

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

Floor Debate
May 26, 2011

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PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eighty-seventh day of the One Hundred Second Legislature, First Session. Our chaplain for today is Pastor Brett Klingenberg from the First Mennonite Church in Beatrice, Nebraska, Senator Wallman's district. Would you all please rise.

PASTOR KLINGENBERG: (Prayer offered.)

PRESIDENT SHEEHY: Thank you, Pastor Klingenberg. I now call to order the eighty-seventh day of the One Hundred Second Legislature, First Session. Senators, please record your presence. Please record, Mr. Clerk.

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

PRESIDENT SHEEHY: Are there corrections for the Journal?

CLERK: I have no corrections.

PRESIDENT SHEEHY: Messages, reports, or announcements?

CLERK: A communication from the Governor to the Clerk. (Read re LB142, LB490, LB675, LB699, LB521, LB590, LB590A, LB642, LB669, LB152, LB667, LB667A, LB397, LB400, LB700, LB701, and LB702.) In addition, Mr. President, I have a confirmation report from the Transportation and Telecommunications Committee offered by Senator Fischer as Chair. The Government Committee, chaired by Senator Avery, reports LB344 to General File with amendments. The Executive Board, chaired by Senator Wightman, reports LB576 to General File with committee amendments. And Mr. President, I have the lobby report as required by statute to be inserted in the Journal. And that's all that I have. (Legislative Journal pages 1799-1802.) [LB142 LB490 LB675 LB699 LB521 LB590 LB590A LB642 LB669 LB152 LB667 LB667A LB397 LB400 LB700 LB701 LB702 LB344 LB576]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We will now move to Final Reading.

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Members should return to their seats in preparation for Final Reading. Mr. Clerk, we will now proceed to LB390. The first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB390]

ASSISTANT CLERK: 42 ayes, 0 nays to dispense with the at-large reading, Mr. President. [LB390]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Please read the title. [LB390]

ASSISTANT CLERK: (Read title of LB390.) [LB390]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB390 pass with the emergency clause attached? All those in favor vote yea; opposed nay. Record, Mr. Clerk. [LB390]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1803.) The vote is 47 ayes, 0 nays, 2 excused and not voting. [LB390]

PRESIDENT SHEEHY: LB390 passes with the emergency clause attached. We'll now proceed to LB629. [LB390 LB629]

ASSISTANT CLERK: (Read LB629 on Final Reading.) [LB629]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB629 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB629]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1804.) The vote is 47 ayes, 0 nays, 2 excused and not voting. [LB629]

PRESIDENT SHEEHY: LB629 passes with the emergency clause attached. We will now proceed LB690. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB629 LB690]

ASSISTANT CLERK: 41 ayes, 0 nays to dispense with the at-large reading, Mr. President. [LB690]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Please read the title. [LB690]

ASSISTANT CLERK: (Read title of LB690.) [LB690]

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PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB690 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB690]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1804-1805.) The vote is 41 ayes, 6 nays, 2 excused and not voting. [LB690]

PRESIDENT SHEEHY: LB690 passes. We will now proceed to LB703. [LB690 LB703]

ASSISTANT CLERK: (Read LB703 on Final Reading.) [LB703]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB703 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB703]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1805-1806.) The vote is 39 ayes, 7 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB703]

PRESIDENT SHEEHY: LB703 passes with the emergency clause attached. We will now proceed to LB704. [LB703 LB704]

ASSISTANT CLERK: (Read LB704 on Final Reading.) [LB704]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB704 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB704]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1806-1807.) The vote is 31 ayes, 15 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB704]

PRESIDENT SHEEHY: The bill does not pass with the emergency clause attached. The next vote will be, shall LB704 pass without the...with the emergency clause stricken? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB704]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1807.) The vote is 32 ayes, 15 nays, 2 excused and not voting, Mr. President. [LB704]

PRESIDENT SHEEHY: LB704 passes. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB390, LB629, LB690, LB703, and LB704. (Doctor of the day introduced.) Mr. Clerk, we will now move to legislative confirmation reports. [LB390 LB629 LB690 LB703 LB704]

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CLERK: Mr. President, the first report offered by the Judiciary Committee involves the appointment of Miguel "Mike" Gomez to the Board of Parole. (Legislative Journal page 1722.)

PRESIDENT SHEEHY: Senator Ashford, you're recognized to open on the legislative confirmation report of the Judiciary Committee.

SENATOR ASHFORD: Thank you, Mr. Lieutenant Governor. First of all, I would like to assure Senator Hadley that this is the last matter that's going to come out of the Judiciary Committee this year. Thank you. Thank you, Senator Hadley. Anyway, this...on Friday, May 20, the Judiciary Committee voted to approve the reappointment of Miguel "Mike" Gomez to the Parole Board. Should you confirm him, this would be his third term on the board. Mr. Gomez's years of experience in varied areas of expertise will provide valuable insight as it has done for many years, and I urge you to support his approval.

PRESIDENT SHEEHY: Thank you, Senator Ashford. You've heard the opening of the Judiciary Committee confirmation report. Seeing no requests to speak, Senator Ashford, you're recognized to close. Senator Ashford waives closing. The question before the body is on the adoption of the confirmation report. All those in favor vote yea; opposed nay. Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 1808.) 45 ayes, 0 nays, Mr. President, on adoption of the Judiciary Committee confirmation report.

PRESIDENT SHEEHY: The confirmation report is adopted. Next confirmation report.

CLERK: Mr. President, General Affairs offers the report on the appointment of Helen Abbott Feller to the State Racing Commission. (Legislative Journal page 1796.)

PRESIDENT SHEEHY: Senator Krist, you're recognized to open on the General Affairs Committee confirmation report.

SENATOR KRIST: Thank you, Mr. President and colleagues. The General Affairs Committee voted 7-0 with 1 member absent to confirm Helen Abbott Feller's reappointment to the State Racing Commission. Ms. Feller has been a dedicated participant and advocate for the horse racing industry. She has been in the business of owning and racing thoroughbred horses since 1980, both here and in other states. She is passionate about reviving the industry and keeping good horses and breeders here in Nebraska. She is also very involved in her community of Wisner where she volunteers with TeamMates and other local groups. Her family owns and operates a cattle feeding and ranching business as well as a rendering business. Ms. Feller was first appointed to

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the State Racing Commission in 2008 and has served for four years. During that time, she has pushed to expand the commission membership from three members to the current five. She brings a familiarity to the industry from the inside, and her experience with horse racing across the country has helped her gain an understanding of the unique needs of this industry and how it helps...and has kept it competitive. I urge you to support her reappointment to the Racing Commission. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Krist. You have heard the opening from the General Affairs Committee confirmation report. Seeing no requests to speak, Senator Krist, you are recognized to close. Senator Krist waives closing. The question before the body is on the adoption of the confirmation report. All those in favor vote yea; opposed, nay. Record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 1808-1809.) 41 ayes, 0 nays, Mr. President, on adoption of the General Affairs Committee confirmation report.

PRESIDENT SHEEHY: The General Affairs Committee confirmation report is adopted. Next report, Mr. Clerk.

CLERK: Mr. President the third and final report involves two appointments to the Nebraska Motor Vehicle Industry Licensing Board. The Transportation and Telecommunications Committee offers the report. (Legislative Journal page 1800.)

PRESIDENT SHEEHY: Senator Fischer, you are recognized to open the confirmation report from Transportation and Telecommunications Committee.

SENATOR FISCHER: Thank you, Mr. President and members. The Transportation and Telecommunications Committee held a confirmation hearing this morning for two appointments to the Motor Vehicle Industry Licensing Board. The appointees are Dean Cerny and Sammy Reagan. This board is made up of ten members who are appointed by the Governor and serve for a three-year appointment. The chairperson of the board is the director of the Department of Motor Vehicles. The remaining members are: one member of the general public, one new motor vehicle dealer from each of the three Congressional districts, two used motor vehicle dealers, one trailer dealer, one factory representative, and one motorcycle dealer. The first appointee is Dean Cerny. Mr. Cerny is a new appointment to the board to represent used car dealers from the Third Congressional district. His term is from May 19, 2011, to May 18, 2014. Mr. Cerny is employed by Columbus Auto Mart in Columbus. The second appointee is Sammy Reagan. Mr. Reagan is a reappointment and serves in the new car dealer position from the Second Congressional district. His new term is from May 19, 2011, to May 18, 2014. Mr. Reagan is employed by Reagan Auto Group in Omaha. Both appointees did appear in person before the committee at our hearing this morning and we do recommend these confirmations with all five members present voting to confirm. Thank you, Mr.

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President.

PRESIDENT SHEEHY: Thank you, Senator Fischer. You have heard the opening on the legislative confirmation report from Transportation and Telecommunications. Seeing no requests to speak, Senator Fischer, you're recognized to close. Senator Fischer waives closing. The question before the body is on the adoption of the Transportation and Telecommunications Committee confirmation report. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 1809.) 43 ayes, 0 nays, Mr. President, on the adoption of the Transportation Committee confirmation report.

PRESIDENT SHEEHY: The confirmation report is adopted. Speaker Flood, you're recognized for an announcement.

SPEAKER FLOOD: Thank you, Mr. President. Good morning, members. We are going to, as is our custom, take up the last day legislative resolutions beginning with LR333 through LR355. We are going to have each introducer introduce each resolution. If you want to talk, then go ahead and immediately push your button during the discussion. If you don't, we'll move on to the next one. We're going to vote on these as one, at one time, at the end instead of having individual votes. These would normally be congratulatory in nature. Our rules provide that they can be passed without a vote of the Legislature as has been our custom for many years, including this year. So we're going to go ahead and vote on these at one time at the conclusion of LR355, and then we are going to recess for the day, coming back at 1:30 in anticipation of an adjournment sine die later today. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Speaker Flood. Mr. Clerk, we will now move to legislative resolutions. First legislative resolution is LR333. [LR333]

CLERK: LR333 introduced by Senator Conrad and others congratulates the Nebraska Appleseed Center for Law in the Public Interest on celebrating 15 years of advocacy for justice and full opportunity in Nebraska. (Legislative Journal page 1722.) [LR333]

PRESIDENT SHEEHY: Senator Conrad, you're recognized to open on LR333. [LR333]

SENATOR CONRAD: Thank you, Mr. President. Good morning, colleagues, and happy last day of session. It's hard to believe that it's already here. I rise this morning in support of LR333 which is congratulatory in nature. It commemorates and congratulates Nebraska Appleseed Center for Law in the Public Interest on its fifteenth year anniversary. Many of you are familiar with this organization's work. They are a 501(c)(3) here in Nebraska and their primary purposes are advocating on behalf of low-income Nebraskans and other disenfranchised individuals and groups. I want to thank the 15

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cosponsors who signed onto this resolution and I'd ask for your kind consideration and support. Thank you, Mr. President. [LR333]

PRESIDENT SHEEHY: Thank you, Senator Conrad. We'll now move to LR334. [LR333 LR334]

CLERK: LR334 is by Senator Dubas congratulating Jacob Swanson on achieving the rank of Eagle Scout. (Legislative Journal page 1746.) [LR334]

PRESIDENT SHEEHY: Senator Dubas, you're recognized to open on LR334. [LR334]

SENATOR DUBAS: Thank you very much, Mr. Lieutenant Governor. Every one of us in here know what a huge achievement it is for a young person to achieve the rank of Eagle Scout. They do such a great amount of work to get to earn that special honor. This young man has really contributed to his community and his school and his church, and the community of Doniphan has a lot to be proud of, and as you can see multiple resolutions from this community--gentlemen that have earned the Eagle Scout. So I am very proud of this young man and the following two for the work that they've done and how well they represent their families and their school and their community. [LR334]

PRESIDENT SHEEHY: Thank you, Senator Dubas. You've heard the opening of LR334. We'll now proceed to LR335. [LR334 LR335]

CLERK: LR335, by Senator Dubas, congratulates Jeremy Swanek on achieving the rank of Eagle Scout. (Legislative Journal page 1747.) [LR335]

PRESIDENT SHEEHY: Senator Dubas, you're recognized to open on LR335. [LR335]

SENATOR DUBAS: Very similar comments to the ones that I just made. Again the community of Doniphan has a lot to be proud of with these young men. Thank you very much, Mr. President. [LR335]

PRESIDENT SHEEHY: Thank you, Senator Dubas. We'll now proceed to LR337...LR336. [LR335 LR336]

CLERK: LR336, Mr. President, by Senator Dubas. Similar in nature in that it congratulates Ross Hockensmith on achieving the rank of Eagle Scout. (Legislative Journal page 1747.) [LR336]

PRESIDENT SHEEHY: Senator Dubas, you're recognized to open on LR336. [LR336]

SENATOR DUBAS: Thank you very much, Mr. President. This particular young man and his family are a great example of the sacrifice that the families make in order to help

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these young men achieve this special award. The father was transferred with his job. The job took him to Kansas, so the family, in recognition of the work that their son was doing with his Eagle Scout and allowing him to graduate from Doniphan-Trumbull High School, the mom and son and sisters stayed in Doniphan. The dad traveled back and forth to keep connection with his family for a year and a half. So Ross was able to continue to work on this award and finally did achieve it. So again it's just an example of the great family commitment, community commitment, and school commitment that helps these young men achieve these awards. Thank you for their recognition. [LR336]

PRESIDENT SHEEHY: Thank you, Senator Dubas. We will now proceed to LR337,... [LR336 LR337]

CLERK: We will now proceed to LR337, Mr. President. [LR337]

PRESIDENT SHEEHY: ...Mr. Clerk. [LR337]

CLERK: Excuse me. Involves the...Senator Campbell offers LR337 expressing the Legislature's sympathy in the passing, to Mrs. Eloise Kloefkorn, of her husband William. (Legislative Journal page 1748.) [LR337]

PRESIDENT SHEEHY: Senator Campbell, you're recognized to open on LR337. [LR337]

SENATOR CAMPBELL: Thank you, Mr. President. Colleagues, this resolution comes on behalf of all of the Lincoln senators who signed onto it to recognize the life of Bill Kloefkorn. And Governor Thone had designated and named Bill Kloefkorn the State Poet. Those of us who had the opportunity to hear Mr. Kloefkorn read his poetry know that he truly represented the spirit of Nebraska. He will be recognized by the Lincoln Public Schools for his teaching legacy by naming its newest elementary school, which will be opened next year, after him. And so we ask you today to extend this resolution for the family of Bill Kloefkorn. Thank you, Mr. President. [LR337]

PRESIDENT SHEEHY: Thank you, Senator Campbell. You have heard the opening to LR337. Senator Campbell, your light is on in the queue. Mr. Clerk, we'll now proceed to LR339. [LR337 LR339]

CLERK: LR339 by Senator Hadley congratulates Geraldine Stirtz on receiving the 2011 Excellence in National Service Award. (Legislative Journal page 1753.) [LR339]

PRESIDENT SHEEHY: Senator Hadley, you're recognized to open on LR339. [LR339]

SENATOR HADLEY: Mr. Lieutenant Governor, members of the body, Geraldine Stirtz is a professor in the College of Education and she has transformed thousands of students

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at the University of Nebraska at Kearney into volunteerism and how important that is. So I strongly recommend passage of LR339. [LR339]

PRESIDENT SHEEHY: Thank you, Senator Hadley. We will now proceed to LR340. [LR339 LR340]

CLERK: LR340 by Senator Fulton congratulates the Auburn Volunteer Fire Department on celebrating their 100th anniversary. (Legislative Journal page 1754.) [LR340]

PRESIDENT SHEEHY: Senator Fulton, you're recognized to open on LR340. [LR340]

SENATOR FULTON: Thank you, Mr. President and members of the body. One hundred years is a long time and I wanted to put this resolution in for my hometown recognizing their volunteer fire department. I thank Senator Heidemann for helping with this and urge your approval. Thank you, Mr. President. [LR340]

PRESIDENT SHEEHY: Thank you, Senator Fulton. We'll now proceed to LR341. [LR340 LR341]

CLERK: LR341 by Senator Fulton congratulates or recognizes Erin and Emma Cooney for their outstanding accomplishments in the field of math. (Legislative Journal page 1754.) [LR341]

PRESIDENT SHEEHY: Senator Fulton, you are recognized to open on LR341. [LR341]

SENATOR FULTON: Thank you, Mr. President and members of the body. Earlier this year there was coverage about the Cooney twins and their qualification for the national MATHCOUNTS competition in Washington, D.C. And my wife actually was a teacher at Lux and I recognized their work in math and science, and thought it appropriate to bring a legislative resolution to recognize the Cooney twins as well as the eighth-graders at Lux Middle School for their work in math and science. Thank you, Mr. President. [LR341]

PRESIDENT SHEEHY: Thank you, Senator Fulton. We'll now proceed to LR342. [LR341 LR342]

CLERK: LR342 by Senator Fulton recognizes David Smith for his service as president of Union College. (Legislative Journal page 1755.) [LR342]

PRESIDENT SHEEHY: Senator Fulton, you're recognized to open on LR342. [LR342]

SENATOR FULTON: Thank you, Mr. President, members of the body. Union College is a gem of Lincoln, a gem of Nebraska. It's situated right in my legislative district. Their

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president has done an admirable job. He is soon retiring, and his work, I believe, needs to be appreciated and acknowledged, and that is the upshot for this legislative resolution. Thank you, Mr. President. [LR342]

PRESIDENT SHEEHY: Thank you, Senator Fulton. (Visitors introduced.) We'll now proceed to LR343. [LR342 LR343]

CLERK: LR343 by Senator Fulton recognizes the dedication of parents who homeschool their children in the state of Nebraska. (Legislative Journal page 1755.) [LR343]

PRESIDENT SHEEHY: Senator Fulton, you're recognized to open on LR343. [LR343]

SENATOR FULTON: Thank you, Mr. President and members of the body. I brought this resolution forward. The citizens of District 29 have had a few aides who have worked for me and served them. Two of them have been exemplary in their service were homeschooled. And the homeschooling families in Nebraska undergo a lot of sacrifice to accomplish their goal, and provide therefore a service to the state, and that's why this resolution has been brought forward. Thank you, Mr. President. [LR343]

PRESIDENT SHEEHY: Thank you, Senator Fulton. We'll now proceed to LR344. [LR343 LR344]

CLERK: LR344 by Senator Council congratulates the Omaha North Vikings on winning the Class A Girls' State Track Championship. (Legislative Journal page 1763.) [LR344]

PRESIDENT SHEEHY: Senator Cook, you're recognized to open on LR344. [LR344]

SENATOR COOK: Thank you, Mr. President, and good morning, colleagues. It's pretty straightforward. The Omaha North Vikings are the winners of the 2011 Class A Girls' State Track Championship. Please join me in congratulating them. Thank you, Mr. President. [LR344]

PRESIDENT SHEEHY: Thank you, Senator Cook. We'll now proceed to LR345. [LR344 LR345]

CLERK: LR345 by Senator Council congratulates the Omaha Central Eagles on the Boys' State Track Championship. (Legislative Journal page 1763.) [LR345]

PRESIDENT SHEEHY: Senator Cook, you're recognized to open on LR345. [LR345]

SENATOR COOK: Thank you, Mr. President, and good morning again. Omaha Central High School Eagles State Boys' Track Championship for this year. Please join me in

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congratulating the boys for this accomplishment. Thank you, Mr. President. [LR345]

PRESIDENT SHEEHY: Thank you, Senator Cook. We'll now proceed to LR346. [LR345 LR346]

CLERK: LR346 by Senator Ken Haar congratulates Daniel James Crosby and his parents on achieving the rank of Eagle Scout. (Legislative Journal page 1775.) [LR346]

PRESIDENT SHEEHY: Senator Haar, you're recognized to open on LR346. [LR346]

SENATOR HAAR: Thank you, Mr. President. Again this is congratulating a constituent who achieved the rank of Eagle Scout. I know how difficult that is. I only got to First Class Scout. They put in a lot of time and effort, and I'm very proud of him. [LR346]

PRESIDENT SHEEHY: Thank you, Senator Haar. We'll now proceed to LR347. [LR346 LR347]

CLERK: LR347 by Senator Haar recognizes Willis Moreland for his significant contribution to Nebraska through his work at the Taft Institute. (Legislative Journal page 1776.) [LR347]

PRESIDENT SHEEHY: Senator Haar, you're recognized to open on LR347. [LR347]

SENATOR HAAR: Thank you, Mr. President. Willis Moreland was a teacher and professor of political science at UNL until he retired in 1988, and sponsored what was called the Taft Institute where the primary emphasis was on government and how it operates. Thank you very much. [LR347]

PRESIDENT SHEEHY: Thank you, Senator Haar. We'll now proceed to LR348. [LR347 LR348]

CLERK: LR348 by Senator Harms congratulates Aubree Worden on her outstanding performance at the 2011 Girls' State Track and Field Meet. (Legislative Journal page 1776.) [LR348]

PRESIDENT SHEEHY: Senator Harms, you're recognized to open on LR348. [LR348]

SENATOR HARMS: Well, thank you, Mr. President. Aubree Worden has been breaking records ever since she was a sophomore in high school, and as she progressed to her junior and senior year she continued to break them. This year she broke the state records in distance races. And to be honest with you, I think Aubree has a great potential to be an Olympic athlete, so I would ask that you congratulate her. Thank you, Mr. President. [LR348]

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PRESIDENT SHEEHY: Thank you, Senator Harms. We'll now proceed to LR349. [LR348]

CLERK: LR349 offered by Senator Price honors Jesse Edwards for his accomplishments and service to the physician assistant profession. (Legislative Journal page 1777.) [LR349]

PRESIDENT SHEEHY: Senator Price, you're recognized to open on LR349. [LR349]

SENATOR PRICE: Thank you, Lieutenant Governor and members. Mr. Edwards passed away on May 10, and Mr. Edwards had a distinguished 23-year career in the United States Air Force working as a healthcare provider and in medical administration, and Mr. Edwards was instrumental in developing the physician assistant program throughout the Air Force and at the university and here in Nebraska. [LR349]

PRESIDENT SHEEHY: Thank you, Senator Price. We'll now proceed to LR351. [LR349 LR351]

CLERK: LR351 is by Senator Council asking the Legislature to recognize June 19 as National Freedom Day. (Legislative Journal page 1782.) [LR351]

PRESIDENT SHEEHY: Senator Cook, you're recognized to open on LR351. [LR351]

SENATOR COOK: Thank you, Mr. President, and good morning again, colleagues. This is a resolution recognizing a national holiday that until very recently has been only celebrated or primarily celebrated in the southern states. In short, it recognizes the day that the slaves actually learned of their being emancipated. The 13th Amendment to the United States Constitution passed on January 31, 1865. However, news of this action reached the states at different times, and it reached the slaves in Texas, Oklahoma, Louisiana, Arkansas, and in California on June 19, 1865. Thank you very much, Mr. President. [LR351]

PRESIDENT SHEEHY: Thank you, Senator Cook. We will now proceed to LR352. [LR351 LR352]

CLERK: LR352 is by Senator Wallman expressing the Legislature's sympathy and condolences for the residents of Joplin, Missouri. (Legislative Journal page 1793.) [LR352]

PRESIDENT SHEEHY: Senator Wallman, you're recognized to open on LR352. [LR352]

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SENATOR WALLMAN: Thank you, Mr. President. I thought it would be nice if we send our condolences to Joplin, as having a 5 tornado go through our area a number of years back in my district, and what a tremendous devastation. And it will take a long time before the city of Joplin gets over this. Thank you, Mr. President. [LR352]

PRESIDENT SHEEHY: Thank you, Senator Wallman. We'll now proceed to LR353. [LR352 LR353]

CLERK: LR353 is by Senator Bloomfield congratulating the village of Carroll on their 125th anniversary. (Legislative Journal page 1794.) [LR353]

PRESIDENT SHEEHY: Senator Bloomfield, you're recognized to open on LR353. [LR353]

SENATOR BLOOMFIELD: Thank you, Mr. President. The town of Carroll in Wayne County was formerly known as Manning, but they are now celebrating 125 years in existence with a three-day celebration, Friday, July 1 through Sunday, July 3. And I would like to send them the resolution. Thank you. [LR353]

PRESIDENT SHEEHY: Thank you, Senator Bloomfield. We'll now proceed to LR354. [LR353 LR354]

CLERK: LR354 by Senator Bloomfield congratulates Marcile Thomas on her retirement as administrator of the Providence Medical Center. (Legislative Journal page 1794.) [LR354]

PRESIDENT SHEEHY: Senator Bloomfield, you're recognized to open on LR354. [LR354]

SENATOR BLOOMFIELD: Thank you, Mr. President. Ms. Thomas has been the head of the hospital in Wayne for over 40 years. She has seen a lot of change there, including just recently the plan for a \$3.5 million addition for the new physical therapy wing. She is retiring and we wish her the best. Thank you, Mr. President. [LR354]

PRESIDENT SHEEHY: Thank you, Senator Bloomfield. We'll now proceed to LR355. [LR354 LR355]

CLERK: LR355 by Senator Smith congratulates Papillion-La Vista South High School baseball team in winning the Class A State Baseball Championship. (Legislative Journal page 1795.) [LR355]

PRESIDENT SHEEHY: Senator Smith, you're recognized to open on LR355. [LR355]

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SENATOR SMITH: Mr. President and colleagues, it is my pleasure to congratulate the Papillion-La Vista South High School baseball team on winning the 2011 Class A State Baseball Championship. Head Coach Bill Lynam is to be congratulated for his efforts in teaching, coaching, and providing guidance to the members of the team. Thank you, Mr. President and colleagues, for extending this resolution. [LR355]

PRESIDENT SHEEHY: Thank you, Senator Smith. Seeing no requests to speak, Senators, the question before the body is on the adoption of the legislative resolutions. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LR333 LR334 LR335 LR336 LR337 LR339 LR340 LR341 LR342 LR343 LR344 LR345 LR346 LR347 LR348 LR349 LR351 LR352 LR353 LR354 LR355]

CLERK: 43 ayes, 0 nays, Mr. President, on the adoption of the various resolutions. [LR333 LR334 LR335 LR336 LR337 LR339 LR340 LR341 LR342 LR343 LR344 LR345 LR346 LR347 LR348 LR349 LR351 LR352 LR353 LR354 LR355]

PRESIDENT SHEEHY: The legislative resolutions are adopted. [LR333 LR334 LR335 LR336 LR337 LR339 LR340 LR341 LR342 LR343 LR344 LR345 LR346 LR347 LR348 LR349 LR351 LR352 LR353 LR354 LR355]

SPEAKER FLOOD PRESIDING

SPEAKER FLOOD: While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following legislative resolutions: LR325, LR326, LR327, LR328, LR329, LR330, LR331, LR333, LR334, LR335, LR336, LR337, LR339, LR340, LR341, LR342, LR343, LR344, LR345, LR346, LR347, LR348, LR349, LR351, LR352, LR353, LR354, and LR355. Mr. Clerk, items for the record. [LR325 LR326 LR327 LR328 LR329 LR330 LR331 LR333 LR334 LR335 LR336 LR337 LR339 LR340 LR341 LR342 LR343 LR344 LR345 LR346 LR347 LR348 LR349 LR351 LR352 LR353 LR354 LR355]

CLERK: Mr. President, Enrollment and Review reports LB704 as correctly enrolled. Bills read on Final Reading were presented to the Governor at 11:53 a.m. (re LB390, LB629, LB690, LB703, and LB704). Senator Haar, Ken Haar, would like to add his name to LB50 as cointroducer. (Legislative Journal pages 1807 and 1811.) [LB704 LB390 LB629 LB690 LB703 LB704 LB50]

And, Mr. President, Senator Pahls would move to recess the body until 1:30 p.m.

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: You have heard the motion to recess until 1:30 p.m. All those in favor say aye. Opposed nay. We stand at recess.

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RECESS

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. Members, the afternoon session is about to reconvene. Please record your presence. Please record, Mr. Clerk.

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

PRESIDENT SHEEHY: Any messages, reports, or announcements?

CLERK: I do, Mr. President, a communication from the Governor. (Read re LB390 and LB629.) Second communication. (Read re LB690.) And Natural Resources Committee would like to report LB498 to General File with committee amendments attached. That's all that I have, Mr. President. (Legislative Journal pages 1812-1813.) [LB390 LB629 LB690 LB498]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Speaker Flood, you're recognized for an announcement.

SPEAKER FLOOD: Thank you, Mr. President. Some more business before we adjourn for the year. And this is fairly important that we talk about these two items, as it relates to the bills we moved this morning. Let's start with LB703, which is legislative redistricting. Out of an abundance of caution, the Clerk and I have visited with--a consultation from the Revisor of Statutes. We believe that an inadvertent error has occurred, in that the bill was not actually read as required by the constitution prior to voting on LB703 this morning, which is legislative redistricting. For that reason, I have filed a motion seeking 25 votes to return LB703 from the executive branch to this branch of government so that we can further act on it, read the bill as required by the Nebraska Constitution, and re-advance the same to the Governor's desk for consideration. That's the first motion, and I think, in my opinion, it is absolutely imperative that we act in that manner on LB703. As it relates to LB704, which concerns congressional redistricting, I think the Legislature acted today, obviously passed the bill, but consciously chose, through the number of "no" votes, not to adopt the emergency clause. We've received word that the primary complication without having--by not having the emergency clause frustrates the executive branch when it comes to the appointments necessary in the next 30 to 90 days. Specifically, the Governor is going to have to reappoint a new TERC board, following our action earlier this year, one from each congressional district. And there are other appointments by congressional district that are important. And the question is, does somebody get appointed from a part of the state that will no longer be in that district after the enactment of LB704? This is a decision of the Legislature. I have

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a motion to return LB704. Senator Langemeier will act after me on both of these bills. I want to reemphasize, I believe it's absolutely necessary we take these steps on LB703. I want to make you aware of the concern on LB704. I also want to be very clear that the Legislature has to and wants to respect those that cast a "no" vote. And you were very clearly communicating the position of your district, which is respected. If you do decide to change your vote, I believe that it could--that the citizens will understand that the wheels of government continue--or need to turn and work as effectively as possible but would appreciate any reconsideration for that purpose only, while respecting the fact that you cast a vote in line with your conscience as it relates to LB704. With that, I'd like to proceed to those motions and modify the agenda accordingly at this time. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Speaker Flood. Mr. Clerk, you have a motion?

CLERK: Mr. President, the first motion, with respect, Senator Flood would move to request the Governor to return LB703 to the Legislature for further consideration, pursuant to Rule 7, Section 7(e). [LB703]

PRESIDENT SHEEHY: Senator Flood, you're recognized to open on your motion to request the return of LB703 from the Governor. [LB703]

SPEAKER FLOOD: Thank you, Mr. President. This is the first motion as part of legislative gymnastics to get LB703 back to this Legislature. This concerns only the bill on legislative redistricting; it has nothing to do with congressional redistricting. This is to make sure the bill is read on Final Reading as required by the constitution. I would ask for your support. [LB703]

PRESIDENT SHEEHY: Thank you, Senator Flood. Seeing no members requesting to speak, Senator Flood, you're recognized to close. Senator Flood waives closing. The question before the body is on the motion to request the return of LB703 from the Governor. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB703]

CLERK: 41 ayes, 3 nays, Mr. President, on the motion to request the return. [LB703]

PRESIDENT SHEEHY: The motion is adopted. [LB703]

CLERK: Mr. President, pursuant to that action, I have a communication from the Governor returning LB703 to the Legislature for further consideration. As a result of that, Senator Langemeier would now move to reconsider the Final Reading vote on the passage of LB703. (Legislative Journal pages 1813-1814.) [LB703]

PRESIDENT SHEEHY: Senator Langemeier, you're recognized to open on your motion. [LB703]

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SENATOR LANGEMEIER: Mr. President and members of the body, I ask for your consideration to bring LB703, reconsider the vote taken, so we can bring it back and reread the bill and then re-advance it. Thank you. [LB703]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You have heard the opening on the motion to reconsider LB703. Seeing no requests to speak, Senator Langemeier, you're recognized to close. Senator Langemeier waives closing. The question before the body is on the motion for reconsideration of LB703. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB703]

CLERK: 41 ayes, 3 nays, Mr. President, on the motion to reconsider the Final Reading vote. [LB703]

PRESIDENT SHEEHY: Motion to reconsider is adopted. Mr. Clerk, please read the bill. [LB703]

CLERK: (Read LB703 on Final Reading.) [LB703]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB703 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB703]

CLERK: (Record vote read, Legislative Journal page 1815.) 37 ayes, 9 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB703]

PRESIDENT SHEEHY: LB703 passes with the emergency clause attached. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB703. Mr. Clerk, you have a motion on your desk? [LB703]

CLERK: Mr. President, Senator Flood would move to request of the Governor the return of LB704 for further action, pursuant to Rule 7, Section 7(e). [LB704]

PRESIDENT SHEEHY: Senator Flood, you're recognized to open on your motion to return LB704 from the Governor. [LB704]

SPEAKER FLOOD: Thank you, Mr. President. As I discussed earlier, this relates to the emergency clause. The Legislature, I believe, consciously chose not to do that. I'm just giving you the information about gubernatorial appointments that happen between now until September 26, the day this would otherwise become effective, I believe, following our adjournment sine die. I should say August 26, given our adjournment sine die. This is a different situation than LB703, but I think it's important that people know the considerations as it relates to folks that will be appointed to perform state functions and

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duties between now and the effective date of this bill. Thank you, Mr. President. [LB704 LB703]

PRESIDENT SHEEHY: Thank you, Senator Flood. You've heard the opening on the motion to return LB704 from the Governor. Senator Lathrop. [LB704]

SENATOR LATHROP: Thank you, Mr. President. Can I get a clarification and tell me what the motion is or why we're bringing this back. Is this just because we didn't get enough votes the first time for an E clause? Is that the purpose? [LB704]

PRESIDENT SHEEHY: Senator Flood, is the offer of the motion...? I would ask him to respond. [LB704]

SPEAKER FLOOD: Yes, Senator Lathrop, the main--the only purpose of having this reconsidered is that we did not get 33 votes on Final Reading. And the issue that is most prominent in front of us right now is the decisions the Governor will make between now and the effective date of the bill. If it has the emergency clause, it becomes effective at 12:01 a.m. tomorrow morning. If it doesn't have the emergency clause, it becomes effective, I believe, August 26, which follows a sine die adjournment from us. And, essentially, we're giving the Legislature an opportunity to reconsider its action, if it wants to, as it relates to the number of votes necessary for emergency clause. And more specifically, we as the Legislature, with regard to the TERC board, will--are requiring the Governor to reappoint members from each Congressional district. And with that bill specifically and others, the Governor is going to be making appointments for spots, and those spots will be filled by people from different Congressional districts. So it's a matter of--does the Legislature want this to go into effect for that purpose, or do you want it to go into effect August 26? Does that answer your question, Senator Lathrop? [LB704]

SENATOR LATHROP: Yes. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Lathrop. Members requesting to speak on the motion to return: Senator Karpisek, followed by Senator Louden. Senator Karpisek. [LB704]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. Would Speaker Flood yield, please? [LB704]

PRESIDENT SHEEHY: Senator Flood, would you yield to Senator Karpisek? [LB704]

SPEAKER FLOOD: Yes, I will. [LB704]

SENATOR KARPISEK: Thank you, Speaker. And I realize--I think you did a good job on

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that. I'm just having a hard time now to try to do this when there was no compromise earlier on the redistricting bill. And would you say that we need some compromise on this? [LB704]

SPEAKER FLOOD: Senator Karpisek, were you here this morning to vote on this bill? [LB704]

SENATOR KARPISEK: No, sir, I was not. [LB704]

SPEAKER FLOOD: We had a discussion on Select File about those issues. The Legislature took the issues up last week, I believe, and again this week. We have decided the course of action for this bill. We did not get the emergency clause. So we're not going to go the direction you want to go. I'm sorry about that, Senator Karpisek. [LB704]

SENATOR KARPISEK: Okay. I just wanted to ask that, Speaker. Thank you, Mr. President. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Karpisek. Senator Louden. [LB704]

SENATOR LOUDEN: Yes, thank you, Lieutenant Governor. Would Speaker Flood yield for questions? [LB704]

PRESIDENT SHEEHY: Senator Flood, would you yield to Senator Louden? [LB704]

SPEAKER FLOOD: Yes, I will. [LB704]

SENATOR LOUDEN: Then, we're doing this primarily for appointments to the TERC committee. Now, when does that bill that affected the TERC committee take effect? Was it an emergency clause and took effect when the Governor signed the bill? Or was it supposed to take effect in 2014 or some time or another. [LB704]

SPEAKER FLOOD: July 1, 2011. So we'll have to appoint--the Governor will have to appoint new members July 1, 2011. [LB704]

SENATOR LOUDEN: That would be in July of this year. Then otherwise he has to wait until after August 26 or something like that to make his appointments, if he decides to appoint somebody from that part of the Congressional district that may be in question, is that correct? [LB704]

SPEAKER FLOOD: Not necessarily. The Governor--the existing law will be the existing Congressional districts, so the Governor can appoint people from the existing Congressional districts as they are constituted currently, prior to July 1. And I think it

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would be irresponsible to have those spots not filled for almost two months. So I think he'd probably appoint people from the existing map. I would imagine he'd try his best to fit it in. But I think then you're disenfranchising certain applicants that would be otherwise allowed to serve under the new map. So this is making it easier for, I believe, the executive branch to pick the most qualified people for the TERC board and other state appointments. [LB704]

SENATOR LOUDEN: Now, is that the only appointments that would be in question, is just the TERC board? Or are there other appointments out there that have to be made from the Congressional districts? [LB704]

SPEAKER FLOOD: I believe there are other appointments that are being made from Congressional districts. And some of those are fairly prominent positions. [LB704]

SENATOR LOUDEN: Okay, thank you, Mr. Speaker. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Louden. Senator Cornett. [LB704]

SENATOR CORNETT: I rise in support of the motion to return LB704 for the E clause, and I will support the emergency clause on this. Everyone knows I do not support LB704. It is my district that is being most--one of the most significantly affected. But you have to look beyond your own concerns, and it is not the Congressional districts that are being affected with the E clause. As Speaker Flood has mentioned, the TERC commission. We put the E clause on the TERC commission bill for multiple reasons. One, it put it in harmony with the fiscal year. But secondly, it involves a court decision that we had to have the E clause so we can move forward with the hearing schedule for TERC. We have to have a TERC commission; therefore we have to have the E clause on LB704, even though I do not support the way LB704 was drawn. This is a matter of what is right in regard to policy for the state as a whole, not just for the Congressional districts. I do not support LB704, but I will support the E clause. And I urge the body to support the motion to return. Thank you. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Cornett. Members requesting to speak on the motion to return LB704 from the Governor: Senator Pirsch, followed by Senator Conrad, Senator Krist, Senator Bloomfield, and Senator Mello. Senator Pirsch. [LB704]

SENATOR PIRSCH: Thank you, Mr. President. Members of the body, I would just also rise in support of this motion to return and, I guess, echo the sentiments of Senator Cornett. And I serve on Revenue Committee as well. With respect to changes that were made on--to the TERC board, I think it's important that we have certainty and, as soon as we can, know what is going to transpire. And I think by reconsidering it--if we don't, we're going to have a big problem to contend with. So with respect to whether you agree or--as the majority of the body does--with the underlying redistricting bill or you

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disagree and you think it's a lemon, the fact of the matter is, whether it's with the E clause or not, it's going to pass. And so you have to decide, that being said, what is--how do you make the best of a bad situation? When life gives you lemons, making lemonade in this situation is the best thing to do. And that means to support it. If you are not supportive of returning it, it won't mean that you are--that you're going to prevail with respect to not liking the underlying plan. This only deals with the issue of timing. And with respect to that, I think everyone should agree that this makes the most sense. And without it, it would be highly problematic to everyone. So I would urge your passage. Thank you. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Pirsch. Senator Conrad. [LB704]

SENATOR CONRAD: Thank you, Mr. President. I was hoping that Senator Cornett would yield to a question, please. [LB704]

PRESIDENT SHEEHY: Senator Cornett, would you yield to Senator Conrad? [LB704]

SENATOR CORNETT: Yes. [LB704]

SENATOR CONRAD: Thank you, Senator Cornett. And I'm trying to read as quickly as I can as people are visiting this morning on this topic. And I had to search back a little bit, because I think the original TERC bill was then rolled into another bill with a variety of other issues and ultimately was adopted in the form of LB384. Is that your recollection? [LB704 LB384]

SENATOR CORNETT: I believe that it was four separate bills that were rolled into one, yes. [LB704]

SENATOR CONRAD: Okay. Very good. And then, to be clear, in looking through that 16-page piece of legislation, there was indeed an E clause on the legislation as a whole, but because it was comprised of so many different parts, there are different operative dates for a variety of the different provisions. And I hadn't finished reading through all 16 pages just yet, but in regard to the reappointment of the TERC commissioners in particular, I thought I had a memory that that was operative October 1. Or could you clarify that or tell me specifically what that operative date was? [LB704]

SENATOR CORNETT: The E clause for the reappointment or the elimination of a commissioner was July 1, with the E clause. [LB704]

SENATOR CONRAD: Well, I know there was an E clause on the whole bill, but there's other operative dates within the bill for different sections. So when it comes to the specific section regarding the TERC--and I, again, I apologize if I just haven't gotten to it yet--your position is that there is no separate and distinct operative date but it just takes

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into effect with the regular E clause enactment. [LB704]

SENATOR CORNETT: For the appointment of the commissioners or the elimination, yes, it would be July 1. And yes, there are different operative dates in there for different sections, including the operative date for Douglas County's... [LB704]

SENATOR CONRAD: Right. [LB704]

SENATOR CORNETT: ...issue. [LB704]

SENATOR CONRAD: Right. Okay. Thank you. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Conrad. Senator Krist. [LB704]

SENATOR KRIST: Thank you, Mr. President. I just want to state for the record I do support this return. I have been asked to reconsider my vote. I will reconsider my vote. I will vote green for two reasons. One, it doesn't make any difference, as my colleague and friend Senator Pirsch just said. The battle is over; the war is won. Now it's a matter of all the periphery that needs to be collateral, and it will be cleaned up with an E clause put on board. There's a day to fight and a day to put the blue chip in your pocket. And I think right now we need to do the right thing, not necessarily, as Senator Cornett says for her constituents, but for the state of Nebraska. Thank you, Mr. President. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Krist. Senator Bloomfield. [LB704]

SENATOR BLOOMFIELD: Thank you, Mr. President. I, too, am going to reluctantly change my vote on this. We were told yesterday, in the grand compromise that we reached, that there was a straight line through Emerson and out into the country. I got my hands on a map; there is not a straight line through Emerson. Emerson is chopped up block by block to get to the numbers we needed. In fact, in one area it looks like we may have gone up an alley. What we have done to the people of Emerson, in moving them around in congressional districts, is not right. But as my colleague in the back, Senator Krist, said, the war is over; it's time to heal the wounds. The good people of Emerson will pay a little price learning where they--who their congressman is. But we need to bring this thing back; we need to straighten it up; and we need to get the Governor--give the Governor the ability to make the appointments he needs to make. So I support bringing it back. And I will vote for it with my nose firmly held, on LB704 with the E clause. Thank you. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Bloomfield. Senator Mello. [LB704]

SENATOR MELLO: Thank you, Mr. President. Members of the Legislature, I find the analogy that Senator Krist and Bloomfield used, that the war is over, the battle is done,

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is lost...yes, it is, the battle is over. But I generally don't believe in the philosophy that you go over the hill and kill the wounded. And I believe that's what we're trying to do here on LB704. The fact is this, individual members voted for the reasons they chose to vote today. And because the Governor didn't get enough votes for what has become a very partisan plan, we're being asked to reconsider something we've already done, in the sense that, yes, there is a timing issue; there's August 26 to July 1. I would be willing to bet you that the Governor will be reappointing the TERC people--the TERC board members who currently sit on the board, with the exception of one. So unless there's an issue that the Governor has relayed to the TERC board members that he's not going to appoint all of them or he's not going to appoint more than the one person that has been identified under LB384, I really just don't know--or I guess I really just don't buy the argument that we have to do this. I think, in general, government will continue to operate, government will move on, things will continue to--positions and commissioners will be filled for a variety of different boards. And the reality is, is I imagine the executive branch will look at what is LB704 knowing that it is currently--or will be current law and will take that in consideration as they're looking to appoint members. I think simply asking us to change our votes so we can give LB704, which in my view is a bad bill, give a bad bill more votes--I generally don't like that philosophy. And I ask the body to not support the motion to return LB704 from the Governor. Thank you, Mr. President. [LB704 LB384]

PRESIDENT SHEEHY: Thank you, Senator Mello. Senator Bloomfield. [LB704]

SENATOR BLOOMFIELD: I fear it becomes obvious that Senator Mello has not seen as many wounded as I have. Sometimes it's prudent to go back over the hill and take care of a few of them. Thank you. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Bloomfield. Senator Cornett. [LB704]

SENATOR CORNETT: Let me be very clear in this. The bill that we passed for TERC, all TERC commissioners are unappointed as of July 1, to be reappointed. TERC ceases to exist if we do not pass the E clause, for two months. We have to have a TERC commission; we have to have the process in the state. I urge the body again, regardless of your opinion of the underlying bill, which everyone here knows that I do not support, that battle is lost. LB704 will become law. We are talking about the date it becomes law. We are moving it with the emergency clause back to allow the appointments not just to TERC but to other commissions. I agree with Senator Mello; government will not cease to exist. But you will not have a commission for two months, and that is unacceptable. I urge the body to support the motion. Thank you. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Cornett. Seeing no additional requests to speak, Senator Flood, you're recognized to close on your motion to return LB704 from the Governor. [LB704]

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SPEAKER FLOOD: Thank you, Mr. President. You know, my fifth year as Speaker I like soft landings. And we are violating that principle today, not by anything anybody has done here but just with the subject matter. Couple of things. TERC will still exist. I mean, on July 1, 2011, the Governor will have to appoint somebody that fits within the existing boundaries; it just won't be the new boundaries. So if you live in Platte County and he already has somebody in mind for the Third District, and you would now be under the First, you might be ineligible July 1. That's the hurdle. The second point I want to make is, I'm just--this is your choice. If you want to do this, I respect that. If you don't want to do that, I respect that too; vote no. This is not a war; we are not going over the hill to kill the wounded. The war is in Afghanistan and Iraq. And I think the people and the men and women that are in uniform--they know what war is. We may elevate this issue to be something more than it is, but let's remember who's really at war here; it's not us. It's the end of the session, and we have a choice to make. Do you want to put the emergency clause on or not? And if you voted no the first time and you really feel strongly about it, I encourage you to vote no again. That is you communicating on behalf of your district that you don't agree with the policy decisions being made in LB704. If you have it in your heart to switch, to put the emergency clause in, and you still don't like the underlying policy, and you can--I think you can explain that to your constituents. But if this motion fails, it is not an indictment on the Legislature; it's the Legislature saying they don't want to go backwards and put the emergency clause on. If you put it on, I think it makes it easier. But let's remember, when we get caught up in the throes of a debate and a hot issue, we're not at war with each other. This motion isn't brought to go over the hill and to make something worse. It's going over the hill to try and make government work so that somebody in Platte County doesn't say, well, gosh, I wish I could be in the First, but I'm still in the Third; if I could only have applied two months later, I might have been considered. That individual that wants to serve on the TERC board or whatever commission--they don't care about this debate, other than they want a fair shot. And if you choose not to do it, life will go on; the law is the law, it'll change on August 26. So I'd urge you to vote yes. Thank you, Mr. President. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Flood. You have heard the question. The motion before the body is on the request to return LB704 from the Governor. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB704]

CLERK: 36 ayes, 9 nays, Mr. President, on the motion to request the return. [LB704]

PRESIDENT SHEEHY: The motion is adopted. [LB704]

CLERK: Mr. President, I have a communication from the Clerk to the Governor requesting the return. I have a subsequent communication from the Governor with the return of LB704. Senator Langemeier would now move, Mr. President, to reconsider the vote on Final Reading of LB704 with the emergency clause attached. (Legislative

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Journal page 1816.) [LB704]

PRESIDENT SHEEHY: Senator Langemeier, you're recognized to open on your motion to reconsideration of LB704 with the emergency clause attached. [LB704]

SENATOR LANGEMEIER: Mr. President, members of the body, we've had a lot of great discussion on this motion to bring it back for the E clause, and I don't know what I could say to add to that, other than we appreciate your support and I think this is beyond the decision of LB704 and its subject matter. It's just whether we want to have the appointment process continue to move with the new legislative (sic) districts. And I ask for your support of LB704E. Thank you. [LB704]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. You have heard the opening. Seeing no requests to speak, Senator Langemeier, you're recognized to close. Senator Langemeier waives closing. The question before the body is on the motion for reconsideration of LB704 with the emergency clause attached. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB704]

CLERK: 34 ayes, 11 nays, Mr. President, on the motion to reconsider. [LB704]

PRESIDENT SHEEHY: The motion to reconsider is adopted. Mr. Clerk, please read the bill. [LB704]

CLERK: (Read LB704 on Final Reading.) [LB704]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB704 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB704]

CLERK: (Record vote read, Legislative Journal page 1817.) 35 ayes, 11 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB704]

PRESIDENT SHEEHY: LB704 passes with the emergency clause attached. Senator Loudon, you are recognized for a motion to form a committee to escort the Governor. [LB704]

SENATOR LOUDEN: Mr. President and members, I move that a committee of five be appointed to notify the Governor that the One Hundred Second Legislature, First Session, of the Nebraska Legislature is about to complete its work and to return with any message the Governor may have for the Legislature.

PRESIDENT SHEEHY: Thank you, Senator Loudon. You have heard the motion. All those in favor say aye. Opposed, nay. The motion is adopted. I would appoint the

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following committee: Senator Brasch, Senator Smith, Senator Hansen, Senator Avery, and Senator Sullivan. Would the Escort Committee retire to the rear of the Chamber to escort the Governor. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB704. Mr. Clerk, do you have items for the record? [LB704]

CLERK: I have one, Mr. President. LB703 and LB704 as passed by the Legislature this afternoon were presented to the Governor at 2:22 p.m. That's all that I have. Thank you. [LB703 LB704]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. The Chair recognizes the Sergeant at Arms. (Gavel)

SERGEANT AT ARMS: Mr. President, your committee now escorting the Governor of the great state of Nebraska, Dave Heineman.

PRESIDENT SHEEHY: Ladies and gentlemen, members of the Nebraska Legislature, the Governor of the great state of Nebraska, Governor Dave Heineman.

GOVERNOR HEINEMAN: Thank you very much. Mr. President, Mr. Speaker, members of the Legislature, guests, friends, and fellow Nebraskans, in early January I submitted a bold, innovative, strategic two-year budget that focused on our top priorities: education and jobs. We knew this would be a challenging budget. We knew we'd have to make tough budget decisions. And we did by working together. Many states raised their income or sales taxes. Nebraska did not. Many states spent beyond their means. Nebraska did not. Even though Nebraska had nearly a \$1 billion projected shortfall, we balanced the budget without raising taxes. We made fundamental investments in education and the economic vitality of our state. We knew we needed economic success and education success. We kept our focus on creating jobs and developing a more highly educated work force. We positioned Nebraska for future growth. Working with the leadership of the Appropriations Committee and the Legislature, we achieved a level of cooperation and partnership between the executive and legislative branches that no other state achieved. The combined vote on the eight budget bills was 342-1. And I signed the budget into law without any vetoes. In this budget, we invested \$25 million in the University of Nebraska's Innovation Campus. This proposal will jump-start and accelerate the development of Innovation Campus. Unlike many other states, there are no reductions in higher education funding for the University of Nebraska, our state colleges, and Nebraska's community colleges. State-funded state aid to education increases to \$822 million in fiscal year '12 and \$880 million in fiscal year '13. One of our most important achievements was the passage of the Talent and Innovation Initiative. The Talent and Innovation Initiative is about enhancing technology and innovation and growing and attracting new technology-focused companies to Nebraska. It puts a laserlike focus on growing Nebraska's innovation economy. With this initiative,

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Nebraska now has one of the strongest public policy strategies in place to advance business recruitment and development. The Talent and Innovation Initiative includes the Nebraska Internship Program, the Business Innovation Act, the Site and Building Development Fund, and the Angel Investment Tax Credit Program. The Talent and Innovation Initiative increases internship opportunities for young Nebraskans, promotes innovation, increases the number of sites and buildings available for business development, and encourages investment in high tech and start-up businesses here in Nebraska. I signed into law the Small Business Innovation Act to provide assistance to Nebraska's entrepreneurs. I signed bills to reduce truancy and to stiffen penalties for drunk drivers. We passed comprehensive, significant, and meaningful CIR reform. And we accomplished our constitutional duty to redistrict the state of Nebraska. While other states are struggling and focused on the status quo, we were bold. We focused on the future. We made difficult decisions about reduced funding for lower priorities and eliminating several programs. We didn't spend money we didn't have. We began to rebuild the Cash Reserve. Standard and Poor's recently raised Nebraska's credit rating to its top investment grade because of our very strong finances and the way we handle our fiscal policies. We have the second-lowest unemployment rate in America. Nebraska is on the move. We've made exceptional progress during the past few years by working together. Thank you for a great legislative session. I hope you all enjoy the summer. And I look forward to seeing you again next January when we will continue to work together moving Nebraska forward. Thank you.

PRESIDENT SHEEHY: Thank you, Governor Heineman. Would the committee escort the Governor from the Chamber. Mr. Clerk, do you have items for the record?

CLERK: I have one item, Mr. President, a communication from the Governor to the Clerk. (Read re LB703 and LB704, Legislative Journal page 1818.) [LB703 LB704]

PRESIDENT SHEEHY: Speaker Flood, you are recognized for remarks.

SPEAKER FLOOD: Thank you, Mr. President. Members, we're about ready to finish for the year and, as is our custom, I wanted to make a few remarks and recognize those who serve us as legislative staff. But first, to underscore not only what the Governor said but what we have done as a Legislature, I want to recognize the Appropriations Committee, its Chair, Vice Chair and all of the members for what they have done in the committee and the rest of the Legislature has done to embrace fiscal responsibility. It's easy to dismiss the budget as a major issue because they did such a good job, but when we started this session \$986 million in the hole, they found \$575 million of General Fund savings. Cuts in agency appropriations equal approximately 2.7 percent and that's on top of a 7 percent cut the prior biennium; budget growth in FY '11-12, 1.9. Excluding the replacement of \$109 million in stimulus ARRA funds, the budget change is only 1.3 percent. And probably the best news and what will put Nebraska on the map in this nation: We're leaving today with \$299.5 million in our savings account and we are

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one of the only states in the nation to have a savings account, and it's because of the leadership of this Legislature, in cooperation with the executive branch, by the tough decisions that were made. I'd also like to recognize the efforts of the Redistricting Committee. I'd like to recognize all of the work done in all of the committees on economic development. CIR reform was a major, major accomplishment of this Legislature and we've said it before and we'll say it again, we did it better than anybody else in the nation because we found a pathway through a very difficult issue. I want to recognize the Business and Labor Committee Chair, Senator Lathrop. I want to recognize the folks that were all part of those negotiations and discussions, and I want to point out somebody that I think really went over and above and that's Dennis Utter. Senator Utter from Hastings, while arguably one of the most conservative members of this Legislature, in fact so conservative if he could we'd both use both sides of the toilet paper in the bathroom (laughter), he came to the table and worked out...he worked out through his own process to find a pathway through CIR reform and that, I feel, embodies the very best of the Legislature together with everybody else that was involved in that process. Roads funding was a significant accomplishment of this legislative session. I know it was controversial but I know that we leave today, even those that were opposed to the manner in which we funded roads, I know that they, too, expressed an interest in seeing roads funded and built. We may disagree on the method, but the Legislature took a very substantial step this session and I want to recognize Senator Fischer and her efforts. Finally, I want to run through some of the successes of other committees, specifically Senator Campbell. When we started this session, we were all worried about the expansion of the reform effort. She did such a good job we didn't even have to have a bill on the floor. Her and Senator Gloor and every member of that Health Committee worked their tails off in that room and we should be very proud of the direction they have taken us. I could look around this Legislature and I could say five things that everybody in this room has done. We have a lot to be proud of. We have a lot to celebrate. We have a lot of work to do next year. But for now I want to take a moment and give you some statistics. We passed 271 bills, 56 bills via amendment. We addressed all of the 103 priority bills available for debate. Of those 103 priority bills, 85 passed into law, 3 passed but were vetoed with no override, 1 failed to move beyond General File, 7 failed to move beyond Select File, 1 was held on Final Reading, 3 were held in committee, and 3 were indefinitely postponed. One person I do want to recognize before we begin our recognition of staff is a gentleman that was in a hospital bed and his staff was delivering redistricting maps to him. Senator Langemeier arrived at the hospital next to Senator Fischer and they handed Senator Wightman a redistricting map. He wanted stats on bills. He wanted to be kept up to date on what was happening in the Legislature. He watched from his hospital room as he recovered from surgery and he's here with us today and he has made countless trips to the Capitol. And the minute the doctor would give him a pass to get out of the hospital, the first place he came is to the Legislature. And so I think what he's done this year, not only as the senator from Lexington but as the Chair of the Executive Board, embodies the very best of the Legislature and I want to recognize Senator John Wightman. No

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need to get up, John. We expect to see you next year. At this time, I want to recognize the staff members that make the Legislature work day in, day out. I would ask that you hold your applause until the end. I want to start with the Clerk's Office. Would everybody in the Bill Room please stand up. Oh, you're standing. And we are going to break the rule on no applause for one person right now. Donnabelle, would you raise your hand? Donnabelle Millet is retiring at the end of June. She has worked in the Bill Room since 1972 and has been the supervisor of the Bill Room since 1976. She has worked for the Nebraska Unicameral Legislature for 39 years. Would you please join me in recognizing her. Other Clerk's Office staff include Transcribers, Unicameral Information Office, Legislative Technology Center, Sergeant at Arms, legislative pages. Other members, other staff members we'd like to thank, members of the Nebraska State Patrol who served with us throughout the legislative session, the Fiscal Office, the Revisor's Office, Legislative Accounting and Budgeting Office, Legislative Research Division, Legislative Audit Division, Ombudsman's Office, all of the committee staff, and, yes, and individual senators' staff. On behalf of a very grateful Legislature for all of your service and understanding the state has had tough financial times the last couple of years, we appreciate your sacrifice, we appreciate your hard work, and we thank you very much. With that, Mr. President, I want to say it's been an honor to serve as your Speaker this year. I, like the rest of you, look forward to January. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Speaker Flood. Speaker Flood, you're recognized for a motion.

CLERK: Mr. President, Speaker Flood would move to suspend Rule 6, Section 3, and Rule 7, Sections 3 and 7, and move to indefinitely postpone the following bills, whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed, specifically LB57, LB80, LB85, LB139, LB249, LB296, LB299, LB336, LB353, LB359, LB372, LB430, LB445, LB528, LB570, LB618, LB663, LB668, and LB697. [LB57 LB80 LB85 LB139 LB249 LB296 LB299 LB336 LB353 LB359 LB372 LB430 LB445 LB528 LB570 LB618 LB663 LB668 LB697]

PRESIDENT SHEEHY: Senator Flood, you're recognized on your motion. [LB57 LB80 LB85 LB139 LB249 LB296 LB299 LB336 LB353 LB359 LB372 LB430 LB445 LB528 LB570 LB618 LB663 LB668 LB697]

SPEAKER FLOOD: Thank you, Mr. President, members. I believe the Clerk has accurately stated my motion. I would ask that you support the same. This is routine. These bills were either incorporated in their entirety or provisions of them were incorporated into other bills this session, and it is our custom to indefinitely postpone those vehicles. Thank you, Mr. President. [LB57 LB80 LB85 LB139 LB249 LB296 LB299 LB336 LB353 LB359 LB372 LB430 LB445 LB528 LB570 LB618 LB663 LB668 LB697]

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PRESIDENT SHEEHY: Thank you, Senator Flood. You have heard the motion for rule suspension to indefinitely postpone bills. Seeing no requests to speak, Senator Flood, you're recognized to close. Senator Flood waives closing. The question before the body is on the motion for rule suspension. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB57 LB80 LB85 LB139 LB249 LB296 LB299 LB336 LB353 LB359 LB372 LB430 LB445 LB528 LB570 LB618 LB663 LB668 LB697]

CLERK: 45 ayes, 0 nays, Mr. President, on the motion. [LB57 LB80 LB85 LB139 LB249 LB296 LB299 LB336 LB353 LB359 LB372 LB430 LB445 LB528 LB570 LB618 LB663 LB668 LB697]

PRESIDENT SHEEHY: The motion is adopted. Senator Howard, you're recognized for a motion. [LB57 LB80 LB85 LB139 LB249 LB296 LB299 LB336 LB353 LB359 LB372 LB430 LB445 LB528 LB570 LB618 LB663 LB668 LB697]

SENATOR HOWARD: Mr. President, I move that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell, and that he be directed to send each member of the Legislature a copy of the permanent Journal and Session Laws.

PRESIDENT SHEEHY: Thank you, Senator Howard. You have all heard the motion. All those in favor say aye. Opposed, nay. Motion is adopted. Senator Wightman, you're recognized for a motion.

SENATOR WIGHTMAN: Thank you, Mr. President. It pleases me to stand and I move that the Journal for the Eighty-Seventh Day, as prepared by the Clerk of the Legislature, be approved and that the One Hundred Second Legislature, First Session of the Nebraska Legislature, having finished all business before it, now at 2:51 p.m., adjourn sine die.

PRESIDENT SHEEHY: You have all heard the motion to adjourn sine die. All those in favor say aye. Opposed, nay. We stand adjourned sine die.