

EIGHTY-SIXTH DAY - MAY 28, 2009
LEGISLATIVE JOURNAL
ONE HUNDRED FIRST LEGISLATURE
FIRST SESSION

EIGHTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 28, 2009

PRAYER

The prayer was offered by Father Paul Rutten, Lincoln.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senators Haar and Lautenbaugh who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-fifth day was approved.

COMMITTEE REPORT

Urban Affairs

LEGISLATIVE BILL 525. Placed on General File.

(Signed) Mike Friend, Chairperson

COMMITTEE REPORT

Executive Board

LEGISLATIVE RESOLUTION 224. Reported to the Legislature for further consideration with the following amendment:

AM1508

- 1 1. Strike the first Resolved clause and insert:
- 2 "1. That the Legislature calls for the establishment of a
- 3 task force to be known as the Budget Reform Task Force. The members
- 4 of the Appropriations Committee of the Legislature shall serve as
- 5 the members of the task force. The task force shall terminate on
- 6 June 30, 2010."

(Signed) John Wightman, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 259. Introduced by Fischer, 43; Adams, 24; Ashford, 20; Campbell, 25; Carlson, 38; Coash, 27; Cook, 13; Council, 11; Dubas, 34; Friend, 10; Giese, 17; Gloor, 35; Haar, 21; Hadley, 37; Hansen, 42; Heidemann, 1; Langemeier, 23; Lautenbaugh, 18; Louden, 49; McGill, 26; Nantkes, 46; Nelson, 6; Nordquist, 7; Pahls, 31; Pankonin, 2; Schilz, 47; Sullivan, 41; Utter, 33; Wallman, 30; White, 8.

WHEREAS, Carrie Ann Stacy Howard was born to Gwen and David Howard in Omaha, Nebraska, on July 16, 1975; and

WHEREAS, Carrie was an alumnus of Omaha Central High School; and

WHEREAS, Carrie began working on political campaigns at the age of four and as an adult became a political activist and consultant; and

WHEREAS, Carrie worked on presidential, congressional, state, and local campaign races and frequently attended political rallies and events; and

WHEREAS, Carrie was an active member of the Gifford Park Neighborhood Association; and

WHEREAS, Carrie volunteered for numerous human services organizations serving children and families in need; and

WHEREAS, Carrie was a bright, energetic young woman who peacefully passed on Tuesday, March 24, 2009; and

WHEREAS, Carrie's mother, Senator Gwen Howard, her sister, Sara Howard, her fiancé, Jarod Schulz, and many other family members and friends loved her very much.

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

1. That the Legislature honors the memory of Carrie Ann Stacy Howard and her many contributions and achievements.

2. That the Legislature expresses and extends its sympathy and condolences to the family of Carrie Ann Stacy Howard.

3. That a copy of this resolution be sent to the family of Carrie Ann Stacy Howard.

Laid over.

COMMUNICATION

Letter of resignation from Senator Gay from the Developmental Disabilities Special Investigative Committee erected by LR11 (2009).

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB35 with 41 ayes, 1 nay, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 35. With Emergency Clause.

A BILL FOR AN ACT relating to legal process; to amend sections 21-2601, 23-1205, 24-301.02, 24-517, 25-505.01, 25-506.01, 25-507.01, 25-1144, 25-1628, 25-1708, 25-1801, 25-2405, 25-2721, 25-3007, 25-3008, 27-1201, 30-2302, 30-2485, 30-2487, 30-24.125, 30-24.129, 33-107.03, 33-117, 34-301, 43-103, 43-1314.02, 43-3001, 43-3713, 81-1429, and 84-917, Reissue Revised Statutes of Nebraska; to provide restrictions regarding judgments against limited liability companies; to change provisions relating to appointment of acting county attorneys and the number of district court judges; to change jurisdiction provisions regarding county and district courts; to change provisions relating to service of process, applications for new trial, juror lists, recovery of costs of actions, interpreters for official proceedings, execution on judgments, civil legal services for low-income persons, unanticipated outcomes of medical care, decedents' estates, corners and boundaries of real estate, petitions for adoption, foster care information forms, confidential information concerning children, court appointed special advocate volunteers, and judicial review under the Administrative Procedure Act; to change court automation, sheriffs', and Law Enforcement Improvement Fund fees; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Adams	Dubas	Harms	Mello	Stuthman
Ashford	Fischer	Heidemann	Nantkes	Sullivan
Avery	Flood	Howard	Nelson	Utter
Campbell	Friend	Janssen	Nordquist	Wallman
Carlson	Fulton	Karpisek	Pahls	White
Christensen	Gay	Langemeier	Pankonin	Wightman
Coash	Giese	Lathrop	Pirsch	
Cook	Gloor	Louden	Price	
Cornett	Hadley	McCoy	Rogert	
Dierks	Hansen	McGill	Schilz	

Voting in the negative, 1:

Council

Excused and not voting, 2:

Haar Lautenbaugh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 35A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 35, One Hundred First Legislature, First Session, 2009; to reduce appropriations; to provide an operative date; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Adams	Dubas	Harms	Mello	Stuthman
Ashford	Fischer	Heidemann	Nantkes	Sullivan
Avery	Flood	Howard	Nelson	Utter
Campbell	Friend	Janssen	Nordquist	Wallman
Carlson	Fulton	Karpisek	Pahls	White
Christensen	Gay	Langemeier	Pankonin	Wightman
Coash	Giese	Lathrop	Pirsch	
Cook	Gloor	Louden	Price	
Cornett	Hadley	McCoy	Rogert	
Dierks	Hansen	McGill	Schilz	

Voting in the negative, 1:

Council

Excused and not voting, 2:

Haar Lautenbaugh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 36.

A BILL FOR AN ACT relating to the death penalty; to amend sections 29-2532, 29-2533, 29-2534, 29-2535, 29-2536, 29-2537, 29-2538, 29-2539, 29-2540, 29-2541, 29-2542, 29-2543, and 29-2546, Reissue Revised Statutes of Nebraska; to change the method of and procedure for inflicting the death penalty; to provide, change, and eliminate certain powers and duties for the Director of Correctional Services and the Department of Correctional Services; to change certain duties of the Supreme Court; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide severability; to repeal the original sections; and to outright repeal sections 29-2544 and 29-2545, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 34:

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

Voting in the negative, 12:

Coash	Dierks	Lathrop	Nantkes
Cook	Dubas	McGill	Nordquist
Council	Howard	Mello	Wallman

Present and not voting, 1:

Avery

Excused and not voting, 2:

Haar Lautenbaugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB285 with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 285. With Emergency Clause.

A BILL FOR AN ACT relating to criminal procedure; to amend sections 29-2264, 29-4004, 29-4005, 29-4009, 29-4011, 29-4013, 29-4016, and 83-174.03, Reissue Revised Statutes of Nebraska, sections 29-4003, 29-4006, and 29-4007, Reissue Revised Statutes of Nebraska, as amended by sections 25, 26, and 27, respectively, Legislative Bill 97, One Hundred First Legislature, First Session, 2009, and sections 14 and 24, Legislative Bill 97, One Hundred First Legislature, First Session, 2009; to change and eliminate provisions relating to the Sex Offender Registration Act; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal section 29-4010, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 46:

Adams	Dubas	Harms	Mello	Stuthman
Ashford	Fischer	Heidemann	Nantkes	Sullivan
Avery	Flood	Howard	Nelson	Utter
Campbell	Friend	Janssen	Nordquist	Wallman
Carlson	Fulton	Karpisek	Pahls	White
Christensen	Gay	Langemeier	Pankonin	Wightman
Coash	Giese	Lathrop	Pirsch	
Cook	Gloor	Louden	Price	
Cornett	Hadley	McCoy	Rogert	
Dierks	Hansen	McGill	Schilz	

Voting in the negative, 1:

Council

Excused and not voting, 2:

Haar Lautenbaugh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 35, 35A, 36, and 285.

RESOLUTION

LEGISLATIVE RESOLUTION 260. Introduced by White, 8.

WHEREAS, the Omaha Marian High School girls' tennis team won the 2009 Class A Girls' State Tennis Championship; and

WHEREAS, Omaha Marian earned a perfect score of sixty points in the championship matches; and

WHEREAS, team co-captain Anna Kirshenbaum won her fourth straight No. 1 doubles title, making her only the third person in state history to win four times at any one division and the first at No. 1 doubles; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Omaha Marian High School girls' tennis team on winning the 2009 Class A Girls' State Tennis Championship with a perfect score of sixty points, a first for Class A.

2. That Anna Kirshenbaum be congratulated for her efforts as co-captain and for winning her fourth straight No. 1 doubles title.

3. That a copy of this resolution be sent to the Omaha Marian High School girls' tennis team and their head coach, Beth Dye.

Laid over.

MOTION - Override Veto on LB626

Senator Karpisek renewed his motion, MO64, found on page 1740, that LB626 becomes law notwithstanding the objections of the Governor.

Senator Price moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 7 nays, and 11 not voting.

Senator Karpisek moved for a call of the house. The motion prevailed with 40 ayes, 0 nays, and 9 not voting.

Senator Karpisek requested a roll call vote on his motion to override the Governor's veto.

Whereupon the President stated: "The question shall be, 'Shall the bill pass notwithstanding the objections of the Governor?' "

Voting in the affirmative, 35:

Adams	Cornett	Gloor	Lathrop	Price
Avery	Council	Hadley	McGill	Rogert
Campbell	Dierks	Harms	Mello	Schilz
Carlson	Dubas	Heidemann	Nantkes	Utter
Christensen	Fischer	Howard	Nordquist	Wallman
Coash	Flood	Karpisek	Pahls	White
Cook	Giese	Langemeier	Pankonin	Wightman

Voting in the negative, 10:

Friend	Gay	Janssen	McCoy	Pirsch
Fulton	Hansen	Louden	Nelson	Sullivan

Present and not voting, 2:

Ashford	Stuthman
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Excused and not voting, 2:

Haar	Lautenbaugh
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Having received a constitutional three-fifths majority voting in the affirmative, the bill passed notwithstanding the objections of the Governor.

The Chair declared the call raised.

COMMUNICATION

May 28, 2009

The Honorable John Gale
 Secretary of State
 2300 State Capitol
 Lincoln, NE 68509

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB626 with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB626, notwithstanding the objections of the Governor.

Sincerely,
 (Signed) Patrick J. O'Donnell
 Clerk of the Legislature

PJO:jk
 Enc.

CERTIFICATE

Legislative Bill 626, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, has become law this 28th day of May 2009.

(Signed) Michael Flood
President of the Legislature

PRESENTED TO THE GOVERNOR

Presented to the Governor on May 28, 2009, at 9:35 a.m. were the following: LBs 35e, 35Ae, 36, and 285e.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 35, 35A, and 285. I would have voted "nay" on final passage of LB36.

(Signed) Ken Haar

COMMITTEE REPORT

Business and Labor

LEGISLATIVE BILL 573. Placed on General File with amendment.
AM807

- 1 1. Strike section 1 and insert the following new section:
- 2 Section 1. Section 48-2503, Revised Statutes Cumulative
- 3 Supplement, 2008, is amended to read:
- 4 48-2503 ~~(4)~~(1)(a) The Conveyance Advisory Committee is
- 5 created. One member shall be the state elevator inspector appointed
- 6 pursuant to section 48-2512.01. One member shall be the State Fire
- 7 Marshal or his or her designee. The Governor shall appoint the
- 8 remaining members of the committee as follows: One representative
- 9 from a major elevator manufacturing company; one representative
- 10 from an elevator servicing company; one representative who is a
- 11 building manager; one representative who is an elevator mechanic;
- 12 and except as provided in subdivision (b) of this subsection, one
- 13 representative of the general public from each county that has
- 14 a population of more than one hundred thousand inhabitants.~~The~~
- 15 ~~committee shall be appointed within ninety days after January 1,~~
- 16 ~~2008.~~
- 17 (b) On and after the effective date of this act, as
- 18 the term of each representative of the general public from a
- 19 county that has a population of more than one hundred thousand
- 20 inhabitants expires, the Governor shall fill such expired terms

21 with representatives from three different counties of the state,
 22 one of whom shall represent urban interests, one of whom shall
 23 represent suburban interests, and one of whom shall represent rural
 1 interests of the general public. A representative of the general
 2 public who is serving on the committee as of the effective date of
 3 this act may be eligible for reappointment when his or her term
 4 expires if he or she is eligible under the criteria established by
 5 this subdivision.

6 (2) The members of the committee appointed by the
 7 Governor shall serve for terms of three years, except that of
 8 the initial members appointed, two shall serve for terms of one
 9 year and three shall serve for terms of two years. The state
 10 elevator inspector and the State Fire Marshal or his or her
 11 designee shall serve continuously. The appointed members shall be
 12 reimbursed for their actual and necessary expenses for service
 13 on the committee as provided in sections 81-1174 to 81-1177. The
 14 members of the committee shall elect a chairperson who shall be the
 15 deciding vote in the event of a tie vote.

16 (3) ~~The committee shall meet and organize within thirty~~
 17 ~~days after the appointment of the members.~~ The committee shall meet
 18 quarterly at a time and place to be fixed by the committee for the
 19 consideration of code regulations and for the transaction of such
 20 other business as properly comes before it. Special meetings may be
 21 called by the chairperson or at the request of two or more members
 22 of the committee. Any appointed committee member absent from three
 23 consecutive meetings shall be dismissed.

24 2. On page 3, line 20, strike "stair chairs" and insert
 25 "stairway chair lifts".

26 3. On page 6, line 11, strike "Stairway", show as
 27 stricken, and insert "If installed in a private residence,
 1 stairway".

(Signed) Steve Lathrop, Chairperson

COMMUNICATION

Letter of resignation from Senator Adams from the Developmental Disabilities Special Investigative Committee erected by LR11 (2009).

RESOLUTION

LEGISLATIVE RESOLUTION 261. Introduced by Price, 3; Friend, 10.

WHEREAS, the 101st Airborne Division (Air Assault) is an air assault division of the United States Army; and

WHEREAS, nicknamed the "Screaming Eagles", the 101st Airborne Division has consistently distinguished itself by demonstrating the highest standards of military professionalism since its activation; and

WHEREAS, General Order Number 5, which gave birth to the division, reads: "The 101st Airborne Division, which was activated on August 16, 1942, at Camp Claiborne, Louisiana, has no history, but it has a rendezvous with destiny."; and

WHEREAS, the 101st Airborne Division has been deployed in World War II, the Vietnam War, Operation Desert Storm, and the Global War on Terror and has engaged in peace-keeping and relief efforts in Rwanda, Somalia, Haiti, and Bosnia; and

WHEREAS, since its activation in 1942, a number of Nebraskans have served honorably in the 101st Airborne Division.

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

1. That the Legislature extends its appreciation to the 101st Airborne Division and to those Nebraskans who have served in the 101st Airborne Division.

2. That a copy of this resolution be sent to the Commanding General of the 101st Airborne Division, Major General Jeffrey J. Schloesser.

Laid over.

PRESIDENT SHEEHY PRESIDING

RESOLUTIONS

LEGISLATIVE RESOLUTION 125. Read. Considered.

LR125 was adopted with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

LEGISLATIVE RESOLUTION 171. Read. Considered.

Committee AM1507, found on page 1743, was adopted with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

LR171, as amended, was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

LEGISLATIVE RESOLUTION 257. Read. Considered.

LR257 was adopted with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

MOTIONS - Approve Appointments

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1600:

State Racing Commission
Janell Beveridge

Voting in the affirmative, 37:

Adams	Cornett	Harms	Mello	Schilz
Ashford	Dubas	Howard	Nantkes	Sullivan
Avery	Fischer	Janssen	Nelson	Wallman
Campbell	Friend	Karpisek	Nordquist	White
Carlson	Fulton	Langemeier	Pahls	Wightman
Christensen	Gloor	Lathrop	Pankonin	
Coash	Hadley	McCoy	Pirsch	
Cook	Hansen	McGill	Price	

Voting in the negative, 0.

Present and not voting, 9:

Council	Flood	Giese	Rogert	Utter
Dierks	Gay	Heidemann	Stuthman	

Excused and not voting, 3:

Haar Lautenbaugh Louden

The appointment was confirmed with 37 ayes, 0 nays, 9 present and not voting, and 3 excused and not voting.

Senator Langemeier moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 1654:

Nebraska Ethanol Board
Galen Frenzen
Paul Kenney

Voting in the affirmative, 38:

Adams	Cornett	Hansen	McCoy	Pirsch
Ashford	Dubas	Harms	McGill	Rogert
Avery	Fischer	Heidemann	Mello	Schilz
Campbell	Flood	Howard	Nantkes	Wallman
Carlson	Friend	Janssen	Nelson	White
Christensen	Fulton	Karpisek	Nordquist	Wightman
Coash	Gloor	Langemeier	Pahls	
Cook	Hadley	Lathrop	Pankonin	

Voting in the negative, 0.

Present and not voting, 8:

Council	Gay	Price	Sullivan
Dierks	Giese	Stuthman	Utter

Excused and not voting, 3:

Haar	Lautenbaugh	Louden
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The appointments were confirmed with 38 ayes, 0 nays, 8 present and not voting, and 3 excused and not voting.

Senator Carlson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 1670:

Climate Assessment Response Committee
Al Berndt

Voting in the affirmative, 41:

Adams	Dierks	Hansen	McGill	Schilz
Ashford	Dubas	Harms	Mello	Sullivan
Avery	Fischer	Heidemann	Nelson	Wallman
Campbell	Flood	Howard	Nordquist	White
Carlson	Friend	Janssen	Pahls	Wightman
Christensen	Fulton	Karpisek	Pankonin	
Coash	Giese	Langemeier	Pirsch	
Cook	Gloor	Lathrop	Price	
Cornett	Hadley	Louden	Rogert	

Voting in the negative, 0.

Present and not voting, 6:

Council	McCoy	Stuthman
Gay	Nantkes	Utter

Excused and not voting, 2:

Haar Lautenbaugh

The appointment was confirmed with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Senator Carlson moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 1671:

Nebraska State Fair Board
William Marshall III

Voting in the affirmative, 40:

Adams	Dierks	Hansen	Louden	Price
Avery	Dubas	Harms	McGill	Rogert
Campbell	Fischer	Heidemann	Mello	Schilz
Carlson	Flood	Howard	Nelson	Sullivan
Christensen	Friend	Janssen	Nordquist	Utter
Coash	Giese	Karpisek	Pahls	Wallman
Cook	Gloor	Langemeier	Pankonin	White
Cornett	Hadley	Lathrop	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 7:

Ashford	Fulton	McCoy	Stuthman
Council	Gay	Nantkes	

Excused and not voting, 2:

Haar Lautenbaugh

The appointment was confirmed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Senator Pankonin moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 1695:

Public Employees Retirement Board
Denis Blank
Glenn Elwell
Mark Shepard

Voting in the affirmative, 38:

Adams	Cornett	Harms	Mello	Schilz
Ashford	Dierks	Heidemann	Nelson	Sullivan
Avery	Dubas	Howard	Nordquist	Utter
Campbell	Fischer	Janssen	Pahls	Wallman
Carlson	Friend	Karpisek	Pankonin	White
Christensen	Giese	Lathrop	Pirsch	Wightman
Coash	Gloor	Louden	Price	
Cook	Hansen	McGill	Rogert	

Voting in the negative, 0.

Present and not voting, 9:

Council	Fulton	Hadley	McCoy	Stuthman
Flood	Gay	Langemeier	Nantkes	

Excused and not voting, 2:

Haar	Lautenbaugh
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The appointments were confirmed with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1710:

Nebraska Accountability and Disclosure Commission
Kevin Brostrom

Voting in the affirmative, 40:

Adams	Cornett	Hadley	Lathrop	Price
Ashford	Dierks	Hansen	Louden	Rogert
Avery	Dubas	Harms	McCoy	Schilz
Campbell	Fischer	Heidemann	McGill	Sullivan
Carlson	Flood	Howard	Mello	Utter
Christensen	Friend	Janssen	Nordquist	Wallman
Coash	Giese	Karpisek	Pahls	White
Cook	Gloor	Langemeier	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 7:

Council	Gay	Nelson	Stuthman
Fulton	Nantkes	Pankonin	

Excused and not voting, 2:

Haar Lautenbaugh

The appointment was confirmed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 1719:

Nebraska Liquor Control Commission
Janice Wiebusch

Voting in the affirmative, 40:

Adams	Dierks	Harms	McCoy	Pirsch
Ashford	Dubas	Heidemann	McGill	Price
Avery	Fischer	Howard	Mello	Rogert
Campbell	Friend	Janssen	Nantkes	Schilz
Carlson	Giese	Karpisek	Nelson	Sullivan
Christensen	Gloor	Langemeier	Nordquist	Wallman
Cook	Hadley	Lathrop	Pahls	White
Cornett	Hansen	Louden	Pankonin	Wightman

Voting in the negative, 0.

Present and not voting, 7:

Coash	Flood	Gay	Utter
Council	Fulton	Stuthman	

Excused and not voting, 2:

Haar Lautenbaugh

The appointment was confirmed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Senator Lathrop moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 1719:

Commission of Industrial Relations
Loren Lindahl

Voting in the affirmative, 39:

Adams	Dubas	Harms	McCoy	Pirsch
Avery	Fischer	Heidemann	McGill	Price
Campbell	Flood	Howard	Mello	Rogert
Carlson	Friend	Janssen	Nantkes	Schilz
Christensen	Giese	Karpisek	Nelson	Sullivan
Cook	Gloor	Langemeier	Nordquist	Wallman
Cornett	Hadley	Lathrop	Pahls	White
Dierks	Hansen	Louden	Pankonin	

Voting in the negative, 0.

Present and not voting, 8:

Ashford	Council	Gay	Utter
Coash	Fulton	Stuthman	Wightman

Excused and not voting, 2:

Haar	Lautenbaugh
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The appointment was confirmed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Senator Adams moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1736:

Coordinating Commission for Postsecondary Education

Colleen Adam

Ronald Hunter

Eric Seacrest

Voting in the affirmative, 42:

Adams	Dierks	Harms	McGill	Schilz
Avery	Dubas	Heidemann	Mello	Sullivan
Campbell	Fischer	Howard	Nantkes	Utter
Carlson	Flood	Janssen	Nelson	Wallman
Christensen	Friend	Karpisek	Nordquist	White
Coash	Giese	Langemeier	Pahls	Wightman
Cook	Gloor	Lathrop	Pirsch	
Cornett	Hadley	Louden	Price	
Council	Hansen	McCoy	Rogert	

Voting in the negative, 0.

Present and not voting, 5:

Ashford	Fulton	Gay	Pankonin	Stuthman
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Excused and not voting, 2:

Haar Lautenbaugh

The appointments were confirmed with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 1744:

Motor Vehicle Industry Licensing Board

Paul Gerber

Roy Neneman

Voting in the affirmative, 43:

Adams	Dubas	Heidemann	Mello	Schilz
Avery	Fischer	Howard	Nantkes	Stuthman
Campbell	Flood	Janssen	Nelson	Sullivan
Carlson	Friend	Karpisek	Nordquist	Utter
Christensen	Giese	Langemeier	Pahls	Wallman
Coash	Gloor	Lathrop	Pankonin	White
Cook	Hadley	Louden	Pirsch	Wightman
Cornett	Hansen	McCoy	Price	
Dierks	Harms	McGill	Rogert	

Voting in the negative, 0.

Present and not voting, 4:

Ashford Council Fulton Gay

Excused and not voting, 2:

Haar Lautenbaugh

The appointments were confirmed with 43 ayes, 0 nays, 4 present and not voting, and 2 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 242. Read. Considered.

LEGISLATIVE RESOLUTION 243. Read. Considered.

LEGISLATIVE RESOLUTION 244. Read. Considered.

LEGISLATIVE RESOLUTION 246. Read. Considered.

LEGISLATIVE RESOLUTION 247. Read. Considered.

LEGISLATIVE RESOLUTION 248. Read. Considered.

LEGISLATIVE RESOLUTION 249. Read. Considered.

LEGISLATIVE RESOLUTION 250. Read. Considered.

LEGISLATIVE RESOLUTION 251. Read. Considered.

LEGISLATIVE RESOLUTION 252. Read. Considered.

LEGISLATIVE RESOLUTION 253. Read. Considered.

LEGISLATIVE RESOLUTION 254. Read. Considered.

LEGISLATIVE RESOLUTION 255. Read. Considered.

LEGISLATIVE RESOLUTION 256. Read. Considered.

Senator Langemeier moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 35 ayes, 5 nays, and 9 not voting.

LEGISLATIVE RESOLUTION 258. Read. Considered.

LRs 242, 243, 244, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, and 258 were adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 125, 257, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, and 258.

MOTION - Print in Journal

Senator Flood filed the following motion:

Suspend Rule 6, Section 3, and Rule 7, Sections 3 and 7, and to indefinitely postpone the following bills whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed: LBs 39, 47, 64, 71, 76, 103, 104, 128, 132, 145, 172, 172A, 173, 199, 220, 250, 221, 233, 273, 287, 290, 290A, 305, 335, 338, 354, 367, 371, 374, 375, 390, 429, 451, 462, 471, 515, 530, 588, 599, and 647.

RESOLUTIONS

LEGISLATIVE RESOLUTION 262. Introduced by Education Committee: Adams, 24, Chairperson; Ashford, 20; Avery, 28; Cornett, 45; Giese, 17; Howard, 9; Sullivan, 41.

PURPOSE: The purpose of this interim study is to examine issues related to postsecondary education.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 263. Introduced by Revenue Committee: Cornett, 45, Chairperson; Adams, 24; Dierks, 40; Friend, 10; Hadley, 37; Loudon, 49; Utter, 33; White, 8.

PURPOSE: To investigate and review matters and issues arising during the interim which are within the jurisdiction of the Revenue Committee of the Legislature.

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

1. That the Revenue Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 264. Introduced by Pahls, 31.

WHEREAS, Bill and Evonne Williams, of Omaha, spearheaded the Heartland Honor Flights in 2008 and 2009; and

WHEREAS, the Heartland Honor Flights were initiated by Mr. and Mrs. Williams to pay tribute to the veterans of World War II, the Greatest Generation; and

WHEREAS, Mr. and Mrs. Williams solicited contributions from business leaders and private contributors to cover the costs of the flights and arrangements for the veterans and guardians to travel to Washington, D.C.; and

WHEREAS, eight flights transported over 1,500 midland veterans to Washington, D.C., to view the national World War II Memorial created in their honor; and

WHEREAS, the Honor Flights brought veterans and their families back together to recognize the contributions of the Greatest Generation; and

WHEREAS, many of the honored veterans expressed that the experience and recognition were the highlight of their lives; and

WHEREAS, military representatives assisted in the transportation and logistics of the flights; and

WHEREAS, many of the veterans who made the flights were honored again at a dinner reunion held in Omaha over the Memorial Day weekend; and

WHEREAS, a traveling Memorial Wall inscribed with the names of every member of the military killed in World War II through the Persian Gulf War was brought to Omaha, and veterans were given a private display for the Honor Flight participants.

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

1. That the Legislature recognizes the efforts of Bill and Evonne Williams in spearheading the Heartland Honor Flights.

2. That a copy of this resolution be sent to Bill and Evonne Williams.

Laid over.

COMMITTEE REPORT Enrollment and Review

Correctly Enrolled

The following resolution was correctly enrolled: LR171.

(Signed) Jeremy Nordquist, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 171. Introduced by Ashford, 20; Council, 11.

With the April 24th announcement by the Director of Correctional Services that the State of Nebraska's correctional institutions have reached a level of one hundred forty percent of capacity, Nebraska statutes require notification of the Governor with a recommendation as to what should be done to address the issue of capacity. This recent level of incarceration provides an opportunity for the state to address the proper sentencing of individuals for violations of the Nebraska Criminal Code and an opportunity to assess the degree to which the state is successful in rehabilitating individuals sentenced to Nebraska correctional institutions, particularly when viewed through the reentry of these convicted individuals into

Nebraska communities. Failure to provide proven and adequate reentry programming contributes to the recidivism of previously convicted individuals, who then end up back in Nebraska correctional institutions, thereby further increasing Nebraska's rate of incarceration.

The Legislature, recognizing that a prolonged period of high incarceration rates places a pronounced strain on the state's fiscal resources, believes it to be imperative to implement adequate measures to address sentencing and rehabilitative programs for individuals incarcerated in Nebraska correctional institutions.

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

1. That the Legislature hereby calls for the Executive Board of the Legislative Council to meet forthwith and appoint a task force to be known as the Sentencing and Recidivism Task Force. The task force shall consist of seven members of the Legislature appointed by the Executive Board. The task force shall elect a chairperson and vice-chairperson from the membership of the task force. The Judiciary Committee of the Legislature shall provide staff support for the task force.

2. The Sentencing and Recidivism Task Force is authorized to study the sentencing of juveniles and adults to Nebraska correctional institutions for rehabilitative purposes, including the associated fiscal impact. The task force shall study issues relating to the reentry of these juveniles and adults into Nebraska communities, including, but not limited to, the sufficiency and effectiveness of the rehabilitative and reentry programs, the number of spaces available for these programs, and the effectiveness of these programs in reducing the rate of recidivism. Finally, the task force shall study the sentencing of individuals convicted of crimes for equality of sentencing for the same or similar crimes statewide. The task force shall issue a report of its findings and recommendations to the Legislature on or before January 1, 2011, and shall terminate on January 1, 2011.

ANNOUNCEMENT

Senator Wightman announced the Executive Board will meet Friday, May 29, 2009, at 11:00 a.m. in Room 2102.

VISITORS

Visitors to the Chamber were 39 fourth-grade students and teachers from Cody Elementary, Omaha; 52 fourth-grade students from Harvey Oaks Elementary, Millard; Dr. Mark and Sue Davis from Norfolk; former Senator Dan Fisher's wife, Alice Fisher, from Grand Island; Tony Gomez from Jackson; 61 fourth-grade students, teachers, and sponsors from Bryan Elementary, Millard; and Michelle Hupp from Albion.

The Doctor of the Day was Dr. Brad Hupp from Albion.

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Nelson, the Legislature adjourned until 1:30 p.m., Friday, May 29, 2009.

Patrick J. O'Donnell
Clerk of the Legislature

