

Transcript Prepared By the Clerk of the Legislature
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Floor Debate
November 16, 2009

[LB1 LB2 LB3 LB4 LB5 LB16 LR20]

SENATOR LANGEMEIER PRESIDING []

SENATOR LANGEMEIER: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for this the eighth day of the One Hundred First Legislature, First Special Session. Our chaplain for today is Senator Fischer. Please rise. []

SENATOR FISCHER: (Prayer offered.) []

SENATOR LANGEMEIER: Thank you. I call to order the eighth day of the One Hundred First Legislature, First Special Session. Senators, please record your presence. Mr. Clerk, please record. []

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

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Are there any corrections for the Journal? []

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

SENATOR LANGEMEIER: Thank you. Are there any messages, reports, or announcements? []

CLERK: Mr. President, your Committee on Enrollment and Review reports they've examined and reviewed LB5 and recommend that it be placed on Select File. And that's all that I have. (Legislative Journal page 105.) [LB5]

SENATOR LANGEMEIER: Thank you. Speaker Flood, you are recognized for an announcement. []

SPEAKER FLOOD: Good afternoon, colleagues. Welcome back from the weekend. I do have a fairly important announcement that relates to the rest of our workweek that I think will be of interest to everybody. First of all, I want to thank the Appropriations Committee for tireless, endless hours of work on our state's behalf, on our institution's behalf, putting together the proposed budget cuts following the introduction of the bills introduced by the Governor. And I also want to thank the committee staff and the Fiscal Office and the other staff members who have worked, quite honestly, over the weekend, every waking hour, to put together a plan under tough circumstances and deliver that. A little bit before 1:30, Senator Heidemann advised me that he felt the Appropriations Committee may be able to report their budget bills to the floor for consideration. This is a day earlier than we had expected. It's a good development. Due to that, after we take

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up the work on the agenda today we're going to stand at ease this afternoon, give the Appropriations Committee some time to formally vote on bills that will be advanced to the floor, allow the committee to prepare a committee statement, and have the Bill Drafting Office make sure we have those bills in hand, and report them to the floor so that they can be filed, placed in the Journal, and available on the Internet. Following that, I think the next step will be to have a budget briefing for all senators tomorrow morning at 11:00 a.m. This is for senators only. It will be in Room 1524. If that room changes I will let you know. You'll get an e-mail that explains all of this, but it will be at 11:00 a.m. The reason we're doing that is to give members as much time this evening and tomorrow to understand the budget. Now usually we have budget books that are prepared and placed on your desks so that you can take home. There's a slight chance we'll have those by 5:00 p.m., but because it's important for you to have the information, each senator will receive a PDF version of the budget book. That PDF version, via e-mail, will come to each legislator and member of the legislator's staff. You'll have that yet this afternoon as soon as it's available. So tonight when you go home, you'll have a chance to look at what the Appropriations Committee has done, do your homework, come back in the morning, spend some time in your office, talk to constituents. At 11:00, you'll have a budget briefing, and then at 1:30 we will have session and we will take up the Appropriations Committee bills. So we will start our budget debate a day earlier than I had originally anticipated. The debate will start tomorrow at 1:30, assuming all of the conditions have been met as we end of business today and go into tomorrow. It is possible that tomorrow night, on Tuesday night, we may work into the evening. I would just ask you to be flexible and clear your schedule to the extent possible. We'll see how far we get. If there's a chance to move the bill, I think we'll do it. If there isn't, we'll come back on Wednesday at 9:00 in the morning and resume our work on the budget bills. So just to recap, today we're going to stand at ease after we complete the business on the agenda until we get the bills and the committee statements reported to the floor. You will receive a PDF version of the budget book prepared by the Fiscal Office and Appropriations Committee. Tomorrow, at 11:00 a.m., there will be a senators' briefing in Room 1524, and then tomorrow at 1:30 on the floor the agenda will show that we will be taking up that work and we may work into the evening. Again, I just want to emphasize how proud we should be of the hard work done by everybody on the Appropriations Committee and everybody in the Fiscal Office and all the staff members, including the Revisor's Office, that have worked so hard to put together the amount of work they have done over the weekend and into today. We are a day early and I think that speaks very well for the Legislature. Thank you, Mr. President. []

SENATOR LANGEMEIER: Thank you, Speaker Flood. (Visitor introduced.) Mr. Clerk, we will now proceed to the first item on the agenda. []

CLERK: Mr. President, a confirmation report from the Retirement Systems Committee, chaired by Senator Pankonin, reports on the appointment of John Dinkel to the Investment Council. (Legislative Journal page 85.) []

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SENATOR LANGEMEIER: Senator Pankonin, as Chair of the Retirement Systems Committee, you are recognized to open on your first confirmation report. []

SENATOR PANKONIN: Thank you, Mr. President and members of the body. The Nebraska Retirement Systems Committee held a confirmation hearing on November 10, 2009, for Mr. John Dinkel, who has been reappointed by the Governor to a five-year term on the Nebraska Investment Council. He was originally appointed to the council in 2006. Mr. Dinkel grew up in Norfolk and is the co-owner of Dinkel Implement Company. He will bring serious, real-world business experience to the Nebraska Investment Council and is well qualified to make decisions regarding the investment of public funds. The Retirement Committee unanimously voted to move Mr. Dinkel's appointment to the Legislature for confirmation. I would ask for your support in confirming this appointment to the Nebraska Investment Council. Thank you. []

SENATOR LANGEMEIER: Thank you, Senator Pankonin. Mr. Clerk for an announcement. []

CLERK: Mr. President, Appropriations will meet immediately in Room 2022; the Appropriations Committee in Room 2022 immediately. []

SENATOR LANGEMEIER: Thank you. You have heard the opening on the first confirmation report offered by the Nebraska Retirement Systems Committee. The floor is now open for discussion. Seeing no lights on, Senator Pankonin, you're recognized to close. Senator Pankonin waives closing. The question before the body is, shall the Retirement Systems Committee confirmation report be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal page 106.) 42 ayes, 0 nays, Mr. President, on the adoption of the confirmation report. []

SENATOR LANGEMEIER: The confirmation report is adopted. Mr. Clerk. []

CLERK: Mr. President, the second report offered by Retirement Systems involves the appointment of Jeffrey States as the State Investment Officer. (Legislative Journal page 85.) []

SENATOR LANGEMEIER: Senator Pankonin, as Chairman of the Retirement Systems Committee, you are recognized to open on the second confirmation report. []

SENATOR PANKONIN: Thank you again, Mr. President and members of the body. The Nebraska Retirement Systems Committee held a confirmation hearing on November 10, 2009, for Mr. Jeffrey States, who has been appointed by the Governor to replace David

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Bomberger, the previous State Investment Officer. The State Investment Officer directs the investment and reinvestment of money in accordance with the procedures established by the seven-member Nebraska Investment Council. The Investment Council manages the investment of the operating investment pool, the state's defined benefit plans, the state's endowment funds, and the educational savings plan trust, to name a few. Mr. States comes to us from California, where he previously served as the chief investment officer of the Sacramento County Employees Retirement System. Prior to that, he served in a number of positions in Sante Fe, New Mexico, including the director of investments for the Public Employees Retirement Association, the director of the New Mexico State Board of Finance, and the investment officer principal of the New Mexico Investment Office. Mr. States grew up in Indiana and graduated from Purdue University. During the selection process, 63 applications were received for the position. Applicants were narrowed to six candidates who were personally interviewed by the search committee and, of these, three were interviewed in person by the Nebraska Investment Council. The council unanimously recommended to the Governor that Mr. States be selected. Mr. States will bring a wealth of investment experience to the Investment Council and he is well qualified to make decisions regarding the investment of public funds and to manage the activities of the State Investment Office. The Retirement Committee voted unanimously to move Mr. States's appointment to the Legislature for confirmation. I would ask for your support in confirming Mr. States as the new State Investment Officer for Nebraska. Thank you. []

SENATOR LANGEMEIER: Thank you, Senator Pankonin. You have heard the opening on the second confirmation report offered by the Nebraska Retirement Systems Committee. The floor is now open for discussion. Seeing no lights on, Senator Pankonin, you are recognized to close. Senator Pankonin waives closing. The question before the body is, shall the Nebraska Retirement Systems Committee, the second confirmation report, be adopted? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. []

CLERK: (Record vote, Legislative Journal pages 106-107.) 35 ayes, 0 nays, Mr. President, on the adoption of the confirmation report. []

SENATOR LANGEMEIER: The confirmation report is adopted. Mr. Clerk, next item. []

CLERK: Mr. President, on LB4, a bill introduced by the Speaker at the request of the Governor. (Read title.) The bill was introduced on November 4 and referred directly to General File. [LB4]

SENATOR LANGEMEIER: Thank you. Senator Flood, you are recognized to open on LB4. [LB4]

SPEAKER FLOOD: Thank you, Mr. President. Good afternoon once again, members.

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This bill is an appropriations bill introduced every special session to appropriate the expenses for the special session. As introduced, it appropriates expenses to cover a seven-day special session. Traditionally, this special session expense bill is always introduced to provide expenses for a seven-day session, since that is the minimum number of days one of these special sessions must last in order to pass legislation. Obviously, I think we all know we're beyond seven days. We're on our eighth day. Today, what I'm asking you to do is advance LB4 to Select File as written. We have the chance on Select File to identify the number of days we're going to go; thereby, make it accurate. In addition, I know there's been some talk about modifying or not taking the increase in the per diem that senators receive. That's going to be addressed in part with the Appropriations bills that will be on the floor most likely tomorrow. I'd rather do one amendment on Select File to make sure that it is accurate and it goes to the number of days that we're actually going to be here. I want to reiterate these are always seven-day bills as introduced. It doesn't mean we're limited to seven days; in fact, just the opposite. We'll fix the number of days and make sure the numbers work to pay the expenses of the special session, on Select File, when everything is moving in order toward Final Reading and veto overrides if necessary, and toward ultimately a sine die adjournment for the special session. So I would ask that you approve LB4 on General File and move the same to Select File so that we can come back at that time and make sure it's accurate after we see the number of days we'll go. Thank you, Mr. President. [LB4]

SENATOR LANGEMEIER: Thank you, Senator Flood. You have heard the opening on LB4. The floor is now open for discussion. Seeing no lights on, Senator Flood, you're recognized to close. Senator Flood waives closing. The question before the body is, shall LB4 advance to E&R Initial? All those in favor vote yea; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB4]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB4. [LB4]

SENATOR LANGEMEIER: LB4 does advance. Members of the body, the Legislature will stand at ease. [LB4]

EASE []

SENATOR PIRSCH PRESIDING []

SENATOR PIRSCH: Mr. Clerk, you are recognized for an announcement. []

CLERK: Mr. President, your Committee on Appropriations, chaired by Senator Heidemann, reports LB1, LB2, and LB3 on General File with committee amendments attached. In addition, Mr. President, Senator Langemeier offers LR20. It's a resolution; that will be laid over. (Legislative Journal pages 107-108.) [LB1 LB2 LB3 LR20]

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SENATOR PIRSCH: Thank you, Mr. Clerk. Mr. Speaker, you are recognized for an announcement. []

SPEAKER FLOOD: Thank you, Mr. President. One more item I want to pass along. Earlier in my comments I said we'd have a budget briefing by Senator Heidemann tomorrow at 11:00 a.m. in Room 1524. That is still the case. I want to clarify my remarks and make sure that senators and staff of those senators are allowed to attend that. That is what it will show in the e-mail sent to each office. Just a clarification. Thank you, Mr. President. []

SENATOR PIRSCH: Mr. Clerk, you are recognized. []

CLERK: Mr. President, Senator Dubas would like to add her name to LB16 as cointroducer. (Legislative Journal page 108.) [LB16]

And a priority motion: Senator Flood would move to adjourn the body until Tuesday morning, November 17, at 1:30 p.m. []

SENATOR PIRSCH: You have heard the motion. All in favor vote aye. Opposed? We are adjourned. []