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Transcriber's Office

Floor Debate  
June 03, 2013

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[LB57 LB98 LB191 LB195 LB225 LB229 LB231 LB232 LB232A LB233 LB255 LB289  
LB296 LB308 LB343 LB385 LB417 LB443 LB544 LB573 LB606 LB625 LB634 LB634A  
LR171 LR351 LR352 LR353 LR354 LR355 LR377 LR378 LR379 LR380 LR381 LR382  
LR383 LR384]

PRESIDENT HEIDEMANN PRESIDING

PRESIDENT HEIDEMANN: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eighty-eighth day of the One Hundred Third Legislature, First Session. Our chaplain for today is Senator McCoy. Please rise.

SENATOR McCOY: (Prayer offered.)

PRESIDENT HEIDEMANN: Thank you, Senator McCoy. I call to order the eighty-eighth day of the One Hundred Third Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

PRESIDENT HEIDEMANN: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT HEIDEMANN: Thank you. Are there any messages, reports, or announcements?

CLERK: Mr. President, a communication from the Governor. (Read re LB296, LB308, and LB573.) I also have a motion from the Speaker to be printed with respect to suspension of rules and the indefinite postponement of bills that have been merged or blended into other legislation. (Re: LB98, LB229, LB231, LB232, LB232A, LB233, LB289, LB343, LB417, LB443, LB544, and LB625.) That will be laid over at this time. That's all that I had, Mr. President. (Legislative Journal pages 1721-1722.) [LB296 LB308 LB573 LB98 LB229 LB231 LB232 LB232A LB233 LB289 LB343 LB417 LB443 LB544 LB625]

PRESIDENT HEIDEMANN: Thank you, Mr. Clerk. We now proceed to the first item on the agenda. Mr. Clerk. Speaker Adams for an announcement.

SPEAKER ADAMS: Thank you, Mr. President. Members, in an effort to make all the agenda things work between now and our last day, if you recall, last week we skipped over the confirmation reports. And what I really would like to do is to take those up right now, before we go to LB57, so it's one more thing off of our list between now and our

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last day. Thank you, Mr. President.

PRESIDENT HEIDEMANN: Thank you, Speaker Adams. Mr. Clerk.

CLERK: Mr. President, pursuant to that direction, the first confirmation report I have is from the Business and Labor Committee. Senator Lathrop, as Chair of the Business and Labor Committee, reports on the appointment of Sarah Pillen to the Commission of Industrial Relations. (Legislative Journal page 1566.)

PRESIDENT HEIDEMANN: We will take up confirmation reports after we do LB57. Mr. Clerk, we proceed to Select File, LB57. [LB57]

CLERK: Mr. President, I have Enrollment and Review amendments to consider with respect to LB57. (ER36, Legislative Journal page 898.) [LB57]

PRESIDENT HEIDEMANN: Senator Nordquist for a motion. [LB57]

SENATOR NORDQUIST: Mr. President, I move the E&R amendments to LB57. [LB57]

PRESIDENT HEIDEMANN: The question is adoption of the E&R amendments to LB57. All those in favor say aye. All opposed say nay. The amendments are adopted. [LB57]

CLERK: Mr. President, the first amendment I have this morning is from Senator Schilz, AM869. (Legislative Journal page 881.) [LB57]

PRESIDENT HEIDEMANN: Senator Schilz, you're recognized to open on your amendment. [LB57]

SENATOR SCHILZ: Thank you, Mr. President, members of the body. Welcome back, the last week I think, at least that's what the calendar says, and I'm okay with that. This bill, LB57, has been out there for quite a while. We've had it introduced now a couple times. This amendment is all part of just making sure that as a Legislature, that those entities that we create and those entities that we fund, that we also keep an accounting of and have oversight over. This amendment looks to do all the things that we talked about when we discussed it on General File. And so with that, I would like to yield my time to Senator Larson. [LB57]

PRESIDENT HEIDEMANN: Senator Larson, you have 9 minutes and 9 seconds. [LB57]

SENATOR LARSON: Thank you, Mr. President. We as a body have a responsibility of legislative accountability and oversight, and I think that is something that we take very seriously on a lot of issues. We do it in terms of government contracts. We try to keep HHS accountable. Every state agency, we work for that accountability and oversight to

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make sure that organization is using the state's tax dollars in a proper way. LB57 is an attempt to follow along that. And I've heard a lot from people on this floor talk about legislative oversight; we have to hold these state agencies accountable. But sometimes it doesn't seem that we do. Transparency and integrity is one of the most important things in government and the Legislature has done on most issues, but we have fallen short on the Nebraska Environmental Trust. For example, you have an executive director that stacks committees, lobbies when he shouldn't. But the worst mismanagement that we have seen so far is that the Nebraska Environmental Trust issued a report, giving \$24 million in grants this year when it only has the legislative authority to spend \$18 million from LB195--a \$6 million difference from what they've already issued in grants and what they have the legislative authority to spend. I haven't gone back throughout the entire history, if they've spent more than they had the legislative authority to do, but I will this summer. LB57 is an attempt to add to that oversight to an agency that has been sorely mismanaged and an executive director that doesn't understand the process or what his job responsibilities are. LB57 offers the same transparency and accountability that so many of us strive to put in state government. But because it has the word "environmental" in it, we don't need that oversight, we don't need that accountability. They can do what they want. This needs to be looked at, worked on, and there has to be questions asked of the Environmental Trust. LB229 two years ago was a start. LB57 can hopefully become something that offers that accountability to an agency, a state agency, using state tax dollars that continues to be mismanaged. Thank you, Mr. President. [LB57 LB195]

PRESIDENT HEIDEMANN: Senator Ken Haar, you are recognized. [LB57]

SENATOR HAAR: I'm going to waive. [LB57]

PRESIDENT HEIDEMANN: We are standing at ease just for one minute. Mr. Clerk. [LB57]

CLERK: Mr. President, I have a priority motion. Senator Larson would move to bracket legislative...or ask unanimous consent to bracket LB57 until January 10 of 2014. [LB57]

PRESIDENT HEIDEMANN: Seeing no objections, so ordered. (Doctor of the day introduced.) We now will go back and take up the confirmation reports. Mr. Clerk. [LB57]

CLERK: Mr. President, the first confirmation report I have is from Senator Lathrop, as Chair of the Business and Labor Committee. Senator, I have the appointment of Sarah Pillen to the Commission of Industrial Relations. (Legislative Journal page 1566.)

PRESIDENT HEIDEMANN: Senator Lathrop.

SENATOR LATHROP: Thank you, Mr. President. Colleagues, good morning. The

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Business and Labor Committee considered the appointment of Sarah Pillen, that's P-i-l-l-e-n, not Palin, to the Commission of Industrial Relations. Commissioners serve for six years and preside over hearings and decisions concerning unfair labor practices and conditions of employment. Ms. Pillen appeared in person to answer questions. She's a graduate of Creighton law school in 2006, Nebraska Wesleyan University in 2003 with a bachelor in science and business administration. Ms. Pillen worked as an associate attorney at Rembolt Ludtke from September of 2006 to January of 2011, at which point in time she joined her family's business, Pillen Family Farms, in a managerial capacity. Ms. Pillen's community involvement includes board memberships with Make-A-Wish Foundation, Runners With A Reason, Lincoln Children's Museum, Lincoln's Park and Recreation Foundation, and the Platte Valley Literacy Association. The committee voted to advance Ms. Pillen's appointment, and I ask you to approve the nomination. Thank you.

PRESIDENT HEIDEMANN: Thank you, Senator Lathrop. Senator Mello, you are recognized.

SENATOR MELLO: Thank you, Mr. President, members of the Legislature. I was debating whether or not I was going to speak on this specific appointment. And in thinking a little bit more over the weekend and reviewing Ms. Pillen, the person to be confirmed for the CIR, I decided it was probably best to be able to explain why I'm going to vote no on this appointment. This body went through, I felt, a very rigorous, sometimes gut-wrenching debate in regards to collective bargaining and the Commission on Industrial Relations two years ago, where it took a variety of interested parties to come together to find a way to move the state forward in a process that was contrary to what we saw in other Midwestern states, where you had citizens taking over capitols and leading revolts against what was currently being done in their state capitols against firefighters, against teachers and police officers. I reviewed Sarah Pillen's confirmation report, and for someone to serve on the CIR as a judge, has to have a legal background. But I would make the argument someone who served less than five years as an attorney out of law school who's in charge, in theory, of making decisions on public employee collective bargaining units, I question whether or not she meets the qualifications our state needs moving forward. I raised my concern to Senator Lathrop, and in no disrespect to the Business and Labor Committee in regard to the work they did regarding this confirmation appointment. But moving forward, we have to have, I think, some criteria for judges on the Commission on Industrial Relations, more than them just being an attorney or having legal background. We're going to need more than that, knowing that collective bargaining with public employees in regards to pensions and salaries is going to be an ongoing issue for our state moving forward. And to have someone who has less than five years' legal experience serve as a judge with no prior background on this is a bit concerning for me. Now I saw Sarah Pillen's references and a variety of activities while she lived in Lincoln here, while she was an attorney for Rembolt Ludtke law office, and she looks like she's an active community citizen, which

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is great. But the reality is we're...she's being put before us, as a body, of whether or not we want to appoint her as a judge to deal with collective bargaining contracts for public power, for schools, firefighters, police officers, city-county employees. And I question whether or not she has the legal background, understanding, and professional experience to fully understand what she's walking into. I...once again, no disrespect to the Business and Labor Committee in regard to their process. We do this on the Retirement Committee all the time of going through those to be appointed, get to ask questions. The individual comes through to the confirmation process. I just expressed my concerns to Senator Lathrop that moving forward we need to evaluate the criteria that we're going to require for future CIR judges, because I'm convinced that, while this person is a, no doubt, a well-respected community leader and, yes, is an attorney, I question whether or not this conferee has enough legal experience, both in regards to public contracts and negotiation law, of whether or not she will be able to serve in the capacity that we're asking her to serve. So with that, I'm going to vote no on the confirmation report for the Business and Labor Committee, not against, once again, I think the due diligence and the good work of the Business and Labor Committee. But I think this is a bigger issue this Legislature needs to consider moving forward in regards to the criteria that we place on individuals who wish to serve as judges on the Commission on Industrial Relations. Thank you, Mr. President.

PRESIDENT HEIDEMANN: Thank you, Senator Mello. Senator Ken Haar, you are recognized.

SENATOR HAAR: Mr. President, members of the body, since we're talking about approvals to the board, I want to go and talk about board members on the Environmental Trust. Some things were said today that are absolutely not true and they're thrown out there and I think they need to be corrected. Several weeks ago or probably a month or more ago Senator Larson appeared on Capitol Conversations, April 17, 2013. And I transcribed that and I want to talk about what he said about board members on the Environmental Trust, and these are in his own words. He said: They're a board that is out of control at times and definitely needs guidance from the Legislature because a board like that can become overly political and they are appointed by the Governor. Yes, they have to be confirmed by the Legislature, but they essentially serve at the will of the Governor. And in the end, you have a Governor from one political party or another and that trust board can be severely swung one way or the other. And then Fred Knapp pointed out: Well, you've had a Governor from your political party for the last umpteen years and yet you have a problem with the board? And so I'm going to explore that. I want to explore the current board members, because I've been in contact with some of them and what's been said is absolutely untrue. Now one of the reasons I'm particularly concerned is I have...I'm on the Natural Resources Committee and I have been there for the hearings for the reappointment of some of the board members, so I'm going to go through the board members. And then I guess a question is, if these aren't good board members, then why has the Governor reappointed, appointed,

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reappointed, and why have they gotten such good reviews? So here are the board members. It was also, by the way, said in this Capitol Conversations by Senator Larson, and it's untrue: We must...we have to be very careful. We have one trust board member that's on the Nebraska Environmental Trust but he is also on the board of an environmental organization that received a majority of the grants, so you can't tell me that there is not a conflict of interest there. So I want to explore that. I want to tell you what the truth is. First of all, all of the board members...and there are nine appointed board members. They're appointed by the Governor and they're...then they're vetted or they have a hearing by the Natural Resources Committee and then we act on that. In addition to the nine members, there are five members from state agencies. So I want to talk about the members. From the 1st District, Rick Brandt from Lincoln. He was appointed in 2013 by Governor Heineman. We heard that testimony from him when he was appointed and came before the Natural Resources Committee, and we were all impressed, very impressed by who he was and also by his commitment to the environment. And here's some additional information. This is the quality of person we have on the NET: state chair of the Rocky Mountain Elk Foundation for six years; chairman of Lincoln committee for five years; the Howard Wieggers Conservation Award 2012; founder and president of the board, Nebraska Big Game Society; volunteer for Nebraska Game and Parks; sheep and wildlife monitoring in 2008-12; a member of the Safari Club, RMEF, Izaak Walton, Nebraska Big Game Society, and so on. We just approved this appointment. The second person from District 1 is Rodney Christen from Steinauer, appointed 2009 by the Governor, approved by this Legislature. I don't have his original bio because I didn't keep that one. Now the third one, and we all believe that this is the person that Senator Larson talked about when he accused a board member that's on the Environmental Trust that he is also on the board of an environmentalists organization that receives a majority of the grants, so you can't tell me this is not a conflict of interest there. Well, about the only person that might fit this is James Stuart, Jr., from Lincoln, and I'm going to tell you where the untruth in what Senator Larson said about James Stuart. First of all, he was appointed by Governor Heineman in 2008. He was reappointed in 2011 and again reapproved by the Natural Resources Committee and then by this body.

PRESIDENT HEIDEMANN: One minute.

SENATOR HAAR: Thank you very much. Now first of all, I've got to tell you that he is not a board member of any other environmental organization. He has been involved with Ducks Unlimited. He has donated to Ducks Unlimited and to many other organizations. And in the case of whether or not he has a conflict of interest, he did vote on a grant for Ducks Unlimited and he went to the Accountability and Disclosure to find out if he has a conflict of interest. And I will pass this letter out later maybe, although we've got enough paper probably, but Accountability and Disclosure went point by point and said that James Stuart did not have a conflict of interest, because just because you donate money to a group doesn't mean you have a conflict of interest.

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PRESIDENT HEIDEMANN: Time. Thank you, Senator Haar. (Visitors introduced.) The cookies today are from Senator Hansen, in honor of his wife and his wife Linda's 46th wedding anniversary. He asks you to enjoy. Senator Lathrop, you are recognized.

SENATOR LATHROP: Thank you, Mr. President and colleagues. I want to respond to Senator Mello's remarks, and not in the sense you might expect. This nomination of Ms. Pillen, she came before the committee, a very nice young lady. She has practiced law for about five years and did not practice in the very area that we are...the CIR. Does that mean she's not qualified? The fact of the matter is there are not a lot of criteria for the appointment to someone to the Commission on Industrial Relations, and I believe it is the role of the Legislature to find those people who are not qualified by virtue of some problem with the statutory requirements or their background. We did have one a few years ago where somebody had been in this area and was very much on the side of employers, and that person ultimately withdrew. The decision by the committee to support the nomination of Ms. Pillen is based upon the fact that they're, given the scant criteria and given the fact that she is a lawyer, did practice in a law firm for five years and did some labor law, it was our thought to approve her. Now Senator Mello has suggested that we should look at the criteria for a commissioner on the CIR. I think that that will be done. I expect to do that this summer or going into the next session. I think it's important that we look at the criteria and also judge whether those who serve on the commission should be held to the standard of a judge. They are making decisions regarding the rules of evidence and should, for the confidence of the public, conduct themselves and be, I believe, bound by some of the same standards that apply to the judges that serve this state on the bench. And that's something that we will be looking at. On balance though, it was our decision in the Business and Labor Committee to support this nomination, although in fairness it did illustrate that we probably need some better or clearer criteria going forward, and that's something that I'll look at myself between now and the next session. And with that, I would encourage your appointment and approval of the confirmation report. Thank you.

PRESIDENT HEIDEMANN: Thank you, Senator Lathrop. Senator Nelson, you are recognized.

SENATOR NELSON: Thank you, Mr. President, members of the body. I don't know Ms. Pillen, the nominee, but I do have a question of the Chairman of the Business Committee or, rather, the...yeah, Labor Committee.

PRESIDENT HEIDEMANN: Senator Lathrop, will you yield?

SENATOR LATHROP: I'd be happy to.

SENATOR NELSON: Thank you, Senator Lathrop. Have you ever appeared before the

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CIR?

SENATOR LATHROP: I have not.

SENATOR NELSON: And I have not either. And I think Senator Ashford may have or may have served on the...

SENATOR LATHROP: He did serve on that commission.

SENATOR NELSON: But I don't see him here today. Actually, this is administrative law, is it not, an administrative law type of commission?

SENATOR LATHROP: It is. It is and it is a specialized...it's not...we used to call them judges and it used to be the court. Now it's commission and they are commissioners...

SENATOR NELSON: So...

SENATOR LATHROP: ...and they serve in sort of an administrative law capacity.

SENATOR NELSON: So when Senator Mello refers to them as judges, we don't call them that anymore. They're commissioners.

SENATOR LATHROP: We do not. That's true.

SENATOR NELSON: Okay. So I think that needs to be clarified. If you're going to address someone as your honor or a judge, there are certainly qualifications and I'm happy that you're going to look into that over the summer and kind of flesh out what the qualifications should be. But it would seem to me that if someone has gone through law school, graduated whether with honors or not, that's not necessary, but...and has practiced law even though it's not in that area, they certainly ought to have the qualifications to learn the ropes of the commission and the various laws that are involved there, just as we have to learn things here on the floor of the Legislature that we're not accustomed to. So unless...thank you. Unless Senator Ashford has any comments on the basis of his experience, maybe you haven't been a party to the past conversation, Senator, but if...yes, I...

PRESIDENT HEIDEMANN Senator Ashford.

SENATOR ASHFORD: I did hear your...

SENATOR NELSON: All right. Do you have any comments about...

SENATOR ASHFORD: Well, I did hear your comments and your question and I...



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SENATOR NELSON: All right. And are there very rigid qualifications that you're aware of or does one necessarily have to practice in that special area of the law to serve on the CIR?

SENATOR ASHFORD: I...well, when I was appointed, I was in my 30s, early 30s, I'd had some labor law experience. But you know, I think it might be a good qualification. My sense is, as Senator Lathrop has suggested, this particular candidate will probably do fine and I support her and the committee supported her. But it is a specialized area of the law and we may, as a Legislature, we may want to put some criteria on it. It's good that they're a lawyer because there are...I don't think it's required but there are evidentiary questions that have to be answered so...and they can be very technical. So Senator Lathrop is right, but on this one I think she's fine.

SENATOR NELSON: All right. Well, thank you. I appreciate that affirmation. As I said, Mr. President and colleagues, not having known her at all, but I'm going to rely on the testimony before the committee and their decision on that part, and will stand in support then of Sarah Pillen. Thank you.

PRESIDENT HEIDEMANN: Thank you, Senator Nelson. Senator Ken Haar, you are recognized.

SENATOR HAAR: Mr. President, members of the body, since we're talking about board appointments, I want to talk about what Senator Larson said on Capitol Conversations on April 17, 2013. And these are his own words: It illustrates the kind of people that Governor candidates start to appoint. You know, we have to be very careful because we have one trust board member that's on the Nebraska Environmental Trust, but he's also on the board of an environmental organization that receives a majority of the grants, so you can't tell me there is not a conflict of interest. That's the kind of trust member that he...and he is making sure his other organization that he is a board member on receives a fair portion of the money. Well, first of all, nobody gets a majority of the grants. No organization gets a majority of the grants. That is not true. I want to go back and talk about the board members. Jim Stuart, as I was talking about, who's a friend of mine, a long-term Lincoln business leader, an environmentalist, gives to a lot of organizations, gives to Ducks Unlimited, and he was...he voted for a Ducks Unlimited bill, but he asked, do I have a conflict of interest. And Accountability and Disclosure said, I've determined that you have no business association, as defined by statute, as a result of your earlier contributions to Ducks Unlimited; you may, therefore, participate in the grant process. So just because you give a contribution to somebody doesn't mean that you have a conflict of interest. And Mr. Stuart, my friend, actually went to Accountability and Disclosure to make sure that he didn't have a conflict of interest. Some of the other people, Rod Christen I talked about, he's a board member of the Nebraska Land Trust, a member of the Nebraska Grazing Lands Coalition and so on. He abstained from

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voting on the land trust application that received \$432,000 this year, but he did vote for two Nebraska Cattlemen applications this year, one for \$90,000 and one for \$10,000, and these are not conflicts of interest. You can't just say, hey, this looks to me like a conflict of interest. There is a legal definition of that. Trust board member Sherry Vinton of Whitman is the second vice president, an at-large director of Farm Bureau, but Farm Bureau has not received any trust grants recently. Trust board member Gloria Erickson of Holdrege is a board member of the Rainwater Basin Joint Venture and they have received several grants from the trust. But Gloria is a supporter of Senator Larson's LB57. We got that letter. She abstained from voting on the Rainwater Basin Joint Venture application. That was her choice. Trust board member Henry Rick Brandt of Roca is a board member of the Nebraska Big Game Society which received a first-time grant from the trust this year. It was \$10,000 this year. He decided to abstain from voting on that application. But he could have; it would not have been a conflict of interest. Trust board member Jim Douglas, Director of Nebraska Game and Parks, Jim abstained from voting on land trust application because he's a member of Game and Parks. And so on. So trust grant...okay, let's go on. Behind the glass we have Paul Dunn, who's the longest serving member on the Environmental Trust. Paul is from Omaha. He's more than happy to answer your questions. He was appointed by Governor Johanns in 1999,... [LB57]

PRESIDENT HEIDEMANN: One minute.

SENATOR HAAR: ...reappointed 2005 by Governor Heineman, and reappointed again in 2011 by Governor Heineman. Robert Krohn of Omaha was appointed in 2003 by Governor Johanns, reappointed by Governor Heineman in 2009. Gerry Lauritzen, appointed 2013 by Governor Heineman, she's from Omaha and I was part of her hearing when she came before the Natural Resources Committee. This is her first term but she says, I am passionate about conservation and caring for the land and I am equally passionate about private property rights and protecting our opportunity to live the good life in Nebraska. And she goes on, she's a member of a number of organizations and those include, if I can find that,...

PRESIDENT HEIDEMANN: Time.

SENATOR HAAR: Thank you.

PRESIDENT HEIDEMANN: You're next in the queue, though. You can continue. But this is your third time.

SENATOR HAAR: I understand. Okay, so the Lauritzens, of course, are very well known in Omaha, the Lauritzen Gardens, if I'm pronouncing that correct, by Fontanelle Forest, have been provided by that family. So anyway, we have another person who is very qualified. We're so fortunate to have these people on the board. Third District,

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Sherry Vinton I mentioned, she was appointed by Governor Heineman in 2007, reappointed in 2013, and we heard her before the Natural Resources Committee. Barbara Batie from Lexington appointed by Governor Johanns in 2003, reappointed in 2007 by Governor Heineman. Gloria Erickson from Holdrege was appointed by Governor Johanns in '99 and reappointed in 2005 by Governor Heineman, reappointed in 2011 by Governor Heineman. And so I go back to what, in his own words, Senator Larson said: I think that illustrates the kind of people that Governor candidate starts to appoint; you know, we have to be pretty careful. Yeah, we are pretty careful and these are exceptional people that serve on the Nebraska Environmental Trust. It's untrue that any of them have voted appropriately (sic) and it's untrue that any one group has received a majority of the grants. I would like to ask Senator Larson a question, if I could.

PRESIDENT HEIDEMANN: Senator, Senator Larson is excused.

SENATOR HAAR: Well, how convenient, because I have some other questions for him. What he said is absolutely untrue and I want to affirm what a fantastic board we have with the Nebraska Environmental Trust. And if you're going to attack a policy of a group, attack the policy but don't attack the group. I'm going to show a little later how some of what Senator Larson said has begun to show up in the newspapers, and it's lies. It's not true. Thank you very much.

PRESIDENT HEIDEMANN: Thank you, Senator Haar. Senator Lathrop, there are no more lights on in the queue. You are to close on the confirmation report.

SENATOR LATHROP: I'll just make this remark because we sort of discussed the Environmental Trust Board and we discussed the CIR. This is the appointment of Sarah Pillen to the Commission on Industrial Relations, and I would ask for your support of the confirmation report from the Business and Labor Committee. Thank you.

PRESIDENT HEIDEMANN: You have heard the closing on the confirmation report from the Business and Labor Committee. All those in favor vote aye; all those opposed vote nay. Have all voted? She is confirmed. Senator Lathrop. Mr. Clerk, please record.

CLERK: (Record vote, Legislative Journal page 1722.) 29 ayes, 0 nays on adoption of the confirmation report.

PRESIDENT HEIDEMANN: Senator Lathrop with the next report. (Legislative Journal page 1566.)

SENATOR LATHROP: Thank you, Mr. President, colleagues. You may not realize this but the Business and Labor Committee is also in charge of boilers and elevators. A polite chuckle, thank you. The Business and Labor Committee considered four

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reappointments to the Boiler Safety Code Advisory Board. All four appeared in person and answered questions from the committee. The board advises the Commissioner of Labor on the rules and regulations for boiler testing, construction, installation, and certification fees. Board members serve four terms...four-year terms. All four reappointments appeared in person to provide the committee with their background and experience and we will confirm, hopefully today, all four of them, and I'll share with you each of the members and a little bit of background on them. Charles Cole: Mr. Cole graduated from Southeast Community College in Milford in 1987. Since graduating from Milford, Mr. Cole has been in the business of selling boilers, first for other companies, including B.G. Peterson Company, and now with his own company, ControlTemp, Incorporated. Mr. Cole also served in the United States Navy from 1977 through '87, and retired from the Naval Reserves in 2001. The second candidate is Kurt Eberspacher. Mr. Eberspacher graduated from Southeast Community College with an associate's degree in 1985 and in '88. He then earned a bachelor's of arts degree in '96 from Concordia College. Mr. Eberspacher has inspected boilers since 1995, first with the state of Nebraska and then for his current employer, Chubb Insurance Company, starting in 2003. Mr. Eberspacher's experience with the state and his current employer has provided him with extensive knowledge of boiler statutes and regulations. The third is Martin Kasl. Mr. Kasl has been a mechanical engineer with Engineering Technologies since 1997. He earned his bachelor's of science in mechanical engineering from the University of Nebraska. He is a registered professional mechanical engineer in Nebraska, Kansas, and South Dakota, and has extensive experience in boiler design and replacement. And finally, Ken Stewart: Mr. Stewart has worked for the American Boiler Company since 1994. He currently serves as general manager with the responsibilities of overseeing project installation and code and compliance enforcement. Mr. Stewart graduated from Southeast Community College in Milford in 1982. The committee voted to advance all four appointments and I ask you to approve the nominations of these individuals to the Boiler Safety Advisory Board. Thank you, Mr. President, colleagues.

PRESIDENT HEIDEMANN: Thank you, Senator Lathrop. You've heard the opening on the Business and Labor Committee's confirmation report. We're now open for discussion. Senator Ken Haar.

SENATOR HAAR: Mr. President, members of the body, since we're talking about boards, I want to continue to talk about the misrepresentations and outright falsehoods that have been said about the Nebraska Environmental Trust. I think we as state senators have a responsibility, to those organization which we do oversee, to tell the truth. And when we make up information...and I'll show you in a minute where it starts to get into the newspaper. So first of all, there's not a board member who's members of Ducks Unlimited, who's a board member of Ducks Unlimited and gets...and that that organization gets a majority of the trust. All that's false. He donates money to Ducks Unlimited and other environmental groups. Okay. Here's something else that Senator

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Larson said in his Capitol Conversations. He said, and I'm using his own words, he keeps talking about bad practices and he said: Those bad practices, including such things as using trust dollars to grantees and to those grantees eventually either buying land and donating it to the federal government or those grantees buying that land and then selling that land for a profit and not returning the money to the trust, essentially keeping it for themselves. So if you get a \$2 million grant, you buy the land, sell the land for \$2.5 million, keep all of that money, that there's a clear, I think, issue there that the Nebraska taxpayers have a problem with Senator Fischer, and Senator Fischer had an issue with, and they brought to the forefront these. I want to talk about what Senator Fischer actually said in a minute. But here's the problem. We see some newspapers now in northeast Nebraska that had this quote. It says, some concerns have been raised that grant recipients have utilized NET funds to purchase property that has ended up in the hands of the federal government, even though the funds were granted only for the organization's use. It shows up in the Oakland Independent, the Wisner News-Chronicle, and so on, the same quote. And here's the truth. Here's the truth. No case...there is no case where land was transferred to a federal entity that the trust didn't know about their intentions when they applied. So I want to read again what's said in the newspaper when it said there are some concerns that the funds were granted only for the organization's use and then they were used for some other purpose, like given away to the government. And here's the truth, that no funds have been awarded. Let me read this again so I get it right. There's no case where land was transferred to a federal entity that the Nebraska Environmental Trust didn't know about their intentions when they applied. That's the truth. That's the facts. So we have to be very careful about what we say. So Senator Larson's misrepresentations of what was going on with the trust have now started to become...started to show up in the media, and I think that's very difficult. That's very unfair to the Nebraska Environmental Trust and I think that's also a disservice that we, as state senators, are doing to organizations if we talk this way. Then another thing that's come up, and he said it again today. These are his own words:...

PRESIDENT HEIDEMANN: One minute.

SENATOR HAAR: Thank you...how would your bill fix that, talking about using money that doesn't come back to the trust. Quote: Since then, the Environmental Trust Board has taken upon itself to try to or attempt to change, but they haven't necessarily gone the full way. There have been a number of trust members that want to introduce board policy that's essentially very similar to my bill but that board policy is stuck in committee. They can't. The committees are stacked. If you want to say to where the policy can't get out, and LB57, what it essentially...etcetera. The committees are stacked, they can't get...well, first of all, I want to tell you that the chair, Gloria Erickson right now, appoints people to committees. And my understanding is if you want to be on a committee, you can get on the committee. So there's no executive director who is choosing a committee and stacking that committee and then holding everything in that committee before it

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comes out. And in that light, Gloria Erickson said, in their latest report... [LB57]

PRESIDENT HEIDEMANN: Time.

SENATOR HAAR: Thank you.

PRESIDENT HEIDEMANN: You are next in the queue. You can continue.

SENATOR HAAR: The message from the board chair, and this is from the report that just came out from the Nebraska Environmental Trust, and I'm going to pass this out, the 2012 annual report. She says, I express my gratitude for the diligence and dedication of our director, our staff, and the members of the trust board. That does not sound like someone who's appointing closed committees that certain board members can't get into. We do a disservice to the board and any other board when, instead of sticking to the facts, we make up information and then we try to use that information to enhance the passage of our bills. Another issue, and this is right up at the front of Capitol Conversations in Senator Larson's own words. Quote: LB57 I think ensures accountability to the Nebraska Environmental Trust. The transparency level in the trust has been lacking over the years, and I think it was evident a few years ago when now U.S. Senator Fischer and then Appropriations Chair and now Lieutenant Governor Heidemann brought a number of bills to try to either reform the trust or outline the practices, the bad practices, that the trust has been doing. So I went back, we went back, my staff went back and we found the testimony of the people he's talking about. And first of all, the constitution...it was a constitutional amendment introduced by now Lieutenant Governor Heidemann and our Chair today, and he introduced LR51CA to the Natural Resources Committee on February 2, 2011. And what this would have done, it would have required a constitutional amendment, 44 percent going to the Environmental Trust, 22-point-some going to the Water Resources Fund and so on. And then in his opening he said, quote: I am not saying that the Environmental Trust hasn't funded worthwhile projects. Then I skip a little and he says: First thing I want to share...to state is I have nothing against the Environmental Trust. They have done great things and I want to state that. If you look at things that they have done in my districts, they have helped my districts. And then he goes on a little later: I have had a conversation with Mark Brohman from the Environmental Trust after I did this and I assured him it was nothing against either the trust or him, and I was a little bit leery about this because I consider him a friend actually, and his wife is from my area. And so on, a little later: I want to leave you with this thought. This isn't going to be a vote coming out of committee and this will not be a vote coming out of this body to undo the Environmental Trust. And I go back to Senator Larson's words, and these are his words again, of saying that Lieutenant Governor Heidemann brought a number of bills to either reform the trust or outline the practices, the bad practices, that the trust had been doing. Where did he get that information? Here's what Senator Fischer said when she introduced LB229. This was in committee, and I was on the committee at the time: It's my

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understanding that the Environmental Trust Fund award grants based upon merit, not a quota system with a certain percentage of funds going to water projects... [LB57]

PRESIDENT HEIDEMANN: One minute.

SENATOR HAAR: Thank you...or a certain percentage going for recycling or a certain percentage of funds going to conservation easements and so forth. To my knowledge, grants are awarded on this ranking system with the worthiest proposals receiving the grant. I'm dismayed and I'm disturbed to think that individuals, and groups at best, have been misled into thinking a water priority project, as ranked by the Environmental Trust, would no longer receive a grant if this bill is passed. I didn't hear the negatives of trying to undo the trust in that. And then this was Senator Langemeier on the floor, who was head of the Natural Resources Committee: Many of you also shared that you are very pleased with what the Environmental Trust does and I join you in that. We appreciate what you've done for the citizens of Nebraska, whether it's recycling water in many of their five efforts, listed efforts that the Environmental Trust works, so I thank you for that.

PRESIDENT HEIDEMANN: Time, but you are next in the queue,...

SENATOR HAAR: Thank you.

PRESIDENT HEIDEMANN: ...and this is your third time.

SENATOR HAAR: Thank you. And then this is Senator Fischer, now U.S. Senator Fischer, in floor debate saying: I would just like to reiterate that the amendment and now the bill, it does honor the process of the Environmental Trust. It's been a good experience, first of all, working for the last couple years with many members of the Natural Resources Committee to come up with a proposal so we could get off center, so we could move forward, so we can start to address the water issues. Both bills were about the money in the trust and putting it somewhere else. And as you've seen unless...and I'm willing to share these transcripts with anybody. They are public record. It's in contrast to what Senator Larson said in his own words: The transparency level at the trust has been lacking over the years, and I think it was evident a few years ago when now U.S. Senator Fischer and then Appropriations Chair, now Lieutenant Governor Heidemann, brought a number of bills to try to either reform the trust or outline the practices, the bad practices, that the trust had been doing. That's not true. There's no official testimony in committee hearings, in hearings on the floor that either of those bills by Lieutenant Governor Heidemann or Senator Fischer were there to reform the trust because of their bad practices. It's untrue. And we do a disservice. I also want to tell you that there were two audits done on the trust. Auditor Foley did one and then the Legislative Audit Committee found no items, no items or any issues, found any issues that had not been addressed. So, and by the way, I need to clear up in my last testimony I made a misstatement. I should have said the board has not voted on

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anything inappropriately, has not voted, and of course I'm being emotional about this because I feel very strongly. So in the next time I can get up, I will have a couple final things to say. And then I want to say again, I think it's very important that in the Legislature we deal with the facts and that we don't use half-truths and mistruths and wherever the truths come from to get support for our bill. We should concentrate on either the merits or the demerits, I guess you could call them, of a bill and not run down our state government. We're lucky to have the kind of servants, public servants we have and especially those board members who serve on all of these boards with great passion, put in great time, and do great work. And I, frankly, feel that Senator Larson owes the Nebraska Environmental Trust an apology for the things he said in this Chamber and on air, on Capitol Conversations. Thank you.

PRESIDENT HEIDEMANN: Thank you, Senator Haar. There is no one else in the queue. Senator Lathrop to close on the confirmation report.

SENATOR LATHROP: I would just remind the body that our discussion or our confirmation relates to those four individuals to the Boiler Safety Code Advisory Board and ask for your approval of the confirmation report. Thank you.

PRESIDENT HEIDEMANN: You have heard the closing on the confirmation report from the Business and Labor Committee. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: (Record vote, Legislative Journal page 1723.) 30 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

PRESIDENT HEIDEMANN: They are confirmed. Mr. Clerk, next confirmation report.

CLERK: Mr. President, General Affairs Committee reports on the appointment of Kristopher Covi to the State Racing Commission. (Legislative Journal page 1627.)

PRESIDENT HEIDEMANN: Senator Karpisek, you are recognized to open.

SENATOR KARPISEK: Thank you, Mr. President and members of the body. The General Affairs Committee voted unanimously to confirm the reappointment of Kristopher Covi to the State Racing Commission for another four-year term. Mr. Covi works as an attorney for McGrath North in Omaha and specializes in commercial litigation and environmental law. He has served on the board of directors for the Heartland Equine Therapeutic Riding Academy in Valley as well as several other charitable boards in Omaha. He has served on the Racing Commission since 2010, and I urge you to support his reappointment. I know Kris personally and he is a very, very upstanding person and very good on the committee. And I know that if Senator Lautenbaugh could have been here he also would have stood and said some words in



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favor of Kris. So I'm sorry that Senator Lautenbaugh couldn't be here this morning to do so, but I will try to pass that on for him. I would appreciate your support of Kristopher Covi for the State Racing Commission. Thank you, Mr. President.

PRESIDENT HEIDEMANN: Thank you, Senator Karpisek. Those wishing to speak, Senator Ken Haar.

SENATOR HAAR: Mr. President, members of the body, I passed out a number of things today and this has to do with boards that we approve in this body, appointed by the Governor and then we have to approve them. There's a letter from the Environmental Trust opposing the bill and it says, quote, At its April 4 meeting, a majority of Nebraska Environmental Trust Board voted to change its official vote on LB57 from neutral to opposed. Members who voted to oppose LB57 have a variety of concerns, including but not limited to the precept that issues perceived by some as needing attention are best resolved by NET Board actions. With the quality board we have, there is no need at this time to step in and try to micromanage. So on all of these points and Senator Larson kept saying bad practices. He said the two bills, one introduced by Lieutenant Governor Heidemann and one introduced by Fischer were set out to fix those bad practices or, as he put in his own words, try to either reform the trust or outline the practices that the trust has been doing. And as I've shown, unless there is something else on the record, that is not what Lieutenant Governor Heidemann said or Senator Fischer said. He took to task the Governor, I believe, for appointing...he said, you have to be careful of the people you appoint. And I've demonstrated to you the excellent people we have. There was the charge he made that monies being donated to the federal government when that wasn't the purpose, that is false, and I've shown you that. And I might just say that of the \$24 million he mentioned and \$17 million was appropriated this year through legislative authority, \$7 million of that was money that came back to the trust, had been appropriated and now will just go back into other projects. So it's not like the money was just out there and got spent. And then finally, the accusation that there's one board member that has a conflict of interest, not true, not true, not true. And that board member voting on an issue to an organization he donates to went to the Accountability and Disclosure who said you do not have a conflict of interest. So, you know, do facts matter? Do facts matter in this body? Because a lot of people hear what we say, they start to show up in the newspapers. And if we state half-truths and made-up information, it will start to show up in the press. It does a disservice to our state government and to our board members who serve, give a great deal of their time to this. So Senator Larson continues to say in his Capitol Conversations, and I have more copies of that should anybody like it, he keeps talking about bad practices. He never documents those. It's all hearsay and half-truth. And I would, instead of bad practices, I would agree with the Scottsbluff Star-Herald that calls this LB57 a bad bill; and I am glad that that bad bill was withdrawn. I will continue to fight this kind of battle as long as I'm in the Legislature. Thank you very much. [LB57]

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PRESIDENT HEIDEMANN: Thank you, Senator Haar. Seeing no one else wishing to speak, Senator Karpisek to close on the confirmation report.

SENATOR KARPISEK: Thank you, Mr. President, members of the body. I would just like to remind you that we are voting on Kristopher Covi for the State Racing Commission. Thank you, Mr. President.

PRESIDENT HEIDEMANN: Thank you, Senator Karpisek. You've heard the closing on the confirmation report from the General Affairs Committee. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: (Record vote, Legislative Journal pages 1723-1724.) 33 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

PRESIDENT HEIDEMANN: He is confirmed. Speaker Adams for an announcement.

SPEAKER ADAMS: Thank you, Mr. President. Members, when we are done with our confirmation reports today, I'm going to place on the agenda LB255. That is Senator McGill's bill on human trafficking. It's come to our attention that an adjustment needs to be made, and it needs to be made today so that we can have...today is the last day of Select File so that we can have Final Reading on it on Wednesday. So it's one of those unique situations that we'll have to deal with right now. So as soon as we're done with our confirmation, I'll ask that we bring LB255 back, the amendment will be proposed, we'll act on it, and then it will move to Final Reading later on in the week. Thank you, Mr. President.

PRESIDENT HEIDEMANN: Thank you, Speaker Adams. Mr. Clerk.

CLERK: Mr. President, the next confirmation report is from the General Affairs Committee involving an appointment to the Liquor Control Commission. (Legislative Journal page 1627.)

PRESIDENT HEIDEMANN: Senator Karpisek to open on the confirmation report.

SENATOR KARPISEK: Thank you, Mr. President, members of the body. The General Affairs Committee voted 7-0 with 1 member present and not voting to confirm the reappointment of Bob Batt to the Liquor Control Commission for another six-year term. Mr. Batt is currently the chairman of the commission. He was appointed to the commission in 2008 to complete Patrick Thomas' term upon his resignation. Mr. Batt has worked at the Nebraska Furniture Mart in Omaha since 1971 and currently serves as its vice president. I urge you to support his reappointment. Thank you, Mr. President.

PRESIDENT HEIDEMANN: Thank you, Senator Karpisek. You've heard the opening on

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the General Affairs Committee confirmation report. We're now open for discussion. Seeing none, Senator Karpisek to close. Senator Karpisek waives closing. You have heard the closing on the confirmation report from the General Affairs Committee. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: (Record vote, Legislative Journal pages 1724-1725.) 30 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

PRESIDENT HEIDEMANN: It is confirmed. Mr. Clerk.

CLERK: Mr. President, the Health and Human Services Committee reports on the appointment of Joseph Acierno as director of the Department of Health and Human Services. (Legislative Journal page 1378.)

PRESIDENT HEIDEMANN: Senator Campbell to open.

SENATOR CAMPBELL: Thank you, Mr. President and members of the Legislature. The Health and Human Services Committee held a confirmation hearing on Thursday, May 9, on the appointment of Dr. Joseph Acierno to the position of Chief Medical Officer and Director of the Division of Public Health at the Department of Health and Human Services. Dr. Acierno is not only a physician but holds a juris doctorate and is a member of the bar association of Nebraska; graduated from Creighton as an undergraduate and also from the Creighton University School of Law and the Creighton School of Medicine. He has practiced in private law firms and his career has been an interesting dual interest in medicine and the law. And I want to mention a comment that Dr. Acierno made in his testimony before the committee and he said: This combination of law and medicine makes me well suited for the work I do at DHHS which has both community health and a regulatory side. Dr. Acierno has been the deputy chief medical officer in the department since 2007. He served as legal counsel to the department prior to that. He was appointed and began serving as department director and chief medical officer on March 8 following the resignation of Dr. Joann Schaefer. He has worked with Dr. Schaefer for six years. Dr. Acierno cited examples of numerous successful efforts in the Division of Public Health, including implementation of a state Wellness Program, preparedness for statewide health emergencies in cooperation with local health departments across the state, and technological advances that have made accessing government records easier and that have streamlined the process of licensing medical professionals in Nebraska. Dr. Acierno is clearly a qualified individual based on his educational background and his experience. The Health and Human Services Committee recommends his appointment to our colleagues for your consideration. Thank you, Mr. President.

PRESIDENT HEIDEMANN: Thank you, Senator Campbell. You've heard the opening on the Health and Human Services Committee confirmation report. We're now open for

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discussion. Seeing none, Senator Campbell to close. Senator Campbell waives closing. You have heard the closing on the confirmation report from the Health and Human Services Committee. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

ASSISTANT CLERK: (Record vote, Legislative Journal page 1725.) 30 ayes, 0 nays on the adoption of the report from the Health Committee, Mr. President.

PRESIDENT HEIDEMANN: He is confirmed. Mr. Clerk, next item.

CLERK: Mr. President, the next confirmation report I have is from Health and Human Services involving two appointments to the Commission for the Deaf and Hard of Hearing. (Legislative Journal page 1379.)

PRESIDENT HEIDEMANN: Senator Campbell to open.

SENATOR CAMPBELL: Thank you, Mr. President and members of the Legislature. The Health and Human Services Committee held confirmation hearings on Monday, May 13, on the appointments of Michael Brummer and Margaret Propp to the Commission for the Deaf and Hard of Hearing. Mr. Brummer and Ms. Propp are both first-time appointees. Mr. Brummer is from Kearney. He is a deaf educator through ESU 10 and holds a master's degree in deaf education. Mr. Brummer wishes to further serve the deaf community in Nebraska through his role on the Commission for the Deaf and Hard of Hearing. Armed with personal experience as a deaf individual, his advanced education, and his professional history to the deaf community will make him an exceptional addition to the commission. Ms. Margaret Propp also brings an impressive resume to the commission. She was a hearing child raised by deaf parents and has been a certified interpreter for the deaf for many years. She holds a master's degree in deaf education and taught at the New Mexico School for the Deaf for 25 years before retiring and returning to Nebraska in 2008. She is currently a free lance interpreter in Lincoln. Her father, George Propp, served on the first board of the commission and her mother, Eleanor Propp, was one of the first employees of the commission and later also served on the board. Ms. Propp is passionate about continuing her family's history of service on the state level. The Health and Human Services Committee believes these two individuals have outstanding qualifications as well as a deep personal commitment to their service and we ask for your favorable vote on their appointment. Thank you, Mr. President.

PRESIDENT HEIDEMANN: Thank you, Senator Campbell. You've heard the opening on the Health and Human Services Committee confirmation report. We are now open for discussion. Seeing no one in the queue, Senator Campbell to close. Senator Campbell waives closing. You have heard the closing on the confirmation report from the Health and Human Services Committee. All those in favor vote aye; all those

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opposed vote nay. Mr. Clerk, please record.

CLERK: (Record vote, Legislative Journal pages 1725-1726.) 32 ayes, 0 nays, Mr. President, on adoption of the confirmation report.

PRESIDENT HEIDEMANN: They are confirmed. Mr. Clerk, next report.

CLERK: Mr. President, Natural Resources Committee would report on three appointments to the Environmental Trust Board. (Legislative Journal page 907.)

PRESIDENT HEIDEMANN: Senator Carlson to open.

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. And listening to our discussion this morning, I've determined and decided isn't it wonderful that we don't all think alike in this body? We'd have a lot of messy legislation if we all thought alike on everything. Same thing is true with boards that are serving us throughout the state. We need people with varying views and differences of opinions and in that way you end up with the best product. But this is for the Environmental Trust Board, and there are three new appointees: Rick Brandt from Roca, owner and president of Brandt Excavating. Senator Haar talked quite a bit about him this morning. He's involved with several conservation and wildlife organizations including the Rocky Mountain Elk Foundation, Nebraska Big Game Society and Safari Club. He's a recipient of the 2012 Howard Wieggers Conservation Award. Gerry Lauritzen from Omaha, a community volunteer working with the American Heart Association, Joslyn Art Museum, and Polo for Patients, a member of the Fontenelle Forest Board of Directors, and the event chair for the 2013 Zoofari at the Omaha zoo. Those two are new appointees. A reappointee is Sherry Vinton of Whitman; co-owner of the Chris Vinton Ranch Company. She's passionate about conservation and caring for the land. And this will be her second term on the board. As we've had these hearings for appointments, I've asked the Natural Resources Committee to be ready with questions and make it worth somebody's time when they come to be appointed or reappointed, and they certainly have done that. And every candidate that came forward had some good questions asked of them and we listened carefully to the answers. And for these three individuals for the Environmental Trust, it was a unanimous vote to recommend the approval of these candidates, and I would ask for your support. Thank you.

PRESIDENT HEIDEMANN: Thank you, Senator Carlson. You have heard the opening on the committee confirmation report. We're now open for discussion. Senator Nelson.

SENATOR NELSON: Thank you, Mr. President, members of the body. I want to stand in support of Gerry Lauritzen, a new appointee to the board. Mrs. Lauritzen is a constituent of mine, married to Bruce Lauritzen in Omaha. You heard the number of things that she's been involved in, including Fontenelle Forest. The Lauritzen family has

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also been very active in Lauritzen Gardens, a botanical garden there that's ever expanding. It's a great resource for the city of Omaha, built over a former landfill. So I heartily stand in favor of the appointment of Gerry Lauritzen. Thank you, Mr. President.

PRESIDENT HEIDEMANN: Thank you, Senator Nelson. Seeing no one else in the queue, Senator Carlson to close. Senator Carlson waives closing. You have heard the closing on the confirmation report from the Natural Resources Committee. All those in favor vote aye; all those opposed vote nay. Have all those voted who wished? Mr. Clerk, please record.

ASSISTANT CLERK: (Record vote, Legislative Journal pages 1726-1727.) 30 ayes, 0 nays on the adoption of the report, Mr. President.

PRESIDENT HEIDEMANN: They are confirmed. Mr. Clerk, next report.

ASSISTANT CLERK: Mr. President, the second report from the Natural Resources Committee involves various appointments to the Environmental Quality Council. (Legislative Journal page 1661.)

PRESIDENT HEIDEMANN: Senator Carlson to open.

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. The Environmental Quality Council was established through the Nebraska Environmental Protection Act as the body that adopts rules and regulations which set air, water, and land quality standards in order to protect the public health and the welfare of the state. The council has 17 members who are appointed by the Governor, and the council meets quarterly. We have recommendations for nine reappointees, excuse me, seven...seven reappointees to the Environmental Quality Council. The first one is Michelle Bucklin from Omaha who represents the food products manufacturing. The second is Joe Citta from Columbus, who is in the power generating industry. The third is Mark Czaplewski from Grand Island, a biologist representative. Fourth is Rodney Gangwish from Shelton, who is in agricultural crop production. Fifth is Robert Hall from Wahoo, represents labor. Sixth, Lance Hedquist from South Sioux City, who is in municipal government. And seventh, Alden Zuhlke from Brunswick, who is a livestock producer. Again, the Natural Resources Committee questioned and had discussions with all seven candidates. The committee was unanimous to recommend the approval of them as reappointees to the Nebraska Environmental Quality Council, and I would ask for your support.

PRESIDENT HEIDEMANN: Thank you, Senator Carlson. You have heard the opening on the confirmation report from the Natural Resources Committee. We're now open for discussion. Senator Kolowski.

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SENATOR KOLOWSKI: Thank you, Mr. Chairman, Mr. President, excuse me. I would also like to thank Senator Carlson for his leadership on our committee. And from a first-year aspect of going through this type of confirmation process, I wanted to say how impressive it was to see the quality of the individuals that came forward and the excellent resumes and interest they have in our environmental areas and responsibilities they've had in their lives. It's a very impressive list of people, and we've had great hearings with them as far as confirmation hearings. And I fully recommend them and thank again our Chair for his leadership on this aspect. Thank you.

PRESIDENT HEIDEMANN: Thank you, Senator Kolowski. Senator Johnson, you are recognized.

SENATOR JOHNSON: Thank you Mr. Chairman. Just for the record I want to comment on one of the applicants. Robert Hall was not able to be at the hearing so I did represent him. He presented his information. Mr. Hall I've known for 30 years. Now we are neighbors. He represents labor very well, but his professional business is also involved with heating and air conditioning and the asbestos industry. And so he's got a pretty broad view of that industry, plus he's also involved in agriculture. So I did speak on his behalf at the hearing. Thank you.

PRESIDENT HEIDEMANN: Thank you, Senator Johnson. Senator Bloomfield, you are recognized.

SENATOR BLOOMFIELD: Thank you, Mr. President. I'd like to speak in favor of Lance Hedquist. He is the city administrator for South Sioux and has been a longtime, dedicated servant for South Sioux City and the entirety of northeast Nebraska up there. He does a fine job and he's very environmentally conscious. So I strongly urge you to support this group of people. Thank you.

PRESIDENT HEIDEMANN: Thank you, Senator Bloomfield. Seeing no one else in the queue, Senator Carlson to close.

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. Thank you to those that have stood up and given an endorsement for various members of the Environmental Council, as well as the Environmental Trust, and I would ask for your support. Thank you.

PRESIDENT HEIDEMANN: Thank you, Senator Carlson. You have heard the closing on the confirmation report from the Natural Resources Committee. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: (Record vote, Legislative Journal page 1727.) 31 ayes 0 nays, Mr. President, on the adoption of the confirmation report.

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PRESIDENT HEIDEMANN: They are confirmed. Mr. Clerk, next report.

CLERK: Mr. President, the Transportation and Telecommunications Committee reports on the appointment of William Ashburn to the Motor Vehicle Industry Licensing Board. (Legislative Journal page 1619.)

PRESIDENT HEIDEMANN: Senator Dubas to open.

SENATOR DUBAS: Thank you, Mr. Lieutenant Governor. Good morning, colleagues. The Transportation and Telecommunications Committee approved the appointment of William Ashburn to the Motor Vehicle Industry Licensing Board. Mr. Ashburn's appointment satisfies the statutory requirement for one board member to be a member of the general public. Mr. Ashburn is not a car dealer or invested in any vehicle business. He is retired from Verizon Wireless and owner of his wife's day-care business, the Lollipop Farm, in Lincoln. He was born in Hastings, Nebraska, and is a graduate of Nebraska Wesleyan University with a bachelor's degree in business administration. Mr. Ashburn has experience with government boards. He served on the E-911 board and worked with the Public Service Commission on consumer and regulatory issues during his time with Aliant, Alltel, and Verizon. He believes this experience and his desire to learn more about the motor vehicle industry will serve the board and the state of Nebraska. I urge your yes vote on the appointment of Mr. Ashburn to the Motor Vehicle Industry Licensing Board and do believe that he will bring a great perspective from the public's point of view to this board. Thank you.

PRESIDENT HEIDEMANN: Thank you, Senator Dubas. You've heard the opening on the confirmation report for the Transportation Committee. We are now open for discussion. Seeing none, Senator Dubas to close. Senator Dubas waives closing. You have heard the closing on the confirmation report from the Transportation Committee. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: (Record vote, Legislative Journal page 1728.) 33 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

PRESIDENT HEIDEMANN: It is confirmed. Items for the record.

CLERK: Mr. President, Enrollment and...I'm sorry, Committee on Judiciary reports LB385 to General File with amendments. The Natural Resources Committee reports LR171 back to the floor for further consideration by the Legislature. I have a series of resolutions: LR377, LR378 by Senator Larson; LR379 by Senator Davis; Senator Pirsch, LR380, LR381, LR382, LR383. Those will be laid over. Name adds: Senator Christensen to LB255. (Legislative Journal pages 1728-1735.) [LB385 LR171 LR377 LR378 LR379 LR380 LR381 LR382 LR383 LB255]



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

PRESIDENT HEIDEMANN: Speaker Adams.

SPEAKER ADAMS: Thank you, Mr. President. Members, I reported a little while ago that we needed to deal with LB255. We still need to do that. We're waiting for the exact amendment language to come down. So at 1:30 that's the first thing that we'll take up and we'll make that adjustment. We probably then will have to stand at ease for a while until we get the language back from upstairs. So at 1:30 we'll pick back up again and deal with LB255. Thank you, Mr. President.

PRESIDENT HEIDEMANN: Thank you, Speaker Adams. There's a motion to recess until this afternoon. All those in favor say aye. All those opposed, nay. We are recessed.

RECESS

PRESIDENT HEIDEMANN PRESIDING

PRESIDENT HEIDEMANN: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

PRESIDENT HEIDEMANN: Thank you, Mr. Clerk. Do you have any items for the record?

CLERK: I do. Communication from the Governor (Read re LB225, LB634, LB634A.) New resolution: Senator Schumacher and others offers LR384, Mr. President. That will be laid over at this time. Revenue Committee chaired by Senator Hadley reports LB606 to General File and LB191 to General File with amendments. Mr. President, announcement: The first meeting of the Tax Modernization Committee will meet in Room 1126 at 2:30; the Tax Modernization Committee will meet in Room 1126 at 2:30. That's all that I had, Mr. President. (Legislative Journal pages 1735-1737.) [LB225 LB634 LB634A LR384 LB606 LB191]

PRESIDENT HEIDEMANN: While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR351, LR352, LR353, LR354, and LR355. Mr. Clerk. [LR351 LR352 LR353 LR354 LR355]

CLERK: Mr. President, Final Reading. Senator McGill would move to return LB255 to Select File for specific amendment, AM1551. [LB255]

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PRESIDENT HEIDEMANN: Senator McGill, you're recognized to open on your motion. [LB255]

SENATOR MCGILL: Thank you, Mr. President, members of the body. I hope to not keep us here much longer. I apologize for having to put this back on the agenda today. But we wanted to...myself and Senator Harr brought some concerns to me about a portion of my human trafficking bill dealing with those who are under the age of 18 and whether or not they should be charged with prostitution or not. It has been my intention from the beginning, and as you can see in the green copy, that I do not believe that these youth are just making a choice. They are victims of human trafficking. The FBI, you know, talks about this at the discussions they've been having around Omaha trying to better educate people about human trafficking. And so since they are victims, they need services, not a prosecution. What my bill does is puts a child or a teenager into the child welfare system. It puts them under juvenile court into the child welfare system so they can get the services they need to straighten their lives out. The amendment I'm asking us to put onto this bill after we return it to Select File clarifies the pathway through juvenile court under (3)(a)--I can clarify that more once we get to the bill--to show or to further elaborate what was already in my bill, what that pathway is to services to make sure that those youth get the help that they need instead of just getting a prosecution on the record. And with that, I ask for your support to return this bill to Select File. Thank you, Mr. President. [LB255]

PRESIDENT HEIDEMANN: Thank you, Senator McGill. You've heard the opening on the motion to return to Select File. Is anyone wishing to discuss? Seeing none, Senator McGill waives closing. Members, you've heard the motion to return to Select File. The question is, shall LB255 return to Select File? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB255]

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to return. [LB255]

PRESIDENT HEIDEMANN: The motion is successful. [LB255]

CLERK: Senator McGill would offer AM1551. (Legislative Journal page 1737-1739.) [LB255]

PRESIDENT HEIDEMANN: Senator McGill to open on your amendment. [LB255]

SENATOR MCGILL: Thank you, Mr. President, members of the body. If you pull up the amendment on the gadget, it's just adding "including prostitution" under (3)(a) of juvenile court jurisdiction in terms of what cases would be handled. So the sentence would be "or who is in a situation or engaged in an occupation, including prostitution, dangerous to life or limb" etcetera. So it clarifies that prostitution would fall under the statute. It

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means that not only would that youth be getting services, but the family would be getting them. In almost all the cases where young people are recruited and enticed into prostitution there are family issues. They've either been sexually abused by someone in their family or a relative. Maybe they come from a one-parent household. I mean there's a reason why pimps are referred to as "daddy" by the girls that are recruited into prosecution. It's because there is some family issues, some daddy issues, if you will, some other things in their past. So it is important to bring the family together with these juveniles and try to get them the services to get them on the right path. And with that, I ask for your support. Thank you, Mr. President. [LB255]

PRESIDENT HEIDEMANN: You have heard the opening on the amendment. Is anyone wishing to debate? Seeing none, Senator McGill to close. Senator McGill waives closing. The question is, shall the amendment to LB255 be adopted? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. [LB255]

CLERK: 36 ayes, 0 nays, Mr. President, on the adoption of the Select File amendment. [LB255]

PRESIDENT HEIDEMANN: The amendment is adopted. Senator Nordquist for a motion. [LB255]

SENATOR NORDQUIST: Mr. President, I move LB255 to E&R for engrossing. [LB255]

PRESIDENT HEIDEMANN: All those in favor say aye. All those opposed say nay. It is advanced. Speaker Adams for an announcement. [LB255]

SPEAKER ADAMS: Thank you, Mr. President. Members, we need to stand at ease here for just a few minutes until we get this back from E&R and then we can adjourn for the day. Thank you, Mr. President. [LB255]

PRESIDENT HEIDEMANN: We are at ease. [LB255]

EASE

PRESIDENT HEIDEMANN: Mr. Clerk. [LB255]

CLERK: Mr. President, your Committee on Enrollment and review reports they've examined and engrossed LB255 and find the same correctly engrossed. (Legislative Journal page 1739.) [LB255]

I have a priority motion. Senator Avery would move to adjourn the body until Tuesday, June 4, at 10:00 a.m.

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PRESIDENT HEIDEMANN: You have heard the motion to adjourn. All those in favor say aye. All those opposed say nay. We are adjourned.