

NINETIETH DAY - JUNE 3, 2005

LEGISLATIVE JOURNAL

**NINETY-NINTH LEGISLATURE
FIRST SESSION**

NINETIETH DAY

Legislative Chamber, Lincoln, Nebraska
Friday, June 3, 2005

PRAYER

The prayer was offered by Bishop Ann Sherer, United Methodist Churches of Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brown, Landis, Synowiecki, and Thompson who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighty-ninth day was approved.

**STANDING COMMITTEE REPORT
Education**

LEGISLATIVE BILL 239. Placed on General File.

(Signed) Ron Raikes, Chairperson

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of June 3, 2005, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

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

Bromm, Curt
Papillion - La Vista Public Schools

Ruth Mueller Robak LLC
Metro Omaha Theme Park

REPORTS

The following reports were received by the Legislature:

Investment Finance Authority

2005 Series A & B Single Family Housing Revenue Bonds Notice

Performance Audit Committee, Legislative

Nebraska Medicaid Program's Collection of Improper Payments

Roads, Department of

Board of Examiners for County Highway and City Street Superintendents
Thirty-Fifth Annual Report

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 645.

A BILL FOR AN ACT relating to telecommunications and technology; to amend sections 25-2602.01 and 86-575, Revised Statutes Supplement, 2004; to define terms; to prohibit agencies, political subdivisions, and public power suppliers from providing certain technology-based services as prescribed; to create a task force; to eliminate provisions relating to county telephone systems; to harmonize provisions; to repeal the original sections; and to outright repeal sections 86-581 to 86-592, Revised Statutes Supplement, 2004.

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, 37:

Aguilar	Cudaback	Heidemann	McDonald	Redfield
Baker	Cunningham	Hudkins	Mines	Schrock
Beutler	Engel	Janssen	Pahls	Smith
Brashear	Erdman	Jensen	Pedersen, Dw.	Stuhr
Burling	Fischer	Johnson	Pederson, D.	Wehrbein
Byars	Flood	Kopplin	Preister	
Combs	Foley	Kremer	Price	
Cornett	Friend	Langemeier	Raikes	

Voting in the negative, 8:

Chambers	Howard	Landis	Schimek
Connealy	Kruse	Louden	Stuthman

Present and not voting, 1:

Bourne

Excused and not voting, 3:

Brown Synowiecki Thompson

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

LEGISLATIVE BILL 71A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 645, Ninety-ninth Legislature, First Session, 2005.

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, 43:

Aguilar	Cudaback	Howard	Langemeier	Raikes
Baker	Cunningham	Hudkins	Louden	Redfield
Beutler	Engel	Janssen	McDonald	Schimek
Brashear	Erdman	Jensen	Mines	Schrock
Burling	Fischer	Johnson	Pahls	Smith
Byars	Flood	Kopplin	Pedersen, Dw.	Stuhr
Combs	Foley	Kremer	Pederson, D.	Wehrbein
Connealy	Friend	Kruse	Preister	
Cornett	Heidemann	Landis	Price	

Voting in the negative, 2:

Chambers Stuthman

Present and not voting, 1:

Bourne

Excused and not voting, 3:

Brown Synowiecki Thompson

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

LEGISLATIVE BILL 589.

A BILL FOR AN ACT relating to state benefit programs; to amend section 44-1540, Reissue Revised Statutes of Nebraska; to state intent; to define terms; to provide duties for insurers; to require coordination of benefits; to provide penalties; to provide severability; and to repeal the original section.

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, 45:

Aguilar	Cornett	Heidemann	Landis	Price
Baker	Cudaback	Howard	Langemeier	Raikes
Beutler	Cunningham	Hudkins	Louden	Redfield
Brashear	Engel	Janssen	McDonald	Schimek
Burling	Erdman	Jensen	Mines	Schrock
Byars	Fischer	Johnson	Pahls	Smith
Chambers	Flood	Kopplin	Pedersen, Dw.	Stuhr
Combs	Foley	Kremer	Pederson, D.	Stuthman
Connealy	Friend	Kruse	Preister	Wehrbein

Voting in the negative, 0.

Present and not voting, 1:

Bourne

Excused and not voting, 3:

Brown Synowiecki Thompson

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

LEGISLATIVE BILL 589A.

A BILL FOR AN ACT relating to appropriations; to reduce an appropriation to aid in carrying out the provisions of Legislative Bill 589, Ninety-ninth Legislature, First Session, 2005.

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, 45:

Aguilar	Cornett	Heidemann	Landis	Price
Baker	Cudaback	Howard	Langemeier	Raikes
Beutler	Cunningham	Hudkins	Louden	Redfield
Brashear	Engel	Janssen	McDonald	Schimek
Burling	Erdman	Jensen	Mines	Schrock
Byars	Fischer	Johnson	Pahls	Smith
Chambers	Flood	Kopplin	Pedersen, Dw.	Stuhr
Combs	Foley	Kremer	Pederson, D.	Stuthman
Connealy	Friend	Kruse	Preister	Wehrbein

Voting in the negative, 0.

Present and not voting, 1:

Bourne

Excused and not voting, 3:

Brown Synowiecki Thompson

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 LB 577 with 40 ayes, 3 nays, 4 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 577.

A BILL FOR AN ACT relating to education; to amend sections 79-1003, 79-1007.01, and 79-1103, Reissue Revised Statutes of Nebraska, and sections 79-1007.02 and 79-1028, Revised Statutes Supplement, 2004; to change provisions relating to early childhood education programs as prescribed; to define and redefine terms; to provide a weighting factor and a calculation; to change provisions relating to applicable allowable growth rates; to change provisions relating to a grant program; to harmonize provisions; and to repeal the original sections.

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, 42:

1906

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Aguilar	Cudaback	Janssen	McDonald	Smith
Baker	Cunningham	Jensen	Mines	Stuhr
Bourne	Engel	Johnson	Pahls	Stuthman
Brashear	Fischer	Kopplin	Pedersen, Dw.	Synowiecki
Burling	Flood	Kremer	Preister	Thompson
Byars	Foley	Kruse	Price	Wehrbein
Chambers	Heidemann	Landis	Raikes	
Combs	Howard	Langemeier	Schimek	
Connealy	Hudkins	Louden	Schrock	

Voting in the negative, 0.

Present and not voting, 6:

Beutler	Erdman	Pederson, D.
Cornett	Friend	Redfield

Excused and not voting, 1:

Brown

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 373.

A BILL FOR AN ACT relating to the Administrative Procedure Act; to amend sections 84-906, 84-906.01, 84-907, 84-907.06, 84-907.07, and 84-920, Reissue Revised Statutes of Nebraska; to change provisions relating to the act; to require information be provided to the Governor; to require an estimated quantification; to provide for legislative review of rules and regulations as prescribed; to harmonize provisions; and to repeal the original sections.

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, 47:

Aguilar	Cornett	Howard	McDonald	Schrock
Baker	Cudaback	Hudkins	Mines	Smith
Beutler	Cunningham	Janssen	Pahls	Stuhr
Bourne	Engel	Jensen	Pedersen, Dw.	Stuthman
Brashear	Erdman	Johnson	Pederson, D.	Synowiecki
Burling	Fischer	Kopplin	Preister	Thompson
Byars	Flood	Kremer	Price	Wehrbein
Chambers	Foley	Kruse	Raikes	
Combs	Friend	Langemeier	Redfield	
Connealy	Heidemann	Louden	Schimek	

Voting in the negative, 1:

Landis

Excused and not voting, 1:

Brown

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 LB 116 with 38 ayes, 6 nays, 4 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 116.

A BILL FOR AN ACT relating to children; to amend sections 28-714 to 28-724, 28-727, 43-1724, 43-3342.03, 43-3709, and 71-6906, Reissue Revised Statutes of Nebraska, and sections 28-710, 28-711, 28-713, 28-713.01, 28-725, and 28-726, Revised Statutes Supplement, 2004; to name an act; to change provisions relating to child abuse and neglect reports and the central register of child protection cases; to provide for a tracking system of child protection cases; to eliminate a registry; to provide a penalty for failure to withhold income for child support obligations as prescribed; to change provisions relating to the State Disbursement Unit; to harmonize provisions; and to repeal the original sections.

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, 48:

1908

LEGISLATIVE JOURNAL

Aguilar	Cornett	Howard	Louden	Schimek
Baker	Cudaback	Hudkins	McDonald	Schrock
Beutler	Cunningham	Janssen	Mines	Smith
Bourne	Engel	Jensen	Pahls	Stuhr
Brashear	Erdman	Johnson	Pedersen, Dw.	Stuthman
Burling	Fischer	Kopplin	Pederson, D.	Synowiecki
Byars	Flood	Kremer	Preister	Thompson
Chambers	Foley	Kruse	Price	Wehrbein
Combs	Friend	Landis	Raikes	
Connealy	Heidemann	Langemeier	Redfield	

Voting in the negative, 0.

Excused and not voting, 1:

Brown

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 594.

A BILL FOR AN ACT relating to driving under the influence; to amend sections 60-6,197.02 and 60-6,197.03, Reissue Revised Statutes of Nebraska, and section 28-106, Revised Statutes Supplement, 2004; to change and provide penalties; to change provisions relating to driving under the influence; to harmonize provisions; and to repeal the original sections.

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, 46:

Aguilar	Cudaback	Hudkins	McDonald	Smith
Baker	Cunningham	Janssen	Mines	Stuhr
Beutler	Engel	Jensen	Pahls	Stuthman
Bourne	Erdman	Johnson	Pederson, D.	Synowiecki
Brashear	Fischer	Kopplin	Preister	Thompson
Brown	Flood	Kremer	Price	Wehrbein
Burling	Foley	Kruse	Raikes	
Byars	Friend	Landis	Redfield	
Connealy	Heidemann	Langemeier	Schimek	
Cornett	Howard	Louden	Schrock	

Voting in the negative, 0.

Present and not voting, 3:

Chambers Combs Pedersen, Dw.

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

MOTION - Override Veto on LB 683

Senator Schimek renewed her pending motion, found on page 1818, that LB 683 becomes law notwithstanding the objections of the Governor.

Senator Schimek moved for a call of the house. The motion prevailed with 34 ayes, 1 nay, and 14 not voting.

Senator Schimek requested a roll call vote on her 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, 25:

Aguilar	Chambers	Janssen	Landis	Schimek
Bourne	Combs	Jensen	Mines	Schrock
Brashear	Connealy	Johnson	Pedersen, Dw.	Stuhr
Burling	Cudaback	Kopplin	Pederson, D.	Synowiecki
Byars	Engel	Kruse	Raikes	Thompson

Voting in the negative, 21:

Baker	Fischer	Hudkins	Preister	Wehrbein
Beutler	Flood	Kremer	Price	
Cornett	Friend	Langemeier	Redfield	
Cunningham	Heidemann	Louden	Smith	
Erdman	Howard	McDonald	Stuthman	

Present and not voting, 2:

Brown Pahls

Excused and not voting, 1:

Foley

Having failed to receive a constitutional three-fifths majority voting in the affirmative, the bill failed to pass notwithstanding the objections of the Governor.

The Chair declared the call raised.

SPEAKER BRASHEAR PRESIDING**SELECT COMMITTEE REPORT
Enrollment and Review****Correctly Enrolled**

The following resolution was correctly enrolled: LR 98.

(Signed) Mike Flood, Chairperson

ENROLLED RESOLUTION

LEGISLATIVE RESOLUTION 98. Introduced by Schrock, 38; Aguilar, 35; Baker, 44; Beutler, 28; Bourne, 8; Burling, 33; Byars, 30; Chambers, 11; Combs, 32; Connealy, 16; Cornett, 45; Cudaback, 36; Flood, 19; Howard, 9; Janssen, 15; Johnson, 37; Kopplin, 3; Kruse, 13; Landis, 46; McDonald, 41; Mines, 18; Pahls, 31; Preister, 5; Raikes, 25; Schimek, 27; Stuhr, 24; Stuthman, 22; Thompson, 14; Wehrbein, 2.

The Nebraska Accountability and Disclosure Commission (Commission) recently entered into three separate settlement agreements with David Hergert, a member of the University of Nebraska Board of Regents who was elected in November 2004. In these agreements, the Commission determined that Hergert had committed four separate violations of the state's campaign finance laws during the 2004 primary and general election periods. As a part of the settlement, Hergert has agreed to pay \$33,512.10 in civil penalties and late filing fees.

In case number 04-35 (John Gould v. David Hergert), the Commission found that Hergert violated section 49-1458, which requires a candidate committee to report late contributions within two days after receiving such contributions. Hergert acknowledged that his committee received a \$44,000 late contribution (in the form of a loan from Hergert) on October 22, 2004, and that this contribution was not reported until November 3, 2004, well after the statutory two-day deadline. As a result of this violation, the settlement agreement requires Hergert to pay a civil penalty in the amount of \$2,000 and a late filing fee in the amount of \$4,400.

In case number 04-36 (Executive Director v. David Hergert), the Commission concluded that Hergert violated subdivision (5)(b) of section 32-1604, which requires a candidate who chooses not to abide by statutory spending limitations to file an affidavit with the Commission within five days after exceeding forty percent of his or her estimated maximum expenditure. In both the primary and general election period, Hergert elected not to abide by the applicable spending limitation. As a part of the settlement agreement, Hergert acknowledged that he exceeded forty percent of his estimate for the primary election on April 22, 2004, but failed to mail his notice to the Commission until more than two weeks later, on May 10, 2004. He also acknowledged that although he exceeded forty percent of his

estimate for the general election on October 19, 2004, the Commission did not receive his notice until November 12, 2004, well after the five-day deadline had passed. As a result of these violations, Hergert agreed to pay civil penalties in the amount of \$2,000 (\$1,000 per violation).

In case number 04-43 (Chris Beutler v. David Hergert), the Commission determined that Hergert violated section 49-1446.04. This provision prohibits a candidate committee from accepting loans in an aggregate amount representing more than fifty percent of nonloan contributions that the committee received during a specified time period. In the settlement agreement, Hergert acknowledged that his candidate committee accepted more than \$25,000 in loans that violated this restriction. As a result of the violation, Hergert agreed to pay a civil penalty in the amount of \$25,112.10. This is the largest civil penalty for a single violation assessed by the Commission since its inception.

The recitations above, as well as other potential violations, demonstrate that by delaying the disclosure of statutorily required information, Hergert and his candidate committee succeeded in undermining the purposes of Nebraska's campaign finance laws by preventing Hergert's opponents from obtaining current information and from accessing public funds to engage in a "fair fight" for the District 7 Board of Regents seat. Regardless of whether Hergert's misconduct was intentional or unintentional, the result was the same--the violations, viewed as a whole, have tainted the 2004 elections and may very well have changed the result of the elections.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature hereby calls for David Hergert to resign his seat on the Nebraska Board of Regents immediately.

2. That the Legislature hereby calls upon the Governor to fill Mr. Hergert's vacated seat pursuant to section 32-573, pending a special election.

3. That the Legislature hereby calls for a special election, to be held in conjunction with the general election in November 2006, to fill Mr. Hergert's vacated seat.

4. That if Mr. Hergert fails to resign within sixty days of receiving notice of this resolution, the Executive Board of the Legislative Council shall meet forthwith and appoint a special committee of the Legislature to consider and recommend legislative options. The Executive Board may hire special counsel and shall finance whatever investigation is necessary to aid the special committee in reaching a proper determination. The special committee shall render its recommendations to the Executive Board by January of 2006.

5. That the Clerk of the Legislature is hereby directed to send, upon passage, a copy of this resolution, by certified mail with return receipt requested, to Mr. Hergert at his last-known address.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 98 and 223.

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 645, 71A, 589, 589A, 577, 373, 116, and 594.

SENATOR CUDABACK PRESIDING**MOTION - Override Veto on LB 126**

Senator Raikes renewed his pending motion, found on page 1896, that LB 126 becomes law notwithstanding the objections of the Governor.

SENATOR SCHIMEK PRESIDING

Senator Louden moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 4 nays, and 18 not voting.

Senator Raikes moved for a call of the house. The motion prevailed with 38 ayes, 2 nays, and 9 not voting.

SENATOR CUDABACK PRESIDING

Senator Raikes requested a roll call vote, in reverse order, 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, 32:

Aguilar	Chambers	Kopplin	Pederson, D.	Stuhr
Baker	Cornett	Kremer	Preister	Synowiecki
Beutler	Engel	Kruse	Price	Thompson
Bourne	Howard	Landis	Raikes	Wehrbein
Brashear	Janssen	Mines	Redfield	
Brown	Jensen	Pahls	Schimek	
Byars	Johnson	Pedersen, Dw.	Schrock	

Voting in the negative, 16:

Burling	Erdman	Friend	Louden
Connealy	Fischer	Heidemann	McDonald
Cudaback	Flood	Hudkins	Smith
Cunningham	Foley	Langemeier	Stuthman

Present and not voting, 1:

Combs

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.

MOTION - Override Veto on LB 126A

Senator Raikes renewed his pending motion, found on page 1896, that LB 126A becomes law notwithstanding the objections of the Governor.

Senator Landis moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 34 ayes, 1 nay, and 14 not voting.

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

Voting in the affirmative, 38:

Aguilar	Cornett	Johnson	Mines	Schimek
Baker	Engel	Kopplin	Pahls	Schrock
Brashear	Erdman	Kremer	Pedersen, Dw.	Smith
Brown	Fischer	Kruse	Pederson, D.	Stuhr
Burling	Flood	Landis	Preister	Thompson
Byars	Howard	Langemeier	Price	Wehrbein
Combs	Hudkins	Louden	Raikes	
Connealy	Janssen	McDonald	Redfield	

Voting in the negative, 4:

Bourne	Chambers	Heidemann	Stuthman
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Present and not voting, 7:

Beutler	Cunningham	Friend	Synowiecki
Cudaback	Foley	Jensen	

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

UNANIMOUS CONSENT - Add Cointroducer

Senator Stuthman asked unanimous consent to have his name added as cointroducer to LR 238. No objections. So ordered.

RESOLUTIONS

LEGISLATIVE RESOLUTION 237. Read. Considered.

LEGISLATIVE RESOLUTION 238. Read. Considered.

LEGISLATIVE RESOLUTION 239. Read. Considered.

LEGISLATIVE RESOLUTION 243. Read. Considered.

Pursuant to Rule 4, Sec. 5, LRs 237, 238, 239, and 243 were adopted with 45 ayes, 0 nays, and 4 present and not voting.

MOTIONS - Approve Appointments

Senator Kremer moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 1753:

Department of Agriculture
Greg Ibach

Voting in the affirmative, 39:

Aguilar	Connealy	Friend	Kruse	Raikes
Baker	Cudaback	Howard	Langemeier	Redfield
Beutler	Cunningham	Hudkins	Louden	Schimek
Bourne	Engel	Janssen	McDonald	Smith
Brown	Erdman	Jensen	Pahls	Stuhr
Burling	Fischer	Johnson	Pederson, D.	Stuthman
Byars	Flood	Kopplin	Preister	Wehrbein
Combs	Foley	Kremer	Price	

Voting in the negative, 0.

Present and not voting, 9:

Brashear	Heidemann	Mines	Schrock	Thompson
Cornett	Landis	Pedersen, Dw.	Synowiecki	

Excused and not voting, 1:

Chambers

The appointment was confirmed with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Senator Schimek moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1759:

Nebraska Commission on Law Enforcement and Criminal Justice
Mike Behm

Voting in the affirmative, 35:

Aguilar	Connealy	Friend	Kopplin	Pederson, D.
Baker	Cudaback	Heidemann	Kremer	Raikes
Bourne	Engel	Howard	Kruse	Schimek
Brashear	Erdman	Hudkins	Langemeier	Stuhr
Burling	Fischer	Janssen	Louden	Stuthman
Byars	Flood	Jensen	McDonald	Synowiecki
Combs	Foley	Johnson	Pahls	Wehrbein

Voting in the negative, 0.

Present and not voting, 13:

Beutler	Cunningham	Pedersen, Dw.	Redfield	Thompson
Brown	Landis	Preister	Schrock	
Cornett	Mines	Price	Smith	

Excused and not voting, 1:

Chambers

The appointment was confirmed with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Senator Schimek moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 1759:

Nebraska State Patrol
Bryan Tuma

Voting in the affirmative, 33:

Aguilar	Cornett	Foley	Langemeier	Raikes
Bourne	Cudaback	Friend	Louden	Schimek
Brashear	Cunningham	Heidemann	McDonald	Stuhr
Burling	Engel	Howard	Pahls	Stuthman
Byars	Erdman	Kremer	Pedersen, Dw.	Wehrbein
Combs	Fischer	Kruse	Pederson, D.	
Connealy	Flood	Landis	Price	

Voting in the negative, 0.

Present and not voting, 15:

Baker	Hudkins	Johnson	Preister	Smith
Beutler	Janssen	Kopplin	Redfield	Synowiecki
Brown	Jensen	Mines	Schrock	Thompson

Excused and not voting, 1:

Chambers

The appointment was confirmed with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 1814:

Coordinating Commission for Postsecondary Education
Timothy D. Hodges

Voting in the affirmative, 37:

Aguilar	Cunningham	Hudkins	Louden	Schimek
Bourne	Engel	Janssen	McDonald	Smith
Burling	Erdman	Jensen	Pahls	Stuhr
Byars	Fischer	Johnson	Pedersen, Dw.	Synowiecki
Combs	Foley	Kopplin	Pederson, D.	Wehrbein
Connealy	Friend	Kremer	Preister	
Cornett	Heidemann	Kruse	Price	
Cudaback	Howard	Langemeier	Raikes	

Voting in the negative, 0.

Present and not voting, 11:

Baker	Brown	Mines	Stuthman
Beutler	Flood	Redfield	Thompson
Brashear	Landis	Schrock	

Excused and not voting, 1:

Chambers

The appointment was confirmed with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

SPEAKER BRASHEAR PRESIDING

COMMUNICATIONS

June 3, 2005

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

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the veto by Governor Heineman of LB 683, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

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

PJO:jk

June 3, 2005

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

Dear Mr. Secretary:

Inasmuch as the Legislature did not override the veto by Governor Heineman of LB 683A, and consistent with our rules, I am delivering the bill for filing in the form prescribed by the Governor.

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

PJO:jk

June 3, 2005

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

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 126 with a certificate attached thereto signed by the President of the Legislature

certifying the passage of LB 126, notwithstanding the objections of the Governor.

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

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 126, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 3rd day of June 2005.

(Signed) Kermit A. Brashear
President of the Legislature

COMMUNICATION

June 3, 2005

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

Dear Mr. Secretary:

Pursuant to the provisions of 84-503, R.R.S., we are forwarding LB 126A with a certificate attached thereto signed by the President of the Legislature certifying the passage of LB 126A, notwithstanding the objections of the Governor.

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

PJO:jk
Enc.

CERTIFICATE

Legislative Bill 126A, having been returned by the Governor with his objections thereto, and after reconsideration having passed the Legislature by the constitutional majority, it has become law this 3rd day of June 2005.

(Signed) Kermit A. Brashear
President of the Legislature

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 237, 238, 239, and 243.

PRESIDENT SHEEHY PRESIDING**MOTION - Notify Governor**

Senator Stuhr moved that a committee of five be appointed to notify the Governor that the Ninety-Ninth Legislature, First Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Senators Schimek, Price, D. Pederson, Langemeier, and Landis to serve on said committee.

The committee returned and escorted Governor Dave Heineman to the rostrum where he delivered a message to the members.

The committee escorted Governor Dave Heineman from the Chamber.

PRESENTED TO THE GOVERNOR

Presented to the Governor on June 3, 2005, at 10:06 a.m. were the following: LBs 645, 71A, 589, 589A, 577, 373, 116, and 594.

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

MESSAGE FROM THE GOVERNOR

June 3, 2005

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 71A, 116, 373, 577, 589, 589A, 594, and 645 were received in my office on June 3, 2005.

I signed these bills and delivered them to the Secretary of State on June 3, 2005.

Sincerely,
 (Signed) Dave Heineman
 Governor

RESOLUTION

LEGISLATIVE RESOLUTION 244. Introduced by Judiciary Committee: Bourne, 8, Chairperson; Aguilar, 35; Flood, 19; Foley, 29; Friend, 10.

PURPOSE: The purpose of this study is to examine issues relating to the Legislature's ability to regulate the unauthorized practice of law. The study shall include an examination of constitutional issues and the committee shall seek input from affected parties.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-NINTH LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Judiciary 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.

REPORT OF THE EXECUTIVE BOARD

2005 Resolutions calling for an Interim Study

- LR 242 Interim study to examine issues within the jurisdiction of the Agriculture Committee
 Agriculture
- LR 244 Interim study to examine issues relating to the Legislature's ability to regulate the unauthorized practice of law
 Judiciary

(Signed) L. Patrick Engel, Chairperson
 Legislative Council, Executive Board

EXPLANATIONS OF VOTES

Had I been present, I would have voted "aye" on final passage of LB 645.

(Signed) Nancy Thompson

Had I been present, I would have voted "aye" on final passage of LBs 645, 71A, 589, 577, 373, 116, and 594.

(Signed) Pam Brown

MOTION - Suspend Rules

Senator Brashear renewed his pending motion, found on page 1878, to 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 8, 12, 12A, 22, 25, 29, 92, 110, 123, 130, 151, 167, 170, 171, 174, 177, 187, 212, 218, 237, 240, 251, 272, 273, 273A, 300, 302, 330, 365, 367, 368, 395, 410, 411, 412, 444, 446, 466, 474, 494, 519, 532, 558, 597, 603, 619, 691, 703, 716, 734, 738, 755, 756, and 758.

The motion prevailed.

MOTION - Journal, Session Laws, and Indexes

Senator Wehrbein moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell, and that he be directed to send to each member of the Legislature a copy of the loose-leaf session laws and of the permanent Journal and Session Laws.

The motion prevailed.

VISITORS

Visitors to the Chamber were Michael Trammell; and Senator Cornett's husband, Mark Stranglen, from Bellevue.

MOTION - Adjourn Sine Die

Senator Brashear moved that the Journal for the Ninetieth Day, as prepared by the Clerk of the Legislature, be approved and that the Ninety-Ninth Legislature, First Session of the Nebraska Legislature, having finished all business before it, now at 11:57 a.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature

CORRECTIONS FOR THE JOURNAL

Pages 1910 and 1911 of the Ninetieth Day Journal, Ninety-Ninth Legislature, First Session, shows LR 98 as Correctly Enrolled and reflects all amendments and changes which were adopted.