

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

Floor Debate
January 12, 2007

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SPEAKER FLOOD: Good morning. Welcome to the George W. Norris Legislative Chamber for the eighth day of the One Hundredth Legislature, First Session. Our chaplain today is Senator Cap Dierks. Please rise. []

SENATOR DIERKS: (Prayer offered.) []

SPEAKER FLOOD: Thank you, Senator Dierks. I call the eighth day of the Legislature to order. Senators, please record your presence. Roll call. Mr. Clerk, please record. []

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

SPEAKER FLOOD: Do you have any corrections for the Journal? []

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

SPEAKER FLOOD: Do you have any messages, reports, or announcements? []

CLERK: Mr. President, I have a series of hearing notices: a hearing notice from the Banking Committee, signed by Senator Pahls; Revenue Committee, signed by Senator Janssen; Agriculture Committee, signed by Senator Erdman; the Education Committee, signed by Senator Raikes; and the Transportation Committee, signed by Senator Fischer. I have reports received from the Child Support Commission and Southeast Community College. Those will be on file in the Clerk's Office, available for member review. The lobby report, as required by statute to be inserted in the Journal this week. And a communication from the Nebraska Supreme Court, Mr. President. And that's all that I have at this time. (Legislative Journal pages 215-218.) []

SPEAKER FLOOD: Thank you, Mr. Clerk. (Doctor of the day introduced.) We will proceed to the introduction of new bills. Mr. Clerk. []

CLERK: (Read LB343-LB347 by title for the first time, Legislative Journal pages 218-219.) And that's all that I have at this time, Mr. President. [LB343 LB344 LB345 LB346 LB347]

SPEAKER FLOOD: Thank you, Mr. Clerk. The next item on the agenda is the motion to adopt permanent rules. Mr. Clerk. []

CLERK: Mr. President, Senator Hudkins offers the motion to adopt permanent rules, as

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Chair of the Rules Committee. I do have amendments pending, Mr. President. []

SPEAKER FLOOD: Senator Hudkins, you are recognized to open on the proposed changes to adopt permanent rules. []

SENATOR HUDKINS: Thank you, Mr. President and members of the body. The Rules Committee met on Wednesday afternoon with several proposed changes, and we have advanced two for your discussion and deliberation. One of them was introduced by Senator Schimek, after a study...or, a legislative resolution by the Government, Military and Veterans Affairs Committee. They wanted to examine the legislative process of confirming gubernatorial appointments. As part of the study, all of the committee Chairs were asked to respond to a survey regarding these appointments and the legislative confirmation process, and every committee that deals with appointments completed the survey. After reviewing the responses, preliminary recommendations to improve the confirmation process were adopted. Then the committee Chairs were invited to a meeting to discuss this issue and finalize the recommendations. One of the recommendations made by the committee Chairs included changing the rules of the Legislature to eliminate the requirement that committee members vote on whether to waive the personal appearance of an appointee for good cause. Currently, the rule that committees vote on whether good cause has been shown is rarely, if ever, followed. The committee Chairs felt that allowing the Chair to decide whether the appointee has shown good cause is a better solution, and more in the line with current practice. Other recommendations included the allowance of a teleconference if appointees have to travel a great distance, and asking appointees to write a letter to the committee outlining their qualifications. So in other words, let's say that the Health and Human Services Committee has a number of gubernatorial appointments, and one of them lives in Scottsbluff. The weather is bad, and this person you really can't ask, with terrible road conditions, to travel six, seven, eight hours for a ten-minute confirmation hearing. So it will be, according to the rule, and I will read it: The committee to which a gubernatorial appointee has been referred for confirmation shall conduct a confirmation hearing. Each appointee shall be required to appear in person before the committee conducting that confirmation hearing. The--here's the change--the appearance of the appointee may be waived for good cause as determined by the Chair of that committee. And so that is the new language. The old language says, may be waived for good cause shown by a majority vote of the members assigned to that committee. We don't normally do that. Practice is usually for the committee Chair to determine if good cause has been shown, and we would like to have the rules changed to reflect what is the current practice. So all we're doing in this particular change is changing from a vote of the entire committee to waive the appearance of a conferee to the decision of the Chair. And Senator Schimek, if you would like to add anything else, you may have some of my time. []

SENATOR SCHIMEK: Thank you, Mr. President and members. Thank you, Senator Hudkins. I turned my light on to call your attention to the summary of the report that is

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on your desk. And I think it's important, as new members of new committees, that the entire body is cognizant of the appointments process. The reason the Government, Military and Veterans Affairs Committee decided to conduct the study was that several questions have come up over the years about how we do appointments. And in a couple of cases, committees really didn't want to vote to advance an appointee. Now, that's very rarely ever happened. And committees were a little bit unsure about how to handle it. That's what started the discussion. I think it's important that new committee Chairs think about that appointments process, and make it a process that is more than perfunctory. And it is...the committee of committee Chairs thought it was very important that at least for first-time appointees, that they be required to come to the Legislature, if at all possible, to indicate their interest and to indicate that they want the slot. It isn't maybe as important for reappointments. But the committee of committee Chairs, or the people involved in the survey, also knew that if you live in Harrison, Nebraska, it's an awful long ways to come down here for maybe a five- or ten-minute appointments hearing. So we also said that the committee and the committee Chair ought to be cognizant of that, and ought to be willing to try to set up a teleconference, or at the very least get a letter from that person indicating what their talents are, why they want the appointment, and that they would really be willing to serve and want that appointment. Also, if they're a reappointment, the committee Chairs said the committee should be able to ask if these reappointments actually attended meetings of their board or commission. They ought to be able to ask those kinds of questions of the commission or task force that they're on. So Senator Hudkins explained what we're really trying to do here. We're just trying to put the language in conformance with practice. Over the years, I can't think of any committee that's ever voted on whether somebody had to appear or not. It's generally up to the committee Chair. So it's a real no-brainer kind of rules change, but we thought it would be good to put it in conformance. I would encourage you all to keep this. There is a full study that we didn't have many copies made of, but it tells all the responses of the committee Chairs, and we'd be happy to share that with you if anybody wants it. But I stand in support of this rule change. Thank you. []

SPEAKER FLOOD: Thank you, Senator Hudkins. Do you wish to continue? You have 3 minutes left on your time. []

SENATOR HUDKINS: I think we have explained this first rules change, hopefully sufficiently for you to understand and vote in support of it. And Mr. President, there is also another change. Do you want to address those separately? []

SPEAKER FLOOD: Yes, we do, Senator Hudkins. []

SENATOR HUDKINS: Thank you. []

SPEAKER FLOOD: Thank you, Senator Hudkins. Senator Schimek, your light is on. Do you wish to speak? Senator Schimek waives the opportunity to speak. There are no

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other lights on. Senator Hudkins, you are recognized to close. Senator Hudkins waives closing. The question before the body is the adoption of the proposed rules change offered by Senator Hudkins. This motion requires 25 votes. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. []

CLERK: 39 ayes, 1 nay, Mr. President, on adoption of the amendment. []

SPEAKER FLOOD: The motion is adopted. Mr. Clerk. []

CLERK: Mr. President, the second amendment, as offered by the Rules Committee, involves a change...proposed change by Senator Hudkins to Rule 4, Section 3. []

SPEAKER FLOOD: Senator Hudkins, you are recognized to open. []

SENATOR HUDKINS: Thank you, Mr. President and members of the Legislature. As the Clerk said, this would amend Rule 4, Section 3. It has to do with study resolutions, introduction, referral, standing committees, select committees, and results. Well, that doesn't really say what we're wanting to do. There was a bill last year or the year before, I don't know exactly when, by Senator Beutler, changing the name from...there was the Legislative Research Division, to Office of Legislative Audit and Research. That is really all this rules change does, is just a name change, based upon a legislative bill that was passed in a prior year. It appears in two places in that particular rule. And again, all it does is change the name from Legislative Research Division, to Office of Legislative Audit and Research. Thank you, Mr. President. []

SPEAKER FLOOD: Thank you, Senator Hudkins. There are no other lights on at this time. Senator Hudkins, do you wish to close? Senator Hudkins waives closing. The question is the adoption of the proposed rules change offered by Senator Hudkins. This motion requires 25 votes. All those in favor vote aye; all those opposed vote nay. Record please, Mr. Clerk. []

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

SPEAKER FLOOD: The motion is adopted. Mr. Clerk. []

CLERK: Mr. President, I have nothing further pending to the motion to adopt permanent rules. []

SPEAKER FLOOD: Is there any further discussion on the motion to adopt permanent rules? Seeing none, Senator Hudkins, you're recognized to close. Senator Hudkins waives closing. The question is the adoption of the permanent rules, as amended this morning. This motion requires 25 votes. All those in favor vote aye; all those opposed

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vote nay. Record please, Mr. Clerk. []

CLERK: 39 ayes, 2 nays, Mr. President, on the motion to adopt permanent rules. []

SPEAKER FLOOD: The permanent rules have been adopted. Members, you're encouraged to file any bills with the Clerk, with Mr. Clerk here this morning, as we'll remain in session. We intend to stay in session; however, no further business will be conducted other than the introduction of new bills. (Recorder malfunction)...we're going to go with scheduling in the next couple of days. I would offer you the following. Seeing as how our permanent rules were adopted this morning, it is my intention to convene the Legislature at 11:00 a.m., Tuesday, Thursday, and Friday of next week. We will begin session on Wednesday of next week at 10:00 a.m., to allow for extra time for bill introduction. Again, repeating, next week we will begin session, Tuesday, Thursday, and Friday, at 11:00 a.m.; Wednesday of next week, we will begin at 10:00 a.m., to facilitate your convenience on the first...on the last day of bill introduction. Thank you. []

SENATOR ERDMAN PRESIDING []

SENATOR ERDMAN: Mr. Clerk, I understand we have an announcement. []

CLERK: Mr. President, the Building Maintenance Committee, Chaired by Senator Kopplin, will meet under the north balcony at 10:00. Building and Maintenance, north balcony, 10:00. []

SENATOR ERDMAN: Mr. Clerk, introduction of new bills. []

ASSISTANT CLERK: Thank you, Mr. President. New bills. (Read LB348-LB372 by title for the first time, Legislative Journal pages 220-224.) [LB348 LB349 LB350 LB351 LB352 LB353 LB354 LB355 LB356 LB357 LB358 LB359 LB360 LB361 LB362 LB363 LB364 LB365 LB366 LB367 LB368 LB369 LB370 LB371 LB372]

SENATOR ERDMAN: Mr. Clerk, do you have items? []

ASSISTANT CLERK: Mr. President, I do. New bills. (Read LB373-377 by title for the first time.) In addition to those items, Mr. President, hearing notices from the General Affairs Committee, signed by Senator McDonald; Natural Resources, signed by Senator Loudon; Judiciary, signed by Senator Ashford; and Business and Labor, signed by Senator Cornett. Mr. President, Senator Kopplin would like to announce that Senator Fulton has been selected as Vice Chair of the Building Maintenance Committee. And finally, Mr. President, a series of name adds: Senator Pahls...I'm sorry, Senator Nelson to add his name to LB6; Senator Hansen to LB62; Senators Gay and Christensen to LB169; Senators Gay, Wallman, and Rogert to LB235; Senator Mines to LB330; Senators Burling and Janssen to LB331. Mr. President, I have a priority motion. Senator

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Schimek would move to adjourn until Tuesday morning, January 16, at 11:00 a.m., Tuesday morning, January 16, at 11:00 a.m. Mr. President, the Exec Board Reference will meet now in Room 2102, Reference Committee will meet now in Room 2102. (Legislative Journal pages 224-226.) [LB373 LB374 LB375 LB376 LB377 LB6 LB62 LB169 LB235 LB330 LB331]

SENATOR ERDMAN: Members, the motion before us is to adjourn. All those in favor say aye. All those opposed, nay. We are adjourned. []