helping the children and the families after that. I just want to make sure that when we talk about numbers that these projections are accurately reflected and that no one feels snake bit after the fact if there were more. And I would contend that the department knows how many more children. We know how many people are in guardianship now. We know how many are adopted, how many are needs, and I think it would be beneficial to the body and everybody if we put those numbers out there, if they differ at all, from eight. Thank you. If you'd like to respond, please feel free. [LB91]

SENATOR HOWARD: Thank you, Senator Price. I would just say to you that while these numbers appear to be low that the impact to one child to have the permanency of adoption into one family is certainly well worth our addressing. Thank you. [LB91]

SENATOR ROBERT: Thank you, Senator Price and Senator Howard. Senator Howard, your light is on next. [LB91]

SENATOR HOWARD: I had actually commented on and answered the questions that we'd had addressing this early. I would again stress the permanency of adoption is the preferable choice, the plan, the lifelong plan for a child who is in the foster care system. On rare occasions a guardianship is an appropriate plan, but adoption is the desired permanency. I'm going to offer the time that I have at this moment to Senator Gay, if he would like to speak as to the committee's response to this. [LB91]

SENATOR ROBERT: Senator Gay, 4:26. [LB91]

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SENATOR GAY: Thank you, Mr. President. Senator Howard did a good job of explaining the bill and the substance of the bill. There are fewer cases right now that this will be used. I would hope in the future there would be more, quite honestly, because we are finding permanent homes for some difficult-to-place children. So I would just say I think she did a good job explaining where we're at. I'm supportive of the bill. This passed out of committee 7 to 0. But I would say as we go towards further look at some of these bills...and that's great, I'm glad people are looking at the fiscal notes and the numbers. This is a case maybe where the projection on the fiscal note...and we all know how fiscal notes can be, so Senator Price had a good point to say, well, can it change? Yes, it could change. But if it does change, that would be for the better, quite honestly, because we would have more children being adopted. So this is a good bill. I commend Senator Howard for bringing it to the floor. Thank you, Mr. President. [LB91]

SENATOR ROBERT: Thank you, Senator Gay. Senator Harms, followed by Senator Stuthman. Senator Harms. [LB91]

SENATOR HARMS: Thank you, Mr. President and colleagues. Senator Stuthman, would you yield? [LB91]

SENATOR ROBERT: Senator Stuthman, will you yield to a question from Senator Harms? [LB91]

SENATOR STUTHMAN: Yes. [LB91]

SENATOR HARMS: Thank you, Senator Stuthman. Senator Stuthman, you are on the Health and Human Services Committee, is that correct? [LB91]

SENATOR STUTHMAN: Yes. [LB91]

SENATOR HARMS: And I noticed here that you did vote to bring this bill out. Is that correct? [LB91]

SENATOR STUTHMAN: Yes. [LB91]

SENATOR HARMS: Now, why all of a sudden is this bill not good? [LB91]

SENATOR STUTHMAN: This bill is still good, this bill is still good. But I'm bringing up a couple of issues that after researching it a little bit further, it was not totally clear to me as what the real intent of the bill is. And in getting some information after I had spoke, you know, I've got my light on. I want to explain a few things about the positive parts of this bill. [LB91]

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SENATOR HARMS: Senator, Todd Landry was there, is that correct? [LB91]

SENATOR STUTHMAN: Yes. [LB91]

SENATOR HARMS: He testified, is that correct? [LB91]

SENATOR STUTHMAN: Yes. [LB91]

SENATOR HARMS: And what did he say? [LB91]

SENATOR STUTHMAN: I don't have my notes here exactly what he said. [LB91]

SENATOR HARMS: Can you give me some thoughts of whether he supported this or not? [LB91]

SENATOR STUTHMAN: Yes, he supported this, and I will say in my next comments when I'm allowed to speak on the next time, you know, I will explain, you know, what the positive parts of it is and what possibly were some of his comments also. [LB91]

SENATOR HARMS: Senator, I guess I have difficulty understanding why you would not support these children being placed in a loving, caring home. Could you please explain that to me? [LB91]

SENATOR STUTHMAN: I truly am very supportive of placing these kids in a loving home. These children, you know, are...there's a guardian that's taking care of the child, and I would like to see as many as possible that would be adopted and put into a permanent place. [LB91]

SENATOR HARMS: Then, Senator, why are you objecting to this? [LB91]

SENATOR STUTHMAN: I am not objecting to the bill. I'm trying to bring a couple issues up as far as when the A bill comes, I don't think the A bill is right, I think it's misleading, and I think the information on the A bill is not correct. [LB91]

SENATOR HARMS: So, Senator, the reason you're not supporting this is because of the bottom line, is that correct? [LB91]

SENATOR STUTHMAN: I haven't... [LB91]

SENATOR HARMS: It's all a fiscal issue with you, is that correct? [LB91]

SENATOR STUTHMAN: It is part of a fiscal issue. Although I'm trying to decide, you know, are we paying with this fiscal note...and in the fiscal note it states in there it is

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really a \$1,200 or \$1,500 assistance with legal fees for that guardian for the adoption process. And that is the issue that I have. [LB91]

SENATOR HARMS: Yeah. Thank you, Senator. We all know that these fiscal notes really are not very accurate. [LB91]

SENATOR STUTHMAN: That is very true. [LB91]

SENATOR HARMS: And we like to pick on the fiscal notes when we want to start to cause some discussion and try to bring about some confusion about it. So let's just place the cards on the table. It's all based on the fiscal issue of you, and what the bottom line is, and how many young children would qualify for this program. Is that correct? [LB91]

SENATOR STUTHMAN: The issue to me is, yes, I would say the number of kids that would qualify for this program is an issue to me because I think there are a lot more kids that we should try to get to permanent placement. And... [LB91]

SENATOR HARMS: But wouldn't that be the very good thing that would come out of this bill? Wouldn't that show us that we are helping more children? Just like Senator Gay said, that's the good part of bill. If you have more kids coming on deck, that's the good thing about this. So why are we debating and arguing this based on the bottom dollar, because it's not going to cost us that much? And for whatever cost is, it will start to eliminate that issue that we had when we dealt with a teenager falling through the cracks. [LB91]

SENATOR STUTHMAN: That is very true, and I would like to see a lot more kids that could utilize this. And to tell you the truth, I think it's not going to cost the state hardly anything. [LB91]

SENATOR ROBERT: One minute. [LB91]

SENATOR STUTHMAN: The issue that I had is the fact that if we were going to spend those \$12,000 on eight families for legal fees, that is a concern that I had. [LB91]

SENATOR HARMS: Well, Senator, for a lot of families who are willing to take on this cause, I would applaud them. I would say, good job, because you know what? For them to take on this issue is going to change their life, their families, they're committed to children who are truly struggling here. And to help them a little bit with whatever their legal fees are, that's the smallest thing we can do to make that transfer from that state ward to a warm, loving, caring home. Thank you, Mr. President. [LB91]

SENATOR ROBERT: Thank you, Senators Harms and Stuthman. Senator Stuthman,

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your light is on next. [LB91]

SENATOR STUTHMAN: Thank you, Mr. President and members of the body. In the discussion that I had with Senator Howard's aide, the real issue in this bill is the fact that we have a lot of children in special needs, we have a lot of guardians of these kids with special needs, and the fact that these children are getting subsidized guardianship, is what they're getting. When these individuals, when these guardians decide to adopt that child, put it in a permanent home, a loving child, currently these subsidized adoption payments are halted. So there really is the fact that these guardians, if they adopt this child, they will lose that subsidized guardianship funding. They're paying for it, the state is paying for that. And really what this bill does, in my opinion, and Senator Howard can correct me if I'm wrong, but it's the fact that these subsidies will continue after the guardians have adopted the child because this is an incentive for guardians to adopt a child. And that's what I'm trying to say. You know, this is an incentive. To me the fiscal note is misleading for the legal fees part of it, and maybe they need some assistance for legal fees. But the main issue to me is the fact that these children can be in a permanent home and the guardians that are taking care of that child will continue to receive subsidized guardianship funding. Thank you, Mr. President. [LB91]

SENATOR ROBERT: Thank you, Senator Stuthman. Senator Howard, you're recognized, and this is your third time. [LB91]

SENATOR HOWARD: Thank you, Mr. President. I have obtained the comments by Todd Landry at the hearing, and this may be a point of clarification. When Mr. Landry spoke, he said: There are many reasons why adoption might be the right choice, even after a guardianship has been completed. When these changes occur, as I explained to you earlier, changes in the family situation, some guardians are able to forfeit the guardianship subsidy and finalize an adoption. Many cannot afford this choice. For those who cannot, this bill offers the alternative of adoption as an ongoing, but no additional cost to the state. In essence, it would allow closure of the guardianship subsidy and opening of the same assistance in the same amount in the form of an adoption subsidy. So this is very, very clear--adoption subsidy would mirror the guardianship subsidy. And, in fact, there is a potential with the signing of the Foster and Connection Act that the state may be able to receive federal funds for these adoptions. So I thank you and I appreciate this debate. [LB91]

SENATOR ROBERT: Thank you, Senator Howard. Senator Dubas, you are recognized to speak. [LB91]

SENATOR DUBAS: Thank you, Mr. President and members of the body. I stand in wholehearted support of Senator Howard's bill and the intention that she brings forward for us to discuss this morning. I firmly believe that these parents truly are the shining jewel in the services that we offer and make available to children. And I think anything

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that we do in any way to support these people and their willingness to put permanency in the lives of these children will pay us nothing but dividends down the road. I'm a firm believer in pay me now or pay me later, and I think anything that we can do up front will, again, just return us rewards and dividends down the road with the extra added bonus of giving these children a loving and caring home and the support to these parents who are willing to bring these children into their home. So I hope...I urge the body's full support of this bill and thank Senator Howard for bringing it forward. [LB91]

SENATOR ROBERT: Thank you, Senator Dubas. There are no other lights on. Senator Howard, you are recognized to close on LB91. [LB91]

SENATOR HOWARD: Thank you, Mr. President. I'm going to make this very brief. This is a simple change that can make a big difference to children and their families, and I respectfully ask for your support. Thank you. [LB91]

SENATOR ROBERT: You have heard the closing on LB91. The question before the body is, shall LB91 advance to E&R Initial? All those in favor vote aye; all opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB91]

CLERK: 40 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB91]

SENATOR ROBERT: LB91 does advance. Next item on the agenda. [LB91]

CLERK: LB196 by Senator Gay. (Read title.) The bill was introduced on January 12, at that time referred to Health and Human Services. The bill was advanced to General File after the public hearing. I have no amendments at this time pending, Mr. President. [LB196]

SENATOR ROBERT: Senator Gay, you are recognized to open on LB196. [LB196]

SENATOR GAY: Thank you, Mr. President. LB196 was brought to me by the Rural Health Advisory Commission, and this is what we would consider a cleanup bill. It passed out of committee 7 to 0. What this does is, right now this offers clarification regarding contracts entered into under the Nebraska Rural Health Systems and Professional Incentive Act. And this would exempt agreements entered into under the Rural Health Systems and Professional Incentive Act from the section of statute that governs state contracts with independent contractors. The reason that this bill was brought forward was because when it was originally passed in 2003, the Department of Health and Human Services said, well, we don't need to have oversight on these contracts. So then later in 2008, they came back and said, well, legally maybe we should have some kind of...be responsible for proving the contracts and watching over them. This allows now back to the independent contractors or the rural health incentive go to the hospitals, so they now administer the contracts. So these are three-way

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agreements signed by the local entity, which is usually the hospital or the clinic, the health professional, and the department. The department still will oversee these contracts, but sometimes these contracts can go seven, ten years, because what they're doing is recruiting health professionals in areas that maybe are in need. So the Rural Health Advisory Commission also identifies those areas of need and basically awards these contracts. They're student loan forgiveness is usually what the case is here. So this bill was brought to us to clarify that the department will no longer, would be doing that contract and they would turn it back over to the local hospitals who really has a better handle on the contracts and the day-to-day operation and fulfillment of these contracts. So this bill was to clarify that language. Thank you, Mr. President. [LB196]

SENATOR ROBERT: Thank you, Senator Gay. You have heard the opening on LB196. Is there anyone wishing to discuss? Senator Pirsch, you are recognized. [LB196]

SENATOR PIRSCH: Thank you, Mr. President and members of the body. If Senator Gay would yield to a quick question? [LB196]

SENATOR ROBERT: Senator Gay, would you yield to a question from Senator Pirsch? [LB196]

SENATOR GAY: Yes. [LB196]

SENATOR PIRSCH: Is this just kind of a correction of an unintended consequence of individuals receiving student aid being classified as independent contractors, is that what's going on here? [LB196]

SENATOR GAY: Yeah. This would actually clarify it in language that they are independent contractors. Right now, when the department does it, they may not be considered--we haven't got to that point yet and we don't want to--that they wouldn't be considered an independent contractor. So there's technically if the department is doing it, it could create some bad situations for that doctor or professional out in the field. So the hospital now would be running the contract. [LB196]

SENATOR PIRSCH: Okay. I'd yield to Senator Gay, if he has any other additional comments... [LB196]

SENATOR GAY: Thank you, I don't. [LB196]

SENATOR PIRSCH: ...the balance of my time, Mr. President. [LB196]

SENATOR ROBERT: Thank you, Senators Pirsch and Gay. There are no other lights on. Senator Gay, you're recognized to close on LB196. [LB196]

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SENATOR GAY: I'd encourage your support. Like I say, this is a clarification of language that actually has been going on for the last four years, and now it's just clarifying in statute that we're doing the right thing. Thank you, Mr. President. [LB196]

SENATOR ROBERT: Thank you, Senator Gay. You have heard the closing on LB196. The question before the body is, shall LB196 advance to E&R Initial? All those in favor vote aye; all opposed vote nay. Have all those voted who wish? Mr. Clerk, please record. [LB196]

CLERK: 40 ayes, 0 nays, Mr. President, on the advancement of LB196. [LB196]

SENATOR ROBERT: LB196 does advance. Mr. Clerk, do you have items? [LB196]

CLERK: I do, Mr. President. Your Committee on Urban Affairs chaired by Senator Friend reports LB85 to General File. Revenue Committee chaired by Senator Cornett reports LB44, LB45, LB120, LB251 to General File and LB166 to General File with amendments. Judiciary Committee chaired by Senator Ashford reports LB41 to General File and LB123 to General File. Enrollment and Review reports LB1, LB2, LB3, and LB61 as correctly engrossed. Enrollment and Review also reports that LB30, LB49, LB50, LB62 have been reported to Select File, some of which have Enrollment and Review amendments attached. New resolution, Senator Pahls offers LR13. That will be laid over. A series of name adds: Senator Giese to LB200; Senator Howard and Robert to LB206; Senator Sullivan to LB405; Senators Schilz, Christensen, Carlson, Lautenbaugh, McCoy to LB438; Senators Dierks, Hansen, Utter, Flood, Wightman, Pankonin to LB438; Senators Hadley, Sullivan, and Robert to LB438; Senator Stuthman would like to add his name to LB449; Senator Pankonin to LB489; Senator Ashford to LB656; Senators Robert, Christensen, Carlson, Lautenbaugh, McCoy, Schilz to LB666, likewise with Senators Dierks, Hansen, Utter, Hadley, Pankonin, Wightman, Sullivan, and Price; and Senator Pankonin would like to add his name to LB671. (Legislative Journal pages 292-294.) [LB1 LB2 LB3 LR13 LB30 LB41 LB44 LB45 LB49 LB50 LB61 LB62 LB85 LB120 LB123 LB166 LB200 LB206 LB251 LB405 LB438 LB449 LB489 LB656 LB666 LB671]

Mr. President, priority motion: Senator Sullivan would move to adjourn until Tuesday morning, January 27, at 9:00 a.m. []

SENATOR ROBERT: You have heard the motion to adjourn until Tuesday, January 27, at 9:00 a.m. All in favor signify by saying aye. Opposed, nay. The ayes have it. We are adjourned. []