

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

Floor Debate
January 10, 2012

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SPEAKER FLOOD PRESIDING

SPEAKER FLOOD: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifth day of the One Hundred Second Legislature, Second Session. Our chaplain for today is Senator Carlson, please rise.

SENATOR CARLSON: (Prayer offered.)

SPEAKER FLOOD: Thank you, Senator Carlson. I call to order the fifth day of the One Hundred Second Legislature, First Special Session (sic). Senators please record your presence. Regular Session, correction. Mr. Clerk, please record.

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

SPEAKER FLOOD: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: There is one, Mr. President. (Read corrections, Legislative Journal page 187.) And that's the only correction I have.

SPEAKER FLOOD: Thank you, Mr. Clerk. We now proceed to...or I should ask are there any messages, reports, or announcements?

CLERK: I do, Mr. President. Reference report referring LB839-878 signed by Senator Wightman. Hearing notices from the Agriculture, Transportation, Education, and Judiciary Committees, all signed by their respective Chairpersons.

SPEAKER FLOOD: (Gavel)

CLERK: And a communication from the Speaker regarding the referral of LR365 to Reference Committee for referral to the standing committee for purposes of conducting a public hearing. That's all that I have, Mr. President. (Legislative Journal pages 187-190.)

SPEAKER FLOOD: Thank you, Mr. Clerk. We now proceed to the first item on the agenda, a motion to withdraw from Senator Coash.

CLERK: Mr. President, Senator Coash would move to withdraw LB778. [LB778]

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SPEAKER FLOOD: Senator Coash, you're recognized to open on your motion. [LB778]

SENATOR COASH: Thank you, Mr. President. Good morning, members. LB778 was a bill to restore the Excellence in Teaching program one year earlier. Last year, when we were going through some significant budget cuts, this program was put on hold for two years. This bill would have... [LB778]

SPEAKER FLOOD: (Gavel) [LB778]

SENATOR COASH: ...restored that one year early. Since introducing the bill and looking at the benefits of the bigger picture with education and priorities within the state and consulting with educational leaders and the Chair of the Education Committee, Senator Adams, I've agreed to and would ask for your support in letting the previous moratorium for one more year stand and allow the Education Committee and the stakeholders to continue their work in reforming education. Thank you, Mr. President. [LB778]

SPEAKER FLOOD: Thank you, Senator Coash. Members, if we could keep conversations at a minimum so that we can hear those speaking on the floor. There are no members wishing to speak on your motion. Senator Coash waives his ability to close. The question is, shall LB778 be withdrawn? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB778]

CLERK: 38 ayes, 0 nays, Mr. President, on the motion to withdraw the bill. [LB778]

SPEAKER FLOOD: LB778 is withdrawn. Mr. Clerk. [LB778]

CLERK: Mr. President, Senator Avery would move to withdraw LB797. [LB797]

SPEAKER FLOOD: Senator Avery, you're recognized to open on your motion. [LB797]

SENATOR AVERY: Thank you, Mr. President. Good morning, colleagues. I'm asking for your support to withdraw LB797. This bill had its origins in a very nasty situation involving a constituent of mine who was attacked in her own yard by a registered sex offender. The offender forced an unwanted kiss on her and the family had wanted a sexual assault charge, but the county prosecutors would only charge the offender with disturbing the peace. The reason was that state statute does not allow this type of assault to qualify as sexual assault. Ultimately, the offender was convicted and sentenced to 90 days in jail on the disturbing the peace charge. The family came to me... [LB797]

SPEAKER FLOOD: (Gavel) [LB797]

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SENATOR AVERY: ...asking for help in changing the statute and I agreed to do that. However, since submitting the bill it has been subjected to ridicule, distortion, and has become fodder for political satire. This is unfair to the family and the victim that I was trying to help and has become a major distraction. Just as important are the ongoing discussions I've had with the Lancaster prosecutors. It is their opinion, and I now agree, that the bill would be difficult, if not impossible, to prosecute. For these reasons I ask you to support my request to withdraw LB797. Thank you, Mr. President. [LB797]

SPEAKER FLOOD: Thank you, Senator Avery. There are no members wishing to speak on your motion. Senator Avery, you're recognized to close. Senator Avery waives his opportunity. The question for the body is, shall LB797 be withdrawn? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB797]

CLERK: 37 ayes, 0 nays, Mr. President, on the motion to withdraw LB797. [LB797]

SPEAKER FLOOD: LB797 is withdrawn. (Doctor of the day introduced.) Mr. Clerk, members, you're invited to introduce new bills at this time. The Clerk's Office will be accepting them at the front of the Chamber. Please bring them forward at any time. In the meantime we now proceed to General File, Revisor's bills. Mr. Clerk, LB705. [LB797 LB705]

CLERK: Mr. President, LB705, the bill offered by Senator Wightman as Chairperson of the Executive Board. (Read title.) Bill was introduced on January 4 of this year, Mr. President. [LB705]

SPEAKER FLOOD: Thank you, Mr. Clerk. Senator Wightman, as Chair of the Executive Board, you are recognized to open on LB705. [LB705]

SENATOR WIGHTMAN: Thank you, Mr. President. Good morning, colleagues. Just for a little edification, and I think we only have one member, Senator Lambert, who hasn't been here previously when we've done Revisor's bills. Revisor bills are technical correction bills prepared by the Revisor of Statutes. Pursuant to our rules, Rule 5, Section 3, they are introduced by the Chairperson of the Executive Board and referred directly to General File. This year there are six Revisor's bills, all of which include the repeal of statutes or parts of statutes that have become obsolete and harmonize other provisions of the statute. Moving on to LB705, it repeals a section of law relating to computer date failure actions which expired January 31, 2002. I know these bills are usually of not great significance, although this one could have been because we thought the world might come to an end on January 1, 2000, at the turn of the millennium, because all of our computers were going to crash. They didn't crash. The original statute dealt with claims or cause of action that might arise as a result of possible failures. It provided...it had to include only actions that had accrued prior to January 1,

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2002. Statute of limitations has now run against all such items, so I would appreciate your support in moving LB705 to Select File. Thank you. [LB705]

SPEAKER FLOOD: Thank you, Senator Wightman. Members, you've heard the opening to LB705. Are there any members wishing to speak? Seeing none, Senator Wightman, you're recognized to close. Senator Wightman waives his opportunity. Members, the question before the body is, shall LB705 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB705]

CLERK: 38 ayes, 0 nays, Mr. President, on the advancement of LB705. [LB705]

SPEAKER FLOOD: LB705 advances to E&R Initial. Mr. Clerk, we'll now proceed to LB706. [LB705 LB706]

CLERK: LB706, Mr. President, is a bill introduced by Senator Wightman, as Chair of the Executive Board. (Read title.) Bill was introduced on January 4 of this year, Mr. President. [LB706]

SPEAKER FLOOD: Thank you, Mr. Clerk. Senator Wightman, as Chair of the Executive Board, you are recognized to open on LB706. [LB706]

SENATOR WIGHTMAN: Thank you, Mr. President. Members, LB706 would repeal a statute that has provided for an interim study to be conducted in 1998. That statute dealt with...the interim study would deal with what our responsibilities would be if we withdrew from a low-level nuclear waste compact; was passed in 1998. I ask for your support in moving LB706 to Select File. Thank you, Mr. President. [LB706]

SPEAKER FLOOD: Thank you, Senator Wightman. Members, you've heard the opening to LB706. There are no members wishing to speak. Senator Wightman, you are recognized to close. Senator Wightman waives his opportunity. Members, the question before the body is, shall LB706 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB706]

CLERK: 40 ayes, 0 nays, Mr. President, on the advancement of LB706. [LB706]

SPEAKER FLOOD: LB706 advances to E&R Initial. Mr. Clerk, LB707. [LB706 LB707]

CLERK: LB707, a bill by Senator Wightman, as Chairperson of the Executive Board, relates to Joslyn Castle. (Read title.) The bill was introduced on January 4, Mr. President. [LB707]

SPEAKER FLOOD: Thank you, Mr. Clerk. Senator Wightman, as Chair of the Executive Board, you're recognized to open on LB707. [LB707]

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SENATOR WIGHTMAN: Thank you, Mr. President. Members, LB707 would repeal sections of law pertaining to the Joslyn Castle. The Joslyn Castle was sold in December 2010, and this originally provided the funds for maintenance of that building. As a result of the sale in December 2010, the law is no longer necessary, so I ask for your support in moving LB707 to Select File. Thank you. [LB707]

SPEAKER FLOOD: Thank you, Senator Wightman. Members, you've heard the opening to LB707. Are there any members wishing to speak? Seeing none, Senator Wightman, you're recognized to close. Senator Wightman waives his opportunity. Members, the question before the body is, shall LB707 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB707]

CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB707. [LB707]

SPEAKER FLOOD: LB707 advances to E&R Initial. Mr. Clerk, LB708. [LB707 LB708]

CLERK: LB708, a bill by Senator Wightman, as the Chairperson of the Executive Board, relates to the School Weatherization Fund. (Read title.) Bill was introduced on January 4 and referred directly to General File. [LB708]

SPEAKER FLOOD: Senator Wightman, as Chair of the Executive Board, you're recognized to open on LB708. [LB708]

SENATOR WIGHTMAN: Thank you, Mr. President. Members, LB708 would repeal an obsolete section relating to the School Weatherization Fund. The final payment was received by the Energy Office in May 2011, so this statute is no longer needed. It originally authorized the use of loans, the repayment of loans, and the handling of how those loan funds would be distributed. I ask for your support in moving LB708 to Select File. [LB708]

SPEAKER FLOOD: Thank you, Senator Wightman. Members, you've heard the opening to LB708. Are there any members wishing to speak? Seeing none, Senator Wightman, you're recognized to close. Senator Wightman waives his opportunity. Members, the question before the body is, shall LB708 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB708]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB708. [LB708]

SPEAKER FLOOD: LB708 advances to E&R Initial. Mr. Clerk, LB709. [LB708 LB709]

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CLERK: LB709 is a bill by Senator Wightman, as Chair of the Executive Board. (Read title.) Introduced on January 4, referred directly to General File. [LB709]

SPEAKER FLOOD: Senator Wightman, as Chair of the Executive Board, you're recognized to open on LB709. [LB709]

SENATOR WIGHTMAN: Thank you, Mr. President. Members, LB709 would repeal obsolete sections of the statutes relating to governing of temporary zoning regulations that expired in July 2001, and also harmonizes other provisions of law. I would ask your support in moving LB709 to Select File. [LB709]

SPEAKER FLOOD: Thank you, Senator Wightman. Members, you've heard the opening to LB709. Are there any members wishing to speak? Seeing none, Senator Wightman, you're recognized to close. Senator Wightman waives his opportunity. Members, the question before the body is, shall LB709 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. [LB709]

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB709. [LB709]

SPEAKER FLOOD: LB709 advances to E&R Initial. Mr. Clerk, LB710. [LB709 LB710]

CLERK: LB710 is a bill introduced by Senator Wightman, as Chair of the Board. (Read title.) Bill was introduced on January 4 and referred directly to General File, Mr. President. [LB710]

SPEAKER FLOOD: Members, we now turn to Senator Wightman, as Chair of the Executive Board. Senator Wightman, you're recognized to open on LB710. [LB710]

SENATOR WIGHTMAN: Thank you, Mr. President. This will be the last of the Revisor's bills. LB710 would repeal sections relating to the University Buildings Renovation and Land Acquisition Fund that are no longer needed. The statutes that are involved, 85-1,111 and 112, was passed in 1986, dealt with specifically identified building renovations by the University of Nebraska. They are no longer needed. All of the renovations have either been done or are no longer being considered. With that, I ask for your support in moving LB710 to Select File. Thank you. [LB710]

SPEAKER FLOOD: Members, you've heard the opening to LB710. There are no members wishing to speak. Senator Wightman, you're recognized to close. Senator Wightman waives his opportunity. Members, the question is, shall LB710 advance to E&R Initial? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB710]

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CLERK: 36 ayes, 0 nays, Mr. President, on the advancement of LB710. [LB710]

SPEAKER FLOOD: LB710 advances to E&R Initial. Members, we now stand at ease as we accept new bills pursuant to bill introduction which is allowed until adjournment today. Thank you. Mr. Clerk, items? [LB710]

CLERK: Thank you, Mr. President, new bills. (Read LB911-926 by title for the first time.) And that's all I have at this time, Mr. President. (Legislative Journal pages 191-194.) [LB911 LB912 LB913 LB914 LB915 LB916 LB917 LB918 LB919 LB920 LB921 LB922 LB923 LB924 LB925 LB926]

SENATOR COASH PRESIDING

SENATOR COASH: Mr. Clerk, items?

CLERK: Thank you, Mr. President, new bills. (Read LB927-938 by title for the first time.) New resolutions, Mr. President: LR371 is a resolution by Senator McCoy calling upon the state Legislature to apply for an amendments convention to the United States Congress. That will be referred to Reference Committee for referral to standing committee for purposes of conducting a public hearing. LR372CA is a constitutional amendment by Senator Fulton proposing an amendment to Article III, Section 12 of the Nebraska Constitution. Senator Lautenbaugh offers LR373CA, a constitutional amendment to Article III, Section 7 of the Nebraska Constitution. In addition, Mr. President, some items for the record. Senator Larson would like to withdraw LB856; Senator Schilz, LB744. I do have hearing notices from Urban Affairs; from the Banking, Commerce and Insurance Committee; and the Health and Human Services Committee, those signed by the respective Chairpersons. I have a Rules report signed by Senator Lautenbaugh reporting on the action of the Rules Committee. I have a series of name adds. Senator Brasch would like to add her name to LB781; Senator Hadley, LB896; Senator Lambert to LB762 and LB750; Senator Cornett to LB721. (Legislative Journal pages 194-200.) [LB927 LB928 LB929 LB930 LB931 LB932 LB933 LB934 LB935 LB936 LB937 LB938 LR371 LR372CA LR373CA LB856 LB744 LB781 LB896 LB762 LB750 LB721]

Mr. President, priority motion: Senator Lambert would move to adjourn the body until Wednesday morning, January 11, at 9:00 a.m.

SENATOR COASH: Members, you've heard the motion. All those in favor say aye. We are adjourned.