

TWENTY-NINTH DAY - FEBRUARY 19, 2009**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION****TWENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, February 19, 2009

PRAYER

The prayer was offered by Pastor Barton W. Tarman, Presbyterian Church, Santa Barbara, California.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Nantkes who was excused; and Senators Ashford, Avery, Cornett, Dierks, and Loudon who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-eighth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 74. Placed on Final Reading.

LEGISLATIVE BILL 259. Placed on Final Reading.
ST9007

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 2, "12-1102, 12-1107," has been inserted after the first comma; and in line 3 "72-1268.03," has been inserted before "77-2305".

(Signed) Jeremy Nordquist, Chairperson

UNANIMOUS CONSENT - Room Changes

Senator Carlson asked unanimous consent that the Agriculture Committee conduct its hearing on Tuesday, March 3, 2009, in Room 1510 instead of Room 2102. No objections. So ordered.

Senator Friend asked unanimous consent that the Urban Affairs Committee conduct its hearing on Tuesday, March 3, 2009, in Room 2102 instead of Room 1510. No objections. So ordered.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 18 and 19 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 18 and 19.

SELECT FILE

LEGISLATIVE BILL 5. Senator Langemeier offered the following amendment:

AM383

(Amendments to E & R amendments, ER8014)

- 1 1. On page 1, lines 13 through 16, strike the new matter
- 2 and all amendments thereto and insert "Any county may adopt a
- 3 resolution having the force and effect of law to prohibit the
- 4 trapping of wildlife in the county road right-of-way or in a
- 5 certain area of the right-of-way as designated by the county.
- 6 (b) A person trapping wildlife in a county road
- 7 right-of-way is not allowed to use traps in the county road
- 8 right-of-way that are larger than those allowed by the commission
- 9 as of February 1, 2009, on any land owned or controlled by the
- 10 commission."; and in line 17 strike "(b)", show as stricken, and
- 11 insert "(c)".
- 12 2. Strike AM374.

The Langemeier amendment was adopted with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Senator Friend requested a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 30 ayes, 8 nays, 5 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 53. Senator Haar renewed his amendment, AM340, found on page 471.

SENATOR LANGEMEIER PRESIDING

PRESIDENT SHEEHY PRESIDING

The Haar amendment lost with 4 ayes, 26 nays, 15 present and not voting, and 4 excused and not voting.

Pending.

AMENDMENT - Print in Journal

Senator Wightman filed the following amendment to LB120:
AM380

(Amendments to Final Reading copy)

- 1 1. On page 2, line 17, after "month" insert "or fraction
- 2 thereof".

EXPLANATION OF VOTE

Had I been present, I would have voted "aye" on the adoption of LR11.

(Signed) Tom White

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Thursday, February 26, 2009 1:30 p.m.

LB144
LB292
LB373
LB354
LB208

(Signed) Brad Ashford, Chairperson

Health and Human Services

Room 1510

Thursday, February 26, 2009 1:30 p.m.

Mary Jo Pankoke - Foster Care Review Board
Mario Scalora - Foster Care Review Board
Dave Schroeder - Foster Care Review Board
Georgie Scurfield - Foster Care Review Board

LB515
LB542
LB592

LB599
LB609

(Signed) Tim Gay, Chairperson

SELECT FILE

LEGISLATIVE BILL 53. Senator Haar renewed his amendment, AM332, found on page 484.

Senator Haar withdrew his amendment.

Senator Haar renewed his motion, MO13, found on page 472, to bracket until June 4, 2009.

Senator Haar moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Haar requested a roll call vote on his motion to bracket.

Voting in the affirmative, 6:

Council	McGill	Nordquist
Haar	Mello	White

Voting in the negative, 33:

Adams	Fulton	Heidemann	Nelson	Stuthman
Ashford	Gay	Janssen	Pahls	Sullivan
Carlson	Giese	Karpisek	Pankonin	Utter
Christensen	Gloor	Langemeier	Pirsch	Wallman
Fischer	Hadley	Lautenbaugh	Price	Wightman
Flood	Hansen	Louden	Rogert	
Friend	Harms	McCoy	Schilz	

Present and not voting, 8:

Avery	Coash	Cornett	Howard
Campbell	Cook	Dubas	Lathrop

Excused and not voting, 2:

Dierks	Nantkes
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The Haar motion to bracket failed with 6 ayes, 33 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 28. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 48. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 204. ER8015, found on page 446, was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 331. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 135. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 32. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 7. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 55. Senator Flood renewed his amendment, AM325, found on page 460.

The Flood amendment was adopted with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 20. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 102. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 201. ER8016, found on page 448, was adopted.

Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 165. Title read. Considered.

Committee AM121, found on page 343, was considered.

Pending.

COMMITTEE REPORT

Revenue

LEGISLATIVE BILL 335. Placed on General File.

(Signed) Abbie Cornett, Chairperson

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 202A. Introduced by Fischer, 43.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 202, One Hundred First Legislature, First Session, 2009.

RESOLUTION

LEGISLATIVE RESOLUTION 29. Introduced by Pirsch, 4; Mello, 5; Nordquist, 7.

WHEREAS, a key component of creating and educating a successful generation is a solid background in economic and financial literacy; and

WHEREAS, the universities, colleges, and schools of Nebraska are leading the way by promoting and improving economic literacy for today's students and tomorrow's workers, leaders, citizens, and entrepreneurs; and

WHEREAS, this statewide initiative to advance economic literacy is the mission of the Nebraska Council on Economic Education; and

WHEREAS, the Nebraska Council on Economic Education ensures that all students have an ongoing education in economics and enhances teachers' understanding of economics; and

WHEREAS, the council is a national leader in developing online student academic competitions and standards assessment resources; and

WHEREAS, the council supports five Centers for Economic Education throughout the state, located at the Universities of Nebraska at Kearney, Lincoln, and Omaha and at the state colleges in Chadron and Wayne; and

WHEREAS, the centers work closely and partner with educators in their regions to provide world-class economic and financial literacy education programs to Nebraska's students; and

WHEREAS, the accomplishments of the state's educational organizations should be recognized by the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED FIRST LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature recognizes and congratulates the dedicated staff of the Nebraska Council on Economic Education.

2. That a copy of this resolution be sent to Roger B. Butters, Ph.D., President of the Nebraska Council on Economic Education, Lincoln, Nebraska.

Laid over.

COMMITTEE REPORT

Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Wayne Camara - Technical Advisory Committee for Statewide Assessment
 Brian Gong - Executive Director, Technical Advisory Committee for Statewide Assessment

Linda Poole - Technical Advisory Committee for Statewide Assessment

Richard Sawyer - Technical Advisory Committee for Statewide Assessment

Dallas Watkins - Technical Advisory Committee for Statewide Assessment

Aye: 7 Senators Adams, Avery, Cornett, Giese, Haar, Howard, Sullivan.

Nay: 0. Absent: 1 Senator Ashford.

(Signed) Greg Adams, Chairperson

NOTICE OF COMMITTEE HEARINGS

Appropriations

Room 1524

Monday, March 2, 2009 1:30 p.m.

Agency 48 - Coordinating Commission for Postsecondary Education

Agency 50 - Nebraska State College System

Agency 83 - Community College Aid

Tuesday, March 3, 2009 1:30 p.m.

LB37

LB492

LB454

Agency 47 - Educational Telecommunications Commission, Nebraska
Agency 51 - University of Nebraska System

Room 1003

Wednesday, March 4, 2009 1:30 p.m.

Agency 21 - State Fire Marshal
Agency 35 - Liquor Control Commission, Nebraska
Agency 64 - State Patrol, Nebraska
Agency 78 - Nebraska Commission on Law Enforcement and Criminal
Justice
Agency 46 - Correctional Services, Department of

Thursday, March 5, 2009 1:30 p.m.

Agency 81 - Commission for the Blind and Visually Impaired
Agency 67 - Equal Opportunity Commission
Agency 68 - Mexican-American Commission
Agency 70 - Foster Care Review Board, State
Agency 76 - Indian Commission, Nebraska
Agency 82 - Commission for the Deaf and Hard of Hearing

Room 1524

Monday, March 9, 2009 1:30 p.m.

LB12
LB96
LB569

Agency 71 - Nebraska Energy Office
Agency 18 - Agriculture, Department of
Agency 29 - Natural Resources, Department of
Agency 52 - State Fair Board
Agency 84 - Environmental Quality, Department of

Tuesday, March 10, 2009 1:30 p.m.

LB608

Agency 5 - Supreme Court
Agency 11 - Attorney General
Agency 15 - Parole, Nebraska Board of
Agency 94 - Public Advocacy, Commission on
Agency 9 - Secretary of State

Room 1003

Wednesday, March 11, 2009 1:30 p.m.

LB256
 LB289
 LB124
 LB182
 LB636
 LB298

Agency 31 - Military Department
 Agency 33 - Game and Parks Commission
 Agency 72 - Economic Development, Department of

Thursday, March 12, 2009 1:30 p.m.

LB193

Agency 19 - Banking, Department of
 Agency 22 - Insurance, Department of
 Agency 23 - Labor, Department of
 Agency 87 - Accountability and Disclosure Commission
 Agency 65 - Administrative Services, Department of

Room 1524

Tuesday, March 17, 2009 1:30 p.m.

LB359

Agency 13 - Education, Department of
 Agency 34 - Library Commission, Nebraska
 Agency 69 - Arts Council, Nebraska

Room 1003

Wednesday, March 18, 2009 1:30 p.m.

LB648

Agency 24 - Motor Vehicles, Department of
 Agency 40 - Motor Vehicle Licensing Board, Nebraska
 Agency 17 - Aeronautics, Department of
 Agency 27 - Roads, Department of

Thursday, March 19, 2009 1:30 p.m.

Agency 7 - Governor
Agency 8 - Lieutenant Governor
Agency 10 - Auditor of Public Accounts
Agency 12 - State Treasurer
Agency 14 - Public Service Commission
Agency 3 - Legislative Council

Friday, March 20, 2009 1:30 p.m.

Agency 28 - Veterans' Affairs, Department of
Agency 37 - Workers' Compensation Court
Agency 75 - Investment Council, Nebraska
Agency 77 - Industrial Relations, Commission of
Agency 85 - Public Employees Retirement Board, Nebraska

Room 1524

Monday, March 23, 2009 1:30 p.m.

LB269
LB572
LB459
LB369

Agency 25 - Health and Human Services

Tuesday, March 24, 2009 1:30 p.m.

LB169
LB178
LB236
LB468

Agency 25 - Health and Human Services

(Signed) Lavon Heidemann, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senator Gay asked unanimous consent to add his name as cointroducer to LB458. No objections. So ordered.

Senator Howard asked unanimous consent to add her name as cointroducer to LB506. No objections. So ordered.

Senator Mello asked unanimous consent to add his name as cointroducer to LB532. No objections. So ordered.

Senators Fischer and Langemeier asked unanimous consent to add their names as cointroducers to LB561. No objections. So ordered.

Senators Price and Schilz asked unanimous consent to add their names as cointroducers to LB675. No objections. So ordered.

VISITORS

Visitors to the Chamber were Jackie Lemmer from Chambers; and Senator McCoy's brother, Bart McCoy, from Omaha.

The Doctor of the Day was Dr. Nathan DeNell from Lincoln.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator Schilz, the Legislature adjourned until 9:00 a.m., Friday, February 20, 2009.

Patrick J. O'Donnell
Clerk of the Legislature

