

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

Floor Debate
January 30, 2013

[LB1 LB2 LB16 LB30 LB35 LB72 LB87 LB91 LB100 LB102 LB111 LB112 LB113 LB125
LB146 LB641 LR45]

SENATOR CARLSON PRESIDING

SENATOR CARLSON: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifteenth day of the One Hundred Third Legislature, First Session. Our chaplain for today is Senator Dubas. Please rise.

SENATOR DUBAS: (Prayer offered.)

SENATOR CARLSON: Thank you, Senator Dubas. I call to order the fifteenth day of the One Hundred Third Legislature, First Session. Senators, please record your presence. Mr. Clerk, please record.

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

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

CLERK: I have no corrections.

SENATOR CARLSON: Thank you. Are there any messages, reports, or announcements?

CLERK: There are, Mr. President. Your Committee on Enrollment and Review reports LB1, LB2, LB30, LB35, LB72, LB100, LB146, LB16, LB102, LB91 to Select File, some of which have Enrollment and Review amendments. I have a series of hearing notices from the Health and Human Services Committee; from the Natural Resources Committee; from the Government, Military and Veterans Affairs Committee; and from the Nebraska Retirement Systems Committee, all signed by the respective Chairpersons. An amendment to be printed: Senator Hadley to LB35. Senator Crawford would offer LR45, Mr. President; that will be laid over at this time. Senator Sullivan would like to withdraw LB641; that will be laid over at this time, Mr. President. And finally, a gubernatorial appointment to the Nebraska Ethanol Board; that will be referred to Reference for referral to standing committee for confirmation hearing. That's all that I had, Mr. President. Thank you. (Legislative Journal pages 317-324.) [LB1 LB2 LB30 LB35 LB72 LB100 LB146 LB16 LB102 LB91 LR45 LB641]

SENATOR CARLSON: Thank you, Mr. Clerk. We'll now proceed to the first item on the agenda. Mr. Clerk.

CLERK: Mr. President, LB87 is a bill by Senator McGill. (Read title.) Bill was introduced on January 10, referred to the Urban Affairs Committee for a public hearing, advanced

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to General File. At this time I have no amendments to the bill, Mr. President. [LB87]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator McGill, you're recognized to open on LB87. [LB87]

SENATOR MCGILL: Mr. President, members of the body, I'm here to introduce LB87 for your consideration. It's a bill to modify the term of office when a vacancy is filled on a city airport authority for cities of the primary, first, second classes, and villages. Under our current law, a vacancy appointment is made by the mayor and confirmed by the city council until the next election. This bill would change that so that this vacancy appointment is made for the entire remainder of the unexpired term, instead of there needing to be a special election for that person or to break up the term and have them run right away during that next election cycle. This will make a vacancy appointment for the city airport authority for these municipalities consistent with a vacancy appointment to the city councils in the cities of the first and second class. Some cities are having trouble filling vacancies because potential airport authority members do not want to run for reelection so shortly after being appointed. Serving the remainder of the term will make the appointment more attractive and provide stability to the airport authority. It's important to note that there are 50 municipal airports in this state--that's not including Omaha--and that the vast majority of them have airport authorities. So it's about 40 or 45 have airport authorities and we're talking about areas where there isn't a heavy population so it is very hard to recruit people to want to serve in this capacity in a volunteer role. The term of office for them is six years. And with that, I ask for your support. Thank you, Mr. President. [LB87]

SENATOR CARLSON: Thank you, Senator McGill. Members, you've heard the opening on LB87. Are there any senators wishing to speak? Seeing none, Senator McGill, you're recognized to close. She waives closing. The question is, shall LB87 be advanced? All those in favor vote yea; all opposed vote nay. Are there other senators wishing to vote? Record, Mr. Clerk. [LB87]

CLERK: 34 ayes, 0 nays, Mr. President, on the advancement of LB87. [LB87]

SENATOR CARLSON: LB87 does advance. Mr. Clerk, next item. [LB87]

CLERK: Mr. President, LB111 is a bill by Senator McGill. (Read title.) Introduced on January 10 of this year, referred to the Urban Affairs Committee, the bill was advanced to General File. I have no amendments to the bill at this time, Mr. President. [LB111]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator McGill, you're recognized to open on LB111. [LB111]

SENATOR MCGILL: Thank you, Mr. President, members of the body. LB111 is a bill to

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amend the state Budget Act to authorize cities of the first class, second class, and villages to switch to biennial budgets if the city council so chooses. Budgeting for two years rather than one will give these cities the opportunity to do more long-range fiscal planning to stabilize their expenditures and taxes. Currently, smaller cities are required by statute to create annual budgets, and we've heard from them that they would like the option of changing to that two-year cycle. The Legislature gave the authority to adopt biennial budgets to cities of the metropolitan and primary classes in 2000. I know the city of Lincoln has recently switched over to that, although I don't believe Omaha has. I brought this bill giving the authority to these smaller cities at their request and through working with the League of Municipalities. Thank you, Mr. President. [LB111]

SENATOR CARLSON: Thank you, Senator McGill. Members, you've heard the opening on LB111. There's senators wishing to speak. I recognize Senator Coash. [LB111]

SENATOR COASH: Thank you, Mr. President. Would Senator McGill yield to a few questions? [LB111]

SENATOR CARLSON: Senator McGill, will you yield? [LB111]

SENATOR MCGILL: I would. [LB111]

SENATOR COASH: Thank you, Senator McGill. I just want to get a few things on the record because I've had some questions on this particular bill. With moving to the biennial budget for these size of cities or villages, does the city council get to decide this or does it have to go to a vote of the people? [LB111]

SENATOR MCGILL: This is for the city council to decide. Last year, when I brought this bill originally, it required it to go to a vote of the people. But we ended up last year, for I guess more for the information of other members and for you yourself, but the original bill wanted us to take it to the vote of the people or wanted the local city to take it to a vote. But we determined, within the committee, that this was really an administrative decision that will help them save money by buying things in bulk, etcetera. So last year we advanced the bill without the vote of the people in it. And this copy does not have that in it as well. [LB111]

SENATOR COASH: All right. Thank you, Senator McGill. Thank you, Mr. President. [LB111]

SENATOR CARLSON: Thank you, Senator Coash and Senator McGill. Are there other senators wishing to speak? Seeing none, Senator McGill, you're recognized to close on LB111. She waives closing. The question is, should LB111 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Has everyone voted that wishes to vote? Record, Mr. Clerk. [LB111]

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CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB111. [LB111]

SENATOR CARLSON: LB111 does advance. Mr. Clerk, next item. [LB111]

CLERK: LB112 is by Senator McGill. (Read title.) Introduced on January 10, referred to Urban Affairs, advanced to General File. I have no amendments to the bill, Mr. President. [LB112]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator McGill, you're recognized to open on LB112. [LB112]

SENATOR MCGILL: Thank you, Mr. President. LB112 is a bill that transfers certain duties that are currently the responsibility of the city clerk to the city treasurer. These duties relate to keeping records and reporting on the outstanding bonds of the city or village. The information that is needed by the city clerks for the reports is kept and generated by the city treasurer, and it will be much more efficient for the treasurer to keep the records and then also create the reports, instead of just sending it over to somebody else to create the reports. The bill also expands the duties of the treasurer to require that the treasurer prepare lists of and collect all special assessments. Currently, our statutes only require the treasurer to prepare lists of paving and curbing taxes. This was another bill that we heard in committee last year and voted out unanimously, like we did again this year. We just didn't have a chance to get around to it last year. So with that, I ask for your support. [LB112]

SENATOR CARLSON: Thank you, Senator McGill. You've heard the opening on LB112. Are there senators wishing to speak? Seeing none, Senator McGill, you're recognized to close. She waives closing. The question is, shall LB112 be advanced to E&R Initial? All those in favor vote yea; all opposed vote nay. Has everyone voted who wishes to vote? Record, Mr. Clerk. [LB112]

CLERK: 31 ayes, 0 nays, Mr. President, on the advancement of LB112. [LB112]

SENATOR CARLSON: LB112 does advance. Mr. Clerk, next item. [LB112]

CLERK: LB113, a bill by Senator McGill. (Read title.) Introduced on January 10, referred to Urban Affairs, advanced to General File. Again, I have no amendments to the bill, Mr. President. [LB113]

SENATOR CARLSON: Thank you, Mr. Clerk. Senator McGill, you're recognized to open on LB113. [LB113]

SENATOR MCGILL: Thank you, Mr. President, members of the body. This bill makes

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changes regarding when a mayor of a city of the second class can vote on an issue that is before the city council. Under current law, a mayor in a city of the second class may vote when the city council is evenly divided. Most of them have four members so that means that the mayor can vote when there's a two-to-two vote and he's a tiebreaker, he or she is a tiebreaker. LB113 would authorize the mayor to vote when his or her vote would provide the additional vote required to create a number of votes equal to a majority of the members of those elected to the council. So like I said, many of them have four members or most of them do. They can vote when it's tied. This would allow a mayor to vote when there's a two-to-one vote and somebody is absent. Many of these city councils have members who are also superintendents, also do many other things, so there's somebody missing a lot. But there are certain things that require three votes in order for the city council to do: signing contracts, making purchases, things like that. And so if that person is missing, it's two to one, the mayor would be able to vote. This is what first-class cities can do now. I know there were initially concerns, you know, well, is that right if that other person is gone? But really, if that other person was there, they would either be the third vote that would pass whatever that decision was, or they would vote opposed, which would make it a two-to-two vote, and the mayor would break that tie and lead to the majority. So really I think it's a good bill. We put a lot of thought into it to make sure we don't think that democracy is getting a runaround on this. So I would appreciate your support. Thank you, Mr. President. [LB113]

SENATOR CARLSON: Thank you, Senator McGill. Members, you've heard the opening on LB113. Are there senators wishing to speak? Senator Johnson, you're recognized. [LB113]

SENATOR JOHNSON: Thank you, President. I'd ask if Senator McGill will yield to a question. [LB113]

SENATOR CARLSON: Senator McGill, will you yield? [LB113]

SENATOR MCGILL: I would. [LB113]

SENATOR JOHNSON: In the case of creating a supermajority in order to...one instance would be to waive three readings, would this also apply in order to create a supermajority? [LB113]

SENATOR MCGILL: I'm not sure that that was contemplated, honestly. That's something I can look into between now and the next round of debate. [LB113]

SENATOR JOHNSON: Thank you. [LB113]

SENATOR CARLSON: Thank you, Senator Johnson and Senator McGill. Are there other senators wishing to speak? Seeing none, Senator McGill, you're recognized to

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close. [LB113]

SENATOR MCGILL: I will be happy to look into that and, if there is a problem or a concern, will bring an amendment about that. Otherwise, I'd ask for your support on this round. Thank you, Mr. President. [LB113]

SENATOR CARLSON: Thank you, Senator McGill. Members, you've heard the closing on LB113. The question is the advancement of LB113 to E&R Initial. All those in favor vote yea; all opposed vote nay. Has everyone voted who wishes to vote? Record, Mr. Clerk. [LB113]

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB113. [LB113]

SENATOR CARLSON: LB113 does advance. Speaker Adams, you're recognized for an announcement. [LB113]

SPEAKER ADAMS: Thank you, Mr. President. Members, given the weather situation, LB49 that's next up, Senator Ashford probably won't make it here so we will pass over LB49 and we will take it up first tomorrow. And following that, we are going to take up LB125, the bill related to the Omaha Public School Board. And in addition to that, I want everyone to be aware that tomorrow during debate there will be a desk-size map for all of you to look at that will show the districts. And I got to tell you, they're...it's...the print is small, so our plan is we will have larger maps under each one of the balconies for you to look at. There is also a map available in the Clerk's Office now that you can take a look at. In addition to that, in the Legislative Research Office we've just finished putting together the technology so that if you want to go down and consider amending that map, if you want to go down and, much like we did with redistricting, move some lines around and look, we believe we have the capability right now to do that. Okay? So that's available in Legislative Research. We have a current map in the Clerk's Office. We'll have big maps tomorrow on the table, small ones on your desk. We'll start with LB49 and proceed on to LB125. That will be the plan. Thank you, Mr. President.

SENATOR CARLSON: Thank you, Speaker Adams. Members, we will stand at ease in waiting for a report.

EASE

SENATOR CARLSON: Mr. Clerk for an announcement.

CLERK: Mr. President, items: hearing notices from the Agriculture Committee and from the Revenue Committee, signed by the respective Chairs; Senator Avery has an amendment to be printed to LB125. (Legislative Journal page 325.) [LB125]

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And I do have a priority motion. Senator Harms would move to adjourn the body until Thursday morning, January 31, at 9:00 a.m.

SENATOR CARLSON: Thank you, Mr. Clerk. Members, you've heard the motion to adjourn. All those in favor say aye. Opposed, nay. We are adjourned until 9:00 tomorrow morning.