

Transcript Prepared By the Clerk of the Legislature
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Floor Debate
January 18, 2007

[LB1 LB2 LB11 LB25 LB28 LB35 LB79 LB90 LB161 LB182 LB227 LB258 LB536
LB545]

PRESIDENT SHEEHY PRESIDING []

PRESIDENT SHEEHY: Good morning and welcome to the George W. Norris Legislative Chamber for the eleventh day of the One Hundredth Legislature, First Session. Our chaplain for today is Reverend Sharon Stevens from the Madison Trinity United Methodist Church from Madison, Nebraska; Speaker Flood's district. Would you all please rise? []

PASTOR STEVENS: (Prayer offered.) []

PRESIDENT SHEEHY: Thank you, Reverend Stevens. I call to order the eleventh day of the One Hundredth Legislature, First Session. Senators, please record your presence by roll call. Please record, Mr. Clerk. []

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

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Any corrections for the Journal? []

ASSISTANT CLERK: Mr. President, I have no corrections this morning. []

PRESIDENT SHEEHY: Messages, reports, or announcements at your desk? []

ASSISTANT CLERK: Mr. President, I do. I have two communications from the Speaker referring LR13 and LR14 to the Reference Committee to be referred to an appropriate standing committee for public hearing. I have a reference report referring LB463 through LB580, plus the re-reference of LB352 and LB387. That's all I have, Mr. President. (Legislative Journal pages 309-312.) []

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Speaker Flood, you're recognized. []

SPEAKER FLOOD: Thank you, Mr. President, members. I'm going to give you a quick foreshadowing of what our schedule looks like the next couple of days. Tomorrow we're going to meet at 11:00 and we're going to adjourn around 11:30. Our only order of business tomorrow will be allowing time for committees to file committee public hearing notices and committee statements with the Clerk. Beginning Monday, it is my intention to begin the first day of the week at 10:00 and we will start to debate worksheet order General File bills. And so debate will start on Monday at 10:00. Beginning Tuesday and continuing through Friday of next week, I anticipate we'll start at 9:00, assuming we have bills to debate each day. So tomorrow there will not be that much on the agenda. It will be a short day. We'll be out of here hopefully by 11:30, but debate will begin on

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Monday. Thank you, Mr. President. []

PRESIDENT SHEEHY: Thank you, Mr. Speaker. (Doctor of the day and visitors introduced.) We'll move to the next agenda item under General File. Mr. Clerk. []

ASSISTANT CLERK: Mr. President, first bill, LB1 offered by Senator Engel as Chairperson of the Executive Board. (Read title.) Bill was read for the first time on January 4 of this year. As the result of being a bill proposed by the Revisor of Statutes, it was placed on General File. [LB1]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Engel, you're recognized to open on LB1. [LB1]

SENATOR ENGEL: Mr. President, members of the body, first of all let me offer a general explanation of the Revisor bills. These bills are prepared by the Revisor of Statutes. They are housekeeping or correctional bills. Pursuant to our rules--Rule 5, Section 3--they are introduced by the Chair of the Executive Board and referred directly to General File. And Revisor bills include such things as the repeal of statutes or parts of statutes that have become obsolete, deleting language that has been found unconstitutional, correcting internal references, and harmonizing provisions of the bills. This year we only have two. LB1 removes language that was held unconstitutional in 1988 by the U.S. federal district court in case of the United Food and Commercial Workers International Union, AFL-CIO, CLC v. IBP, Inc. LB1 strikes only the language specifically found by the court to be unconstitutional. If you want to look on page 2, lines 15 through 17, on page 3, line 7 through the "or" in line 9 you'll see where the language has been stricken. And regarding that specific language, the court held that the numbers distance provision of Section 28-1318(1), and the talking clause of Section 28-1317(1)(a) are (inaudible) overbroad and, hence, they're unconstitutional. So I'd be certainly happy to provide a copy of this case to anyone who is interested if you'd let me know. And other than that, I would ask for your vote to advance LB1 to Select File. Thank you for listening. [LB1]

PRESIDENT SHEEHY: Thank you, Senator Engel. You've heard the opening on LB1. The floor is now open for discussion. Anyone wishing to speak on LB1? Senator Engel, you're recognized to close. [LB1]

SENATOR ENGEL: I waive closing. Thank you. [LB1]

PRESIDENT SHEEHY: Senator Engel waives closing. The motion is, shall LB1 be adopted as a Revisor bill to delete unconstitutional language relating to picketing? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB1]

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ASSISTANT CLERK: 40 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB1]

PRESIDENT SHEEHY: LB1 advances. Next item, Mr. Clerk. [LB1]

ASSISTANT CLERK: Mr. President, LB2 was offered by Senator Engel as Chair of the Executive Board. (Read title.) The bill was read for the first time on January 4 and referred directly to General File. [LB2]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Engel, you're recognized to open on LB2. [LB2]

SENATOR ENGEL: Mr. President, members of the body, LB2 repeals three sections of law that refer the appropriations for years that have now passed, making those sections obsolete. So I ask for your vote to advance LB2 to Select File. Thank you. [LB2]

PRESIDENT SHEEHY: Thank you, Senator Engel. You've heard the opening on LB2. The floor is now open for discussion. Anyone wishing to speak on LB2? Senator Engel, you're recognized to close on LB2. [LB2]

SENATOR ENGEL: I waive closing. [LB2]

PRESIDENT SHEEHY: Senator Engel waives closing on LB2. The question before the body is, shall Revisor bill LB2, to delete obsolete statutes relating to appropriations, advance? All those in favor vote yea; opposed, nay. Have all voted who wish? Please record, Mr. Clerk. [LB2]

ASSISTANT CLERK: 41 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB2]

PRESIDENT SHEEHY: LB2 does advance. Move to next item of the agenda, anything under filing of committee notices. [LB2]

ASSISTANT CLERK: Mr. President, your Committee on Revenue offers notice of committee hearing for January 25. Natural Resources offers notice of hearing also for January 25. Do have a report from Natural Resources on the appointment of John C. Turnbull to the Environmental Quality Council. (Legislative Journal page 313.) []

PRESIDENT SHEEHY: Any items for reporting of bills to General File? []

ASSISTANT CLERK: Mr. President, your Committee on Agriculture reports LB25 to General File with amendments. Health and Human Services would report LB90 as indefinitely postponed. Natural Resources reports LB79 advanced to General File and

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LB161 as advanced to General File. (Legislative Journal page 313.) [LB25 LB90 LB79 LB161]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. The Legislature will be standing at ease while we wait for additional reports from committees. Mr. Clerk, do you have any final messages on your desk? []

ASSISTANT CLERK: Mr. President, I do. Your Committee on Urban Affairs reports LB11 and LB28 to General File. I have a notice of committee hearing from Judiciary, scheduling bills for January 25. [LB11 LB28]

Series of name adds, Mr. President: Senator Mines to LB35; Senator McDonald would withdraw from LB182; Senator Schimek add to LB227; Senator Howard to LB258; Senator Nantkes to LB536, as well as Senator Kruse to LB536; and Senator Howard to LB545. [LB35 LB182 LB227 LB258 LB536 LB545]

Mr. President, I do have a priority motion. Senator Pirsch would move to adjourn until Friday, January 19, 2007, 11:00 a.m. (Legislative Journal pages 313-314.) []

PRESIDENT SHEEHY: Thank you, Mr. Clerk. There is a motion by Senator Pirsch to adjourn until Friday, January 19, 2007, at 11:00 a.m. All those in favor say aye. Opposed say nay. We're adjourned. (Visitors introduced.) []