

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

Floor Debate  
November 09, 2011

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PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the seventh day of the One Hundred Second Legislature, First Special Session. Our chaplain for today is Senator Nelson. Would you all please rise.

SENATOR NELSON: (Prayer offered.)

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

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

PRESIDENT SHEEHY: Are there corrections for the Journal?

CLERK: I have no corrections.

PRESIDENT SHEEHY: Messages, reports, or announcements?

CLERK: I have an Agriculture Committee confirmation report to be recorded in the Journal, Mr. President. That's all that I have at this time. (Legislative Journal page 61.)

PRESIDENT SHEEHY: Thank you, Mr. Clerk. We'll now move to the first item under legislative confirmation reports.

CLERK: Mr. President, a confirmation report this morning from the Government, Military and Veterans Affairs Committee, chaired by Senator Avery, a report on four appointments to the State Emergency Response Commission. (Legislative Journal page 55.)

PRESIDENT SHEEHY: Senator Avery, you're recognized to open on your legislative confirmation report from Government, Military and Veterans Affairs.

SENATOR AVERY: Thank you, Mr. President. Good morning, colleagues. We have...we heard four nominees on November 4. The committee voted unanimously 8-0 to advance all four of these to this body for confirmation. The first is Keith Deiml from Papillion. This is a reappointment. The length of term is from September 2011 to September 2015. He currently serves on the State Emergency Response Commission, assigned to the area of education. SERC supports the local emergency planning

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committees throughout the state. And the mission of the LEPC is to ensure proper training opportunities and awareness of hazardous materials during transportation, storage, and emergency response. Mr. Deiml taught for 28 years computer graphics and emergency management. He also managed for five years a group of 1,300 volunteers who assisted with disaster response in the eastern portion of the state. Our second nominee is Mr. Gary Gandara from Lincoln. This is also a reappointment. His length of service or term will be the same as Mr. Deiml, September 2011 to September 2015. The committee felt that Mr. Gandara is very qualified to serve on the commission. Several questions were asked of him, which he answered satisfactory and in detail. He is currently employed with Burlington Northern Santa Fe Railroad from 1974 to the present. The third nominee is Mr. Mark Maday. He also is from Papillion. This is a new appointment. He was, however, unable to attend the hearing because he was traveling at the time. And we did the confirmation in a rather unusual way. His senator, Senator Jim Smith, appeared on his behalf. The length of this term is from August 2011 to September 2013. Mr. Maday is manager of hazardous materials management for Union Pacific Railroad. His present responsibilities at UP include development and implementation of hazardous materials training programs involving compliance and hazardous materials response. He was a captain in the U.S. Army Reserve, with qualifications in nuclear, biological, and chemical warfare logistics. He is a certified technician in hazardous material emergency responders. And he holds a B.A. degree from Northeastern Illinois University. The final nominee for appointment to the State Emergency Response Commission is Kimberly Plouzek. She is from Dorchester and this also is a reappointment. The length of this term will be from September 2011 to September 2015. She has been employed in public health at the city-county level in Lincoln-Lancaster County. She has primary experience on environmental health issues. She completed NEMA's basic academy training at the Department of Health and Human Services' center and she is well qualified for this position. I ask the Legislature to confirm these four appointments to the State Emergency Response Commission. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Avery. You have heard the opening to the first confirmation report. Are there members requesting to speak? Seeing none, Senator Avery, you're recognized to close. Senator Avery waives closing. The question before the body is on the adoption of the first confirmation report from Government, Military and Veterans Affairs Committee. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 62.) 39 ayes, 0 nays, Mr. President, on adoption of the confirmation report.

PRESIDENT SHEEHY: The confirmation report is adopted. Next item, Mr. Clerk.

CLERK: Mr. President, second report this morning from the Government, Military and

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Veterans Affairs Committee involves an appointment of Lucinda Glen to the State Personnel Board. (Legislative Journal page 55.)

PRESIDENT SHEEHY: Senator Avery, you're recognized to open on the second confirmation report.

SENATOR AVERY: Thank you again, Mr. President. This nominee, Lucinda Glen, is being nominated to the State Personnel Board. We had the hearing on Friday, November 4. The committee voted unanimously 8-0 to advance this nomination to the Legislature for confirmation. Ms. Glen is from Hastings. This is a reappointment to that board. She was unable to attend the committee hearing and we conducted her confirmation by phone. The length of term for this appointment is August 2011 to August 2016. She was legal counsel to the financial institutions division of the Nebraska Department of Banking and Finance from 1989 until summer of 1997, when she became associated with Whelan and Scherr law firm. Ms. Glen graduated with distinction with a B.A. in political science and English from the University of Nebraska-Lincoln in 1981, where she was inducted into the Honors Society of Phi Beta Kappa. She also graduated with distinction with a juris doctor from the University of Nebraska College of Law in 1988, where she served on the Nebraska Law Review and was inducted into an honor society there as well. She is a member of the Nebraska State Bar Association, serving as the chair of the bar association's Government Practice Session for several years and was a member of the bar association's legislation committee for several years. The committee asks that you confirm this appointment. Thank you, Mr. President.

PRESIDENT SHEEHY: Thank you, Senator Avery. You've heard the opening to the second confirmation report. Are there members requesting to speak? Seeing none, Senator Avery, you're recognized to close. Senator Avery waives closing. The question before the body is on the adoption of the confirmation report from Government, Military and Veterans Affairs. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 62-63.) 41 ayes, 0 nays, Mr. President, on adoption of the confirmation report.

PRESIDENT SHEEHY: The second confirmation report is adopted. Senator Haar, for what purpose do you rise?

SENATOR HAAR: Mr. President, I rise for a personal privilege.

PRESIDENT SHEEHY: State your purpose.

SENATOR HAAR: Mr. President, as a member of the Natural Resources Committee, I

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would like to make a few remarks this morning. A number of Nebraskans left the committee hearing last night not feeling welcome. I believe that they were, you know, their crime was that they showed up in the wrong portion of the testimony. They showed up when they were actually against the pipeline. They showed up as neutral. Actually, not just feeling welcome, but I talked to both of them by phone on the way home. One left crying and both of these people are headed towards the Sandhills after our meeting last night. And she said to me, and this is not an exact quote, but she said, I'm not sure that I belonged there tonight. And then I talked to the rancher a little later. And again, he was on his way home after the meeting, driving all the way back because he has work to do tomorrow. And he said, you know, I've not been to the State Capitol before. And, he said, I'm not sure I'll ever go there again. And during the cross-examination that was going on, at one point he bowed his head and said something like this: He said, I'm not sure I'm intelligent enough to be here. And I am angry that we had a citizen that had to say on camera that he may not be intelligent enough to show up before a committee hearing. And that's how he was feeling. I have to tell you a story. I went to a meeting not too long ago, a speaker. And this is one of those thrilling things you hear that just stays with you for a long time. But when Thomas Jefferson was writing the Declaration of Independence, he went through a lot of drafts. He was a very good writer, but he didn't have a word processor, he went through a lot of drafts. And the Library of Congress has many of those early drafts. And he crossed out words and he put in new words and all that sort of thing. But there is one word that nobody has been able to figure out what he crossed out. He crossed it out so completely and very deliberately that you couldn't read it. And he wrote the word "citizen" across the top of that word. And with modern technology, because this is fairly recent, they used some kind of electron beams or whatever and the word that Jefferson had covered up was the word "subject." What a thrilling, what a thrilling insight. For the first time proudly in history somebody recognized that we didn't have to be subjects anymore, that we're citizens. I thank that man, young man for that insight. Citizens are the second house of the Legislature. This is the citizens' place. And as citizens we must treat each other equally. That's what it means to be a citizen. So I'm not any better than Senator Schumacher and I'm not any worse. We're both citizens and we should approach each other that way. And I'm no better or smarter or anything than Cindy Myers and vice versa. As citizens we must treat each other with dignity and respect. We can disagree, yes. But to humiliate because of our position, that puts the person on the other side of the dais as a subject, and they're not subjects, they are citizens. Well, those two folks going home did not feel there was a welcome mat here. And I want to reaffirm that the welcome mat is out, that we want every citizen to know that you are welcome not only in this Chamber and up there but you're welcome in the testimony and the hearing room. This is your house, citizen, citizens, and I want you to feel welcome. Thank you.

PRESIDENT SHEEHY: Thank you, Senator Haar. Mr. Clerk, do you have items for the record?

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CLERK: I have no items, Mr. President. Priority motion: Senator Utter would move to adjourn the body until Thursday morning, November 10, at 9:00 a.m.

PRESIDENT SHEEHY: You have heard the motion to adjourn until Thursday, November 10, at 9:00 a.m. All those in favor say aye. Opposed, nay. We are adjourned.