

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

Floor Debate  
November 14, 2008

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[LB1 LB2 LB3 LB321 LR1 LR2 LR3]

SPEAKER FLOOD PRESIDING []

SPEAKER FLOOD: Good afternoon. Welcome to the George W. Norris Legislative Chamber for the first day of the One Hundredth Legislature, First Special Session. Our chaplain for today is Senator Kruse. Please rise. []

SENATOR KRUSE: We're going to wait for old senators in the aisle to come to attention, please. (Laugh) (Prayer offered.) []

SPEAKER FLOOD: Thank you, Senator Kruse. I call to order the One Hundredth Legislature, First Special Session. Senators, please record your presence. Mr. Clerk, please record. []

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

SPEAKER FLOOD: Pursuant to a proclamation issued by the Honorable Dave Heineman, Governor of Nebraska, we are here and now assembled in the One Hundredth Legislature, First Special Session of the Nebraska Legislature. I, as President of the Legislature, declare that we are now open for the transaction of business. The Chair now recognizes the Clerk of the Legislature to read the proclamation. []

CLERK: Mr. President, a proclamation. (Read proclamation from Governor Heineman, Legislative Journal page 2.) []

SPEAKER FLOOD: Thank you, Mr. Clerk. Before we proceed, we'd like to commend the Nebraska Capitol Commission and its executive director and all of the contractors that did fine work to restore the George W. Norris Legislative Chamber. As I think you share with me, it is a beautiful renovation and they deserve our thanks. (Applause) Each member, at your seat, should have a brochure outlining some of the work that is done and continues right now in the Senators' Lounge. We do appreciate their efforts. One note of procedure: You will note that we do not have a glass partition between us and the Rotunda and the vestibule. We will be enforcing the order and decorum of this institution. And we would hope that you would respect our work in here by keeping all conversations at a minimum. Please follow this rule and we will work with you throughout the week to make sure that it is adhered to. Mr. Clerk, I believe we have a motion. The Chair now recognizes Senator Pat Engel for a motion. []

SENATOR ENGEL: Mr. President, I move that the following officers recommended by the Executive Board be elected to serve for the One Hundredth Legislature, First Special Session: Clerk of the Legislature, Patrick J. O'Donnell; Assistant Clerk of the

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Legislature, Richard K. Brown; and Sergeant at Arms, Ron Witkowski. []

SPEAKER FLOOD: Thank you, Senator Engel. Is there any discussion on the motion? Senator Chambers, you are recognized. []

SENATOR CHAMBERS: Mr. President, I would like to rise for a point of personal privilege. []

SPEAKER FLOOD: Continue. []

SENATOR CHAMBERS: Under our rules a point is made first when it's felt that the dignity or integrity of the body has been slighted. Unfortunately, in my opinion, one of our colleagues, Senator Fulton, did that a few days ago. As those who have been here for any amount of time understands, for the past few years we've had those laptop computers and they are upgraded periodically. When new waves come through some of those old ones don't work, their warranties are exhausted, and new laptops are routinely approved. The laptops which Senator Fulton took issue with on a television station were included in the budget approved by the Executive Board. That budget, in turn, was presented to the Appropriations Committee and became a part of the budget bill, LB321, in 2007. Senator Fulton, as a member of that committee, voted with the other members to unanimously agree with that bill, to send it to the floor to his colleagues, and we, acting on their recommendation, voted for that budget. Senator Fulton voted for those laptops. He voted for them in committee. He voted for them on the floor. I have to come clean now. The vote on the final day for the budget bill vote was 37 to 12. Senator Fulton voted yes for the budget bill. I voted no but my vote had nothing to do with the laptops. Senator Fulton suggested that some people in his district are asking him about these laptops, but the person gave him a way out: If you think they're needed go for them. Well, I think Senator Fulton forgot that he was no longer campaigning, so he said, I won't give up mine, mine works perfectly well for me, every dollar of the taxpayers' money that's spent has to be justified. Pandering time is over when the election is over. And then he made a remark something like Charlton Heston, his cold dead hands. Well, what Senator Fulton needs to realize is that can be arranged. Members of Legislature, it took me awhile after I got here but I became very concerned about the Legislature as an institution. We know that people outside of this body are going to hold us up to ridicule, scorn, mockery and suggest that nothing is safe as long as we are in session. Yet they come to us for everything they need because we pass laws that rule and regulate every aspect of their lives. And if there is a project they want funded, they come to us and ask us for it. When constituents do not understand how the Legislature works, we have an obligation as teachers to explain what it is we do and why we do it. If every other agency of government, if all businesses, if schools, if libraries are going to update and upgrade their technology as such opportunities become available, I am not willing to let the Legislature to continue traveling cheap, horse and buggy when other people are SSTs, supersonic transports. I won't be here in January, a lot of you won't, but others

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will be. While I am here I'm still on the clock. I'm a member of this body. I'm concerned about the integrity of this body. And I think any senator who disparages the Legislature unnecessarily, who gives the impression that money is being spent by the Legislature in a profligate, unnecessary manner, that senator has an obligation to this body to point out what it is that we do and why we do it. I could go on and on, but I'm not going to. I think I made my point, but I want to encapsulate it and summarize. This Legislature is one of the three branches of government. The Governor doesn't go out to the public and say: These people working for me are wasting money, they want new computers but they're not a gonna git 'em, 'cause the old ones they got were good enough then and they're good enough for them now; and they won't get computers that are new, I tell ya that. You're not going to hear the Attorney General say that upgrades in technology will not take place in his office. In fact, he's on the cutting edge of upgrading all the time. Even the courts, if you go up to the library you will see that they have computers and they're constantly trying to upgrade the services for the benefit of the public and those who use that library. And if any institution of government needs to be upgraded, have reliable means of retrieving information, it is that branch of government which the courts and everybody has acknowledged is the only one that represents the interests of the people. I'm like that young guy, Senator Carlson, not agewise but in Job, who listened to Job's friend condemn and criticize him. And the young guy said, I've listened to you all talk bad about this man. I thought there would be wisdom with age. I thought those who had years would have knowledge and understanding, but I don't hear that. I now am like wine. My belly is like wine that cannot vent. If I don't speak I will burst. Had I not spoken I would have burst and probably made some people happy. But by not bursting I'm sure I've made some people unhappy. Thank you, Mr. President. [LB321]

SPEAKER FLOOD: Thank you, Senator Chambers. We continue to discussion of the election of permanent officers. Senator Engel, you're recognized. []

SENATOR ENGEL: Mr. President, I'd like to defend the Executive Board and decisions they made on the budget for the Legislative Council. This was discussed profusely two years ago. And since I've been on the Executive Board, it's been several years, Chairman last six, every four years we recycle the laptops. And I depend on Richard Brown and those who have the experience and knowledge in technology, I don't, that this was necessary because you have to keep up-to-date on all of these things. And therefore, in this particular situation, they did not replace, they did not replace the desktops because they're still functioning well. But the laptops, they get a lot more use and a lot of them are carried home, etcetera, etcetera, and the batteries are wearing out. The warranties are going away and they're costing so much to keep up and then keep them upgraded. And so they found out over the years that it's cheaper in the long run, in order to stay current, is to replace them every four years. So that's the reason we did that. We've done that the last two times that I recall. And I'm...certainly they're probably do it in the future. They do not throw things away. Some of these laptops will be kept, like I think the press uses them and others. And they use...and some of them

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we kept for spare parts for those and the others will be recycled. They are not thrown in the dumpster. They're recycled for, I think, schools, etcetera. So in defense of us, I think we did the right thing. I don't think we need criticism on this and I think it was kind of unwarranted. I'm sorry to tell you that, my good friend, Tony, but I do believe it was. Thank you. []

SPEAKER FLOOD: Thank you, Senator Engel. Seeing no other discussion, the question before the body is the adoption of the motion of the election of officers. All those in favor say aye. All those opposed say nay. The motion is adopted. Mr. Clerk, are there any items for the record? []

CLERK: There are, Mr. President: a series of appointment letters from the Governor, the first appointment to the Crime Victim's Reparation Committee; to the Nebraska State Highway Commission; an appointment as director of the Nebraska Energy Office; as a member of the Nebraska Liquor Control Commission; member of the Nebraska State Board of Parole; Nebraska Natural Resources Commission; an appointment to the Accountability and Disclosure Commission; to the Nebraska Environmental Trust Board; to the Motor Vehicle Industry Licensing Board; to the Crime Victim's Reparations Committee; to the Nebraska Ethanol Board; a series of appointments to the State Board of Health; an appointment as Commissioner of Labor; two appointments to the Child Abuse Prevention Fund Board; an appointment to the Board of Educational Lands and Funds; State Personnel Board; and a series of appointments to the Board of Emergency Medical Services; an appointment to the Nebraska Educational Telecommunications Commission. All of those appointments received since the Legislature sine died in April, Mr. President, will be referred to Reference for referral to standing committee for confirmation hearing. I have received an Attorney General's Opinions during the interim, one addressed to Senator Flood and a second opinion addressed to Senator Flood as well. Both of those will be inserted in the Journal. And I've also received, since adjournment sine die in April, a number of reports, Mr. President: the Department of Agriculture, the Arts Council, the Attorney General, the Auditor of Public Accounts, the Coordinating Commission for Postsecondary Education, the Commission on Law Enforcement and Criminal Justice, the Fiscal Office, the Department of Economic Development, the State Fire Marshal, Game and Parks Commission, the GIS Steering Committee, the Health and Human Services agency, Department of Insurance, the Nebraska Investment Council, the Investment Finance Authority, Department of Labor, Legislative Fiscal Office, Legislative Performance Audit, Department of Natural Resources, Board of Parole, Power Review Board, Propane Education and Research Safety Council, the Public Service Commission, the Public Employees Retirement Systems, the Nebraska Department of Revenue, the Nebraska Department of Roads, the Nebraska State Fair, and the University of Nebraska. Those reports have been received and will be available for member review and on file in the Clerk's Office. Mr. President, communications from the Nebraska Supreme Court regarding the Judicial Resources Commission; a second communication from the Nebraska Supreme Court.

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And the final item, Mr. President, communication from the state of Illinois regarding a resolution passed and considered in that body and forwarded on to this Legislature for its consideration. That's all that I have at this time, Mr. President. (Legislative Journal pages 5-28.) []

SPEAKER FLOOD: Thank you, Mr. Clerk. (Visitors introduced.) We shall now proceed to the introduction of bills. I would encourage anyone who has bills to bring them to the Clerk's desk as soon as possible. []

CLERK: Mr. President, new bills. (Read LB1-3 by title for the first time.) Those all the new bills that I have, Mr. President. (Legislative Journal page 28.) [LB1 LB2 LB3]

SPEAKER FLOOD: The Legislature will stand at ease until 3:28, at which time we will proceed on our agenda. The introduction of new bills shall take place today until 3:28. Mr. Clerk, do you have an announcement? []

CLERK: Mr. President, Reference Committee will meet immediately in Room 2102, Reference Committee in Room 2102. []

SPEAKER FLOOD: The Legislature will stand at ease until 3:28. The Legislature will stand at ease until at which point the Reference Committee has concluded its business today. The Legislature will remain at ease. Members of the Reference/Executive Board Committee, please report to your committee room. Thank you. []

EASE []

SPEAKER FLOOD: The introduction of new bills period has now ceased. Mr. Clerk, an announcement. []

CLERK: Mr. President, I have received a Reference report from the Reference Committee referring LB1, LB2, and LB3. I also have received a Reference report regarding the referral of gubernatorial appointees to standing committee for confirmation hearing. (Legislative Journal pages 29-30.) []

SPEAKER FLOOD: Members, a reminder that we will be reconvening tomorrow morning at 9:00 a.m. Our rules provide that a quorum requires at least 25 members. Would ask that all members make it a point of coming tomorrow and checking in at 9:00 a.m. so that we can reference bills for hearing or so that we can notify the public of when our public hearings will be held. Your cooperation is appreciated. Mr. Clerk. []

CLERK: Mr. President, some final items for the record: I have an Attorney General's Opinion addressed to Senator Pahls to be inserted in the Legislative Journal. I have a new resolution. Senator Stuthman offers LR1. LR1 would congratulate the Lindsay Holy

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Family Boys' Cross Country Team. LR2 is by Senator Heidemann; it would congratulate Thomas Wilson Hall for achieving the rank of Eagle Scout. And LR3 by Senator Heidemann, congratulating Matthew Willaert Wallen on achieving the rank of Eagle Scout. Those will be laid over. Mr. President, a series of notice of hearings from standing committees regarding confirmation hearings: Business and Labor Committee, notice of hearing for Monday, November 17; Education Committee, two from the Education Committee; General Affairs; Government; Health and Human Services; Judiciary; Natural Resources; and Transportation, all of those hearing notices signed by the respective Chairpersons. (Legislative Journal pages 30-38.) [LR1 LR2 LR3]

SPEAKER FLOOD: Thank you, Mr. Clerk. Is there a motion on the desk? []

CLERK: There is, Mr. President. Senator Lathrop would move to adjourn the body until Saturday morning, November 15, at 9:00 a.m. []

SPEAKER FLOOD: Ladies and gentlemen, you've heard the motion on the floor to adjourn until Saturday morning, November 15, at 9:00 a.m. All those in favor say aye. All those opposed say nay. The ayes have it. We are adjourned. (Gavel) []