

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

Floor Debate  
January 06, 2011

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[LB1 LB2 LB3 LB4 LB5 LB6 LB7 LB8 LB9 LB10 LB11 LB12 LB13 LB14 LB15 LB16  
LB17 LB18 LB19 LB20 LB21 LB22 LB23 LB24 LB25 LB26 LB27 LB28 LB29 LB30 LB31  
LB32 LB33 LB34 LB35 LB36 LB37 LB38 LB39 LB40 LB41 LB42 LB43 LB44 LB45 LB46  
LB47 LB48 LB49 LB50 LB51 LB52 LB53 LB54 LB55 LB56 LB57 LB58 LB59 LB60 LB61  
LB62 LB63 LB64 LB65 LB66 LB67 LB68 LB69 LB70 LB71 LB72 LB73 LB74 LB75 LB76  
LB77 LB78 LB79 LB80 LB81 LB82 LB83 LB84 LB85 LB86 LB87 LB88 LB89 LB90 LB91  
LB92 LB93 LB94 LB95 LB96 LB97 LB98 LB99 LB100 LB101 LB102 LB103 LB104  
LB105 LB106 LB107 LB108 LB109 LB110 LB111 LB112 LB113 LB114 LB115 LB116  
LB117 LB118 LB119 LB120 LB121 LB122 LB123 LB124 LB125 LB126 LB127 LB128  
LB129 LB130 LB131 LB132 LB133 LB134 LB135 LR1 LR2CA LR3CA LR4 LR5CA LR6  
LR7 LR8 LR9CA LR10 LR11]

SPEAKER FLOOD PRESIDING

SPEAKER FLOOD: Good morning. Welcome to the George W. Norris Legislative Chamber for the second day of the One Hundred Second Legislature, First Session. Our chaplain for today is Pastor Nate Reckling, Countryside Alliance Church, Princeton, Nebraska, Senator Wallman's district. Please rise.

PASTOR RECKLING: (Prayer offered.)

SPEAKER FLOOD: Thank you, Pastor. I call to order the second day of the Legislature. Senators, please record your presence. Please record, Mr. Clerk. (Gavel)

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

SPEAKER FLOOD: Thank you, Mr. Clerk. Do you have any corrections for the Journal?

CLERK: I have no corrections, Mr. President.

SPEAKER FLOOD: The Chair recognizes Senator Utter.

SENATOR UTTER: Mr. President, colleagues, good morning. I move that the rules, as now in our possession, be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1, provided that the temporary rules shall not continue after the tenth legislative day.

SPEAKER FLOOD: Thank you, Senator Utter. Senator Haar (phonetic), do you wish to be heard on the motion? I see no further discussion. You've heard the motion. All those in favor say aye. Those opposed say nay. The motion is adopted. Mr. Clerk, do you have any messages, reports, or announcements?

CLERK: I do, Mr. President. A series of appointment letters from the Governor since the

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---

Legislature adjourned its regular session on April 16, 2010. Appointments to the Nebraska Information Technology Commission, to the State Personnel Board, as director of the Energy Office, the Nebraska Accountability and Disclosure Commission, the Nebraska Ethanol Board, the Nebraska Arts Council, the Nebraska Motor Vehicle Industry Licensing Board, the Nebraska Natural Resources Commission, the Nebraska Technical Advisory Committee for Statewide Assessment, the Nebraska Railway Council, the Nebraska Motor Vehicle Industry Licensing Board, the State Electrical Board, the State Highway Commission, the Rural Health Advisory Commission, the State Board of Health, the Board of Trustees of the Nebraska State Colleges, the Nebraska Child Abuse Prevention Fund Board, the Community Corrections Council, the Nebraska Educational Telecommunications Commission, the Nebraska State Racing Commission, the Board of Educational Lands and Funds, the Nebraska Arts Council, the State Emergency Response Commission, the State Racing Commission, the State Fair Board, the director of the Department of Insurance, the Board of Public Roads Classifications and Standards, the Public Employees Retirement Board, the Foster Care Review Board, the Nebraska Investment Council, the Nebraska Power Review Board. All of those appointments received. All will be referred to standing committees; all will be referred for purposes of conducting confirmation hearings. In addition, Mr. President, a series of reports received during the interim period from the Department of Agriculture, the Appropriations Committee of the Legislature, the Arts Council, the Auditor of Public Accounts, the Banking and Finance Department, the Chief Information Officer, the Children's Behavioral Health Oversight Committee, the Coordinating Commission for Postsecondary Education, Correctional Services, Economic Development, Department of Education, Environmental Quality, Equal Opportunity Commission, the Legislative Fiscal Office, the Game and Parks Commission, Department of Health and Human Services, the Health and Human Services Committee of the Legislature, the Information Technology Commission, the Innovation and Entrepreneurship Task Force, the Investment Finance Authority, the Nebraska Investment Council, the Nebraska Department of Labor, the Natural Resources Department, the state Ombudsman, Board of Parole, Performance Audit Committee of the Legislature, Power Review Board, the Propane Education and Research Safety Council, the Public Counsel/Ombudsman, Public Service Commission, the Legislative Research Division, the Nebraska Retirement Systems, Sentencing and Recidivism Task Force, the Department of Revenue, the Department of Roads, Rural Development Commission, the State Fair Board, Southeast Community College, the Uniform State Laws Commission, and the University of Nebraska. Those reports are on file in the Clerk's Office and available for individual member review. Mr. President, pursuant to the rules, Senator Heidemann has filed a potential conflict to be noted in the Journal. I have received a series of reports from the various standing committees regarding interim study resolutions referred to them at the end of the last regular session and the activity thereupon. Mr. President, I have a communication from the state of Alabama. I have a proclamation from the Governor declaring January 5, 2011, as George W. Norris Day. Mr. President, the Committee on Committees has offered its preliminary report. I might indicate to the

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---

membership there are copies of that report on your desk. Senator Hansen, as Chair of that committee, would like to announce that Senator Howard has been selected as Vice Chair of the committee. And finally, Mr. President, the Banking Committee, chaired by Senator Pahls, will have a Executive Session at 10:15--I guess now, Senator--in Room 2022; Banking Committee now in Room 2022. And the Transportation Committee will meet now underneath the north balcony; the Transportation Committee now under the north balcony. That's all that I have, Mr. President. (Legislative Journal pages 21-53.)

SPEAKER FLOOD: Thank you, Mr. Clerk. One important note: This Chair and my designate will not be accepting call-in attendance in the mornings or in the afternoon sessions. To be recorded as an attendant at either one of our sessions through the balance of the session, you have to physically be present and press your button. We will not be accepting call-in attendance. (Doctor of the day introduced.) We now proceed to the next item on the agenda and that is introduction of new bills. Members, if you have bills for introduction, please bring them to the front of the Chamber. Thank you. Mr. Clerk, you are recognized.

CLERK: Mr. President, new bills. (Read LB1-52 by title for the first time.) That's all that I have at this time, Mr. President. (Legislative Journal pages 53-61.) [LB1 LB2 LB3 LB4 LB5 LB6 LB7 LB8 LB9 LB10 LB11 LB12 LB13 LB14 LB15 LB16 LB17 LB18 LB19 LB20 LB21 LB22 LB23 LB24 LB25 LB26 LB27 LB28 LB29 LB30 LB31 LB32 LB33 LB34 LB35 LB36 LB37 LB38 LB39 LB40 LB41 LB42 LB43 LB44 LB45 LB46 LB47 LB48 LB49 LB50 LB51 LB52]

SPEAKER FLOOD: (Gavel) Thank you, Mr. Clerk. We'll continue with introduction of bills. Senator Langemeier, you are recognized for a motion.

SENATOR LANGEMEIER: Mr. President, I move that a series of committees be appointed to escort the various state and constitutional officers for the purpose of administering their oath of office.

SPEAKER FLOOD: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. The motion is adopted. We continue with the introduction of new bills.

SENATOR LANGEMEIER PRESIDING

SENATOR LANGEMEIER: Mr. Clerk, items for the record.

ASSISTANT CLERK: Mr. President, more new bills. (Read LB53-68 by title for the first time.) And that's all I have at this time, Mr. President. (Legislative Journal pages 62-64.) [LB53 LB54 LB55 LB56 LB57 LB58 LB59 LB60 LB61 LB62 LB63 LB64 LB65 LB66 LB67 LB68]

Transcript Prepared By the Clerk of the Legislature  
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Floor Debate  
January 06, 2011

---

SENATOR LANGEMEIER: Thank you, Mr. Clerk. Mr. Clerk, items for the record.

CLERK: Mr. President, first of all, Committee on Committees will meet at 11:00 in Room 2022; Committee on Committees, 11:00 in 2022. New bills. (Read LB69-85 by title for the first time, Legislative Journal pages 64-67.) [LB69 LB70 LB71 LB72 LB73 LB74 LB75 LB76 LB77 LB78 LB79 LB80 LB81 LB82 LB83 LB84 LB85]

SENATOR LANGEMEIER: Mr. Clerk for an announcement.

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

SENATOR LANGEMEIER: Mr. Clerk, items for the record.

CLERK: Mr. President, new bills. Thank you. (Read LB86-115 by title for the first time, Legislative Journal pages 67-72.) [LB86 LB87 LB88 LB89 LB90 LB91 LB92 LB93 LB94 LB95 LB96 LB97 LB98 LB99 LB100 LB101 LB102 LB103 LB104 LB105 LB106 LB107 LB108 LB109 LB110 LB111 LB112 LB113 LB114 LB115]

SENATOR COASH PRESIDING

SENATOR COASH: Mr. Clerk, new bills.

CLERK: Thank you, Mr. President. (Read LB116-135 by title for the first time.) In addition, Mr. President, certain resolutions have been introduced. LR1 by Senator Langemeier congratulating the Wahoo Warriors on the Class C state softball championship. Senator Harms proposes LR2CA, which proposes an amendment to Article IV, Section 4 of the Nebraska Constitution. Senator Fischer would offer LR3CA. It would propose an amendment to Article XIII, Section 1 of the Nebraska Constitution. Senator McCoy offers LR4 congratulating Dean Gorsuch for winning the steer wrestling world championship. LR5CA by Senator Krist, propose an amendment to Article III, Section 10 of the Nebraska Constitution. Senator Karpisek offers LR6 congratulating Exeter-Milligan volleyball team. Senator Karpisek, LR7 congratulating the Crete Cardinals football championship. Senator Mello offers LR8 congratulating a number of individuals for winning the 78th Annual Ten Outstanding Young Omahans Award. LR9CA, Senator Schilz, propose an amendment to Article VIII, Section 1 of the Nebraska Constitution. In addition, Mr. President, LR10 is by Senator Gloor, a resolution congratulating the Grand Island Central Catholic Crusaders volleyball team. LR11, Senator Gloor, congratulating the Grand Island High wrestling team. Senator Heidemann would like to announce that Senator Harms has been selected as Vice Chair of Appropriations. The final...Senator McCoy has been selected as Vice Chair of the Banking, Commerce and Insurance Committee; and Senator Hadley as Vice Chair

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

Floor Debate  
January 06, 2011

---

of Transportation and Telecommunications. (Legislative Journal pages 72-82.) [LB116 LB117 LB118 LB119 LB120 LB121 LB122 LB123 LB124 LB125 LB126 LB127 LB128 LB129 LB130 LB131 LB132 LB133 LB134 LB135 LR1 LR2CA LR3CA LR4 LR5CA LR6 LR7 LR8 LR9CA LR10 LR11]

Mr. President, I have a priority motion. Senator Carlson would move to recess the body until 1:30 this afternoon.

SENATOR COASH: The question is the motion to recess until 1:30. All in favor say aye. We are in recess.

RECESS

SPEAKER FLOOD PRESIDING

SPEAKER FLOOD: Good afternoon. Welcome to the George W. Norris Legislative Chamber for this afternoon's proceedings. Will members please check in. Please record.

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

SPEAKER FLOOD: Thank you, Mr. Clerk. Do you have any messages, reports, or announcements?

CLERK: At this time, Mr. President, I have neither messages, reports, nor announcements.

SPEAKER FLOOD: Thank you, Mr. Clerk. In just a few moments, we'll be swearing in constitutional officers in the George W. Norris Legislative Chamber. We first want to welcome all the families, friends, visitors, the Governor's cabinet, and other dignitaries that have chosen to join us here today for the ceremonies. (Visitor introduced.) Members, in your agenda you'll see that several of you are assigned to different escort committees. So several of you have approached the Chair and we've made some modifications. We will be naming off the senators assigned to any specific escort committee today. Would the Escort Committee please retire to the rear of the Chamber to escort the family of the Lieutenant Governor. Those senators today include Senator Karpisek and Senator McGill. The Chair recognizes the Sergeant at Arms.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting the family of Lieutenant Governor Rick Sheehy.

SPEAKER FLOOD: (Gavel) Would the committee please...would the Escort Committee please retire to the rear of the Chamber to escort the family of the Governor. Those

Floor Debate  
January 06, 2011

---

senators today do include Senator Carlson and Senator Lathrop. And Escort Committee members are reminded to follow with the parties being escorted to the front of the Chamber. Chair recognizes the Sergeant at Arms.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting the family of Governor Dave Heineman.

SPEAKER FLOOD: We will now have the Presentation of the Colors from the Nebraska Army and Air National Guard. Please rise. (Gavel)

#### PRESENTATION OF COLORS

SPEAKER FLOOD: Would the Escort Committee to escort the Board of Regents please retire to the back of the Chamber. Those senators include Senators Hadley, Hansen and Schumacher. Chair recognizes the Sergeant at Arms.

SERGEANT AT ARMS: Mr. Speaker, your committee escorting Board of Regents members: Kent Schroeder, Robert Phares.

SPEAKER FLOOD: (Gavel) Would the Escort Committee please report to the rear of the Chamber to escort the Nebraska Board of Education members and members-elect. Those senators include Senators Cook, Senator Adams, and Senator Pahls. The Sergeant at Arms is recognized.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting Board of Education members-elect: Lynn Cronk, Molly O'Holleran, John Sieler, and member Patricia Timm.

SPEAKER FLOOD: (Gavel) Would the Escort Committee to escort members of the Public Service Commission, specifically Senators Christensen, Dubas, and Schilz, please report to the rear of the Chamber. The Sergeant at Arms is recognized.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting Public Service Commission members: Rod Johnson, Jerry Vap.

SPEAKER FLOOD: (Gavel) Would the Escort Committee identified to escort the Attorney General, specifically Senators Coash, Langemeier, and Price, retire to the rear of the Chamber. The Sergeant at Arms is recognized.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting Attorney General Jon Bruning.

SPEAKER FLOOD: Would the Escort Committee identified to escort the State Auditor, specifically Senators Bloomfield, Fulton, and Wallman, retire to the rear of the Chamber.

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

Floor Debate  
January 06, 2011

---

The Sergeant at Arms is recognized.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting State Auditor Mike Foley.

SPEAKER FLOOD: (Gavel) Would the Escort Committee identified to escort the State Treasurer-elect, specifically Senators Janssen, McCoy, and Smith, retire to the rear of the Chamber. Sergeant at Arms is recognized.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting State Treasurer-elect Don Stenberg.

SPEAKER FLOOD: Would the Escort Committee identified to escort the Secretary of State, specifically Senators Brasch, Loudon, and Mello, retire to the rear of the Chamber. Sergeant at Arms is recognized.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting Secretary of State John Gale.

SPEAKER FLOOD: Would the Escort Committee for Chief Justice of the Nebraska Supreme Court, Michael Heavican, specifically Senators Conrad, Council, Burke Harr, Nelson, and Sullivan, please retire to the rear of the Chamber. The Sergeant at Arms is recognized.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting Chief Justice of the Supreme Court, Michael Heavican.

SPEAKER FLOOD: (Gavel) Would the Escort Committee identified to escort the Lieutenant Governor of the state of Nebraska, Rick Sheehy, specifically Senators Nordquist, Campbell, and Utter, retire to the rear of the Chamber. Sergeant at Arms is recognized.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting Lieutenant Governor Rick Sheehy.

SPEAKER FLOOD: Would the Escort Committee assigned to escort the Governor and First Lady, including Senators Gloor, Harms, Howard, Krist, and Pirsch, please retire to the rear of the Chamber. Sergeant at Arms, you're recognized.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting the Governor of the great state of Nebraska, Dave Heineman, and First Lady Sally Ganem.

SPEAKER FLOOD: (Gavel) At this time we will now proceed to the swearing-in

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

Floor Debate  
January 06, 2011

---

ceremonies. At this time I'd like to recognize the Chief Justice of the Nebraska Supreme Court, Michael Heavican.

CHIEF JUSTICE HEAVICAN: Thank you, Mr. Speaker. We begin the oath taking today with members of the Board of Regents, that would be Kent Schroeder and Bob Phares. (Oath of office administered to the newly elected members of the Board of Regents.) Next we swear in members of the State Board of Education: Patricia Timm, Lynn Cronk, Molly O'Holleran, and John Sieler. (Oath of office administered to the newly elected members of the State Board of Education.) And next we have members of the Public Service Commission: Jerry Vap and Rod Johnson. (Oath of office administered to the newly elected members of the Public Service Commission.) Taking the oath next is the Attorney General, Jon Bruning. (Oath of office administered to the newly elected Attorney General.) Next we swear in the State Auditor, Mike Foley. (Oath of office administered to the newly elected State Auditor.) Next we have the oath of office for the State Treasurer, Don Stenberg. (Oath of office administered to the newly elected State Treasurer.) Next oath-taker is the Secretary of State, John Gale. (Oath of office administered to the newly elected Secretary of State.) Now the oath of office for the Lieutenant Governor, Rick Sheehy. (Oath of office administered to the newly elected Lieutenant Governor.) Last but not least, Governor of the state of Nebraska, Dave Heineman. (Oath of office administered to the newly elected Governor.)

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: (Gavel) Ladies and gentlemen, special guests, members of the Nebraska Legislature, the Governor of the great state of Nebraska, Governor Dave Heineman.

GOVERNOR HEINEMAN: Thank you, thank you very much. Thank you. Thank you. Thank you very much. Mr. President, Mr. Speaker, Mr. Chief Justice, members of the Legislature, tribal leaders, distinguished guests, friends, and fellow Nebraskans, I am honored and pleased to have the opportunity to continue as the 39th Governor of this great state. I want to congratulate my fellow constitutional officers and the newly installed members of the Nebraska Legislature. It is an incredible opportunity to be able to serve the citizens of Nebraska. A remarkable trust has been placed in our hands and it is our duty to make Nebraska's best interest our first priority. It is an awesome responsibility. And as we reflect on today, our thoughts and prayers are with the Millard South families and all Nebraska families impacted by this tragedy. As we begin this session, I look forward to working with you on the challenges that lie ahead. I have great respect for the Legislature. I am just as excited and passionate about being Governor today as I was when I first took the oath of office in January of 2005. I'm optimistic about our future because I believe in the people of Nebraska. Our greatest asset is our people. Nebraskans are common-sense-minded people. We don't spend money we don't have. We know when family income is down reducing expenses is key. We



Floor Debate  
January 06, 2011

---

understand that when business revenue is down you have to tighten your belt, and that's exactly what Nebraskans expect us to do in state government. One week from today I will present the members of this body with a balanced budget proposal that includes no tax increases. We've worked together in the past to control state spending. We know how to make tough decisions. It will require the elimination of some programs. The days when state government could provide funding for every program are over. Our previous work has put Nebraska in better shape than most of America. The budget that I will submit capitalizes on our momentum. My focus will be on initiatives that further economic growth and that strengthen education. We face difficult financial challenges and we will have to make hard decisions about the most important responsibilities of state government, yet I will advocate that we have an extraordinary potential when it comes to making the strategic investments that will move Nebraska forward. We've improved Nebraska's business climate, but there's more work to do. We have good schools in our state, but we must have even better schools in the future. We cannot ignore the academic achievement gaps that exist in Nebraska. They must be addressed. Because of our work together over the past several years, Nebraska is a better place to live, to work and to raise a family. Our job is to make it even better tomorrow. I'm excited about the opportunities in front of us and I'm enthusiastic about finding ways to resolve the challenges we face. Nebraska is a very special place and we proudly call Nebraska our home. Thank you.

PRESIDENT SHEEHY: Thank you very much, Governor. Would the Escort Committee for the Governor please come forward to the front of the Legislature to escort the Governor from the Chamber. And would the Governor...escort for the Governor's family please come forward, those members being Senator Gloor, Senator Harms, Senator Howard, Senator Krist, and Senator Pirsch.

SPEAKER FLOOD PRESIDING

SPEAKER FLOOD: Would the Escort Committee for the Lieutenant Governor, specifically Senators Nordquist, Campbell, and Utter, come to the front of the Chamber to escort Lieutenant Governor, his wife Connie, and their family from the Chamber. Would the Escort Committee for the Nebraska Supreme Court Chief Justice, Michael Heavican, specifically Senators Conrad, Council, Burke Harr, Nelson, and Sullivan, please come to the front of the Chamber to escort the Chief Justice. Would the Escort Committee escorting the Secretary of State please come to the front of the Chamber, specifically Senators Brasch, Loudon, and Mello. Would the Escort Committee escorting the State Treasurer, Senators McCoy and Smith, please come to the front of the Chamber. Would the Escort Committee escorting State Auditor Mike Foley please come to the front of the Chamber. Those senators include Senators Bloomfield, Fulton, and Wallman. Would the Escort Committee for the Nebraska Attorney General, Jon Bruning--Senators Coash, Langemeier, and Price--please come to the front of the Chamber. Would the Escort Committee escorting the Public Service Commission

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Transcriber's Office

Floor Debate  
January 06, 2011

---

members please come to the front of the Chamber, specifically Senators Christensen, Dubas, and Schilz. Would the Escort Committee escorting the State Board of Education members, specifically Senators Cook, Adams, and Pahls, please come to the front of the Chamber. Would the Escort Committee escorting members of the Nebraska Board of Regents, specifically Senators Hadley, Hansen, and Schumacher, please come to the front of the Chamber. Proceeding with our agenda, are there messages on the desk?

CLERK: Mr. President, I have neither messages, reports, nor announcements at this time.

SPEAKER FLOOD: Before we adjourn this afternoon, to the remaining friends and family of those sworn in today and other citizens, we again congratulate those that took the oath of office today and appreciate you visiting the Nebraska Legislature. Mr. Clerk, is there a motion on the desk?

CLERK: There is, Mr. President. Senator Cook would move to adjourn the body until Thursday morning, excuse me, Friday morning, January 7, at 10:00 a.m.

SPEAKER FLOOD: Members, you've heard the motion. All those in favor say aye. Those opposed say nay. We are adjourned. (Gavel)