

**FIRST DAY - JANUARY 3, 2007**

**LEGISLATIVE JOURNAL**

**ONE HUNDREDTH LEGISLATURE  
FIRST SESSION**

**FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 3, 2007

**PRAYER**

The prayer was offered by Senator Kruse.

**PRESENTATION OF COLORS**

Presentation of Colors by the Nebraska Army and Air National Guard.

**ROLL CALL**

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundredth Legislature, First Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m., on Wednesday, January 3, 2007, and was called to order by President Sheehy.

The roll was called and the following members were present:

Adams, Greg L.	Gay, Tim	Nantkes, Danielle
Aguilar, Raymond	Hansen, Tom	Nelson, John E.
Ashford, Brad	Harms, John N.	Pahls, Rich
Avery, Bill	Heidemann, Lavon L.	Pankonin, Dave
Burling, Carroll	Howard, Gwen	Pedersen, Dwite
Carlson, Tom	Hudkins, Carol	Pirsch, Pete
Chambers, Ernie	Janssen, Ray	Preister, Don
Christensen, Mark R.	Johnson, Joel T.	Raikes, Ronald E.
Cornett, Abbie	Karpisek, Russ	Rogert, Kent
Dierks, M. L.	Kopplin, Gail F.	Schimek, DiAnna R.
Dubas, Annette M.	Kruse, Lowen	Stuthman, Arnie
Engel, L. Patrick	Langemeier, Chris	Synowiecki, John F.
Erdman, Philip	Lathrop, Steve	Wallman, Norm
Fischer, Deb	Louden, LeRoy J.	White, Tom
Flood, Mike	McDonald, Vickie D.	Wightman, John M.
Friend, Mike	McGill, Amanda	
Fulton, Tony	Mines, Mick	

**MOTION - Temporary Clerk and Sergeant at Arms**

Senator Mines moved to appoint Mr. Patrick J. O'Donnell as temporary Clerk of the Legislature and Mr. Ron Witkowski as temporary Sergeant at Arms.

The motion prevailed.

**RESIGNATION**

November 9, 2006

The Honorable Dave Heineman  
Governor  
State Capitol  
Lincoln, Nebraska 68509

Dear Governor Heineman:

Congratulations on your overwhelming re-election earlier this week. The voters have clearly and resoundingly voiced their gratitude and support for your outstanding performance as our governor.

I look forward to serving the people of Nebraska with you in my new capacity as Auditor of Public Accounts. In light of my election to that position, I am resigning my seat in the Legislature effective close of business Friday, December 29, 2006.

Thank you.

Sincerely,  
(Signed) Mike Foley  
State Senator

**MESSAGE FROM THE GOVERNOR**

November 28, 2006

Mr. President, Speaker Brashear  
and Members of the Legislature  
State Capitol Building  
Lincoln, NE 68509

Dear Mr. President, Speaker Brashear and Senators:

I hereby appoint Tony Fulton to fill the vacancy in the 29th Legislative district created by the resignation of Senator Mike Foley. This appointment will take effect January 3, 2007.



One Hundredth Legislature, First Session, 2007.

Further, I hereby certify that the members so listed on the Official Roster attached hereto are the duly elected or appointed members of the Unicameral Legislature in the State of Nebraska for the One Hundredth Legislature, First Session, 2007.

Finally, I hereby certify that all election returns, abstracts, canvass and appointment records with reference to said members are on file in the office of the Secretary of State and are a matter of public record.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Third day of January in the year of our Lord, two thousand and seven.

(SEAL)

John A. Gale, Secretary of State

DISTRICT/NAME	ELECTED
1 Lavon L. Heidemann	November 2, 2004
2 Dave Pankonin	November 7, 2006
3 Gail F. Kopplin	November 2, 2004
4 Pete Pirsch	November 7, 2006
5 Don Preister	November 2, 2004
6 John E. Nelson	November 7, 2006
7 John F. Synowiecki	November 2, 2004
8 Tom White	November 7, 2006
9 Gwen Howard	November 2, 2004
10 Mike Friend	November 7, 2006
11 Ernie Chambers	November 2, 2004
12 Steve Lathrop	November 7, 2006
13 Lowen Kruse	November 2, 2004
14 Tim Gay	November 7, 2006
15 Ray Janssen	November 2, 2004
16 Kent Rogert	November 7, 2006
17 L. Patrick Engel	November 2, 2004
18 Mick Mines	November 7, 2006
19 Mike Flood	November 2, 2004
20 Brad Ashford	November 7, 2006
21 Carol Hudkins	November 2, 2004
22 Arnie Stuthman	November 7, 2006
23 Chris Langemeier	November 2, 2004
24 Greg L. Adams	November 7, 2006
25 Ronald E. Raikes	November 2, 2004
26 Amanda M. McGill	November 7, 2006
27 DiAnna R. Schimek	November 2, 2004
28 Bill Avery	November 7, 2006
29 Tony Fulton	Appointed January 3, 2007



Legislature according to the best of your ability, and that at the election at which you were chosen to fill said office, you have not improperly influenced in any way the vote of any elector, and have not accepted, nor will you accept or receive, directly or indirectly, any money or other valuable thing from any corporation, company or person, or any promise of office, for any official act or influence (for any vote you may give or withhold on any bill, resolution, or appropriation).

Adams, Greg L.	Gay, Tim	Pankonin, Dave
Ashford, Brad	Hansen, Tom	Pirsch, Pete
Avery, Bill	Harms, John N.	Rogert, Kent
Carlson, Tom	Karpisek, Russ	Stuthman, Arnie
Christensen, Mark R.	Lathrop, Steve	Wallman, Norm
Dierks, M. L.	McGill, Amanda	White, Tom
Dubas, Annette M.	Mines, Mick	Wightman, John M.
Friend, Mike	Nantkes, Danielle	
Fulton, Tony	Nelson, John E.	

The committee escorted the Chief Justice from the Chamber.

### **MOTION - Adopt Temporary Rules**

Senator Dierks moved that the rules, as now in our possession, be adopted for today only, Wednesday, January 3, 2007.

The motion prevailed.

### **MOTION - Election of Officers**

Senator Engel moved that the following officers, recommended by the Executive Board, be elected to serve for the One Hundredth Legislature:

Clerk of the Legislature	Patrick J. O'Donnell
Assistant Clerk of the Legislature	Richard K. Brown
Sergeant at Arms	Ron Witkowski

The motion prevailed.

### **MOTION - Election of Speaker**

Senator Preister moved to proceed to the election of the Speaker of the Legislature.

The motion prevailed.

Senator Flood placed his name in nomination.

Senator Schimek placed her name in nomination.



Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Pedersen.

The motion prevailed.

Senator Pedersen was duly elected Chairperson of the Committee on Committees.

### **MOTION - Committee on Committees Members**

Senator Dierks moved to proceed to the election of the remaining twelve members of the Committee on Committees, and that we authorize the members residing within each of the three districts, as enumerated in Rule 3, Sec. 2, to nominate four members to be elected by the legislative body to serve on the Committee on Committees.

The motion prevailed.

Senators Adams, Karpisek, Raikes, and Schimek were nominated from District 1.

Senators Ashford, Cornett, Preister, and White were nominated from District 2.

Senators Aguilar, Burling, Dierks, and Engel were nominated from District 3.

Senator Pedersen moved the approval of the nominees to the Committee on Committees.

The motion prevailed.

The Chair declared the nominees duly elected.

### **MOTION - Chairperson of Executive Board**

Senator Janssen moved to proceed to the election of the Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Engel placed his name in nomination.

Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Engel.

The motion prevailed.

Senator Engel was duly elected Chairperson of the Executive Board.



**MOTION - Vice Chairperson of Executive Board**

Senator Kopplin moved to proceed to the election of the Vice Chairperson of the Executive Board of the Legislative Council.

The motion prevailed.

Senator Burling placed his name in nomination.

Senator Preister placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Dierks, Erdman, and Janssen as tellers.

Senator Burling	20
Senator Preister	<u>29</u>
	49

Senator Preister was duly elected Vice Chairperson of the Executive Board.

**MOTION - Executive Board Members**

Senator Cornett moved to proceed to the election of the other six members of the Executive Board of the Legislative Council as outlined in 50-401.01.

The motion prevailed.

Senators Janssen and Stuthman were nominated from District 1.

Senators Chambers and Kopplin were nominated from District 2.

Senators Erdman and McDonald were nominated from District 3.

Senator Howard moved the approval of the nominees to the Executive Board of the Legislative Council.

The motion prevailed.

The Chair declared the nominees duly elected.

**MOTION - Standing Committee Chairpersons**

Senator Hudkins moved to proceed to the election of the standing committee chairpersons, by secret ballot, in accordance with Rule 3, Sec. 7(a).

The motion prevailed.

CHAIRPERSON - Agriculture

Senator Erdman placed his name in nomination.

Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Erdman.

The motion prevailed.

Senator Erdman was duly elected Chairperson of the Agriculture Committee.

CHAIRPERSON - Appropriations

Senator Kruse placed his name in nomination.

Senator Heidemann placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Pedersen, Schimek, and Synowiecki as tellers.

Senator Kruse	23
Senator Heidemann	<u>26</u>
	49

Senator Heidemann was duly elected Chairperson of the Appropriations Committee.

CHAIRPERSON - Banking, Commerce and Insurance

Senator Pahls placed his name in nomination.

Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Pahls.

The motion prevailed.

Senator Pahls was duly elected Chairperson of the Banking, Commerce and Insurance Committee.

CHAIRPERSON - Business and Labor

Senator Cornett placed her name in nomination.

Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Cornett.

The motion prevailed.

Senator Cornett was duly elected Chairperson of the Business and Labor Committee.

CHAIRPERSON - Education

Senator Raikes placed his name in nomination.

Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Raikes.

The motion prevailed.

Senator Raikes was duly elected Chairperson of the Education Committee.

CHAIRPERSON - General Affairs

Senator McDonald placed her name in nomination.

Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator McDonald.

The motion prevailed.

Senator McDonald was duly elected Chairperson of the General Affairs Committee.

CHAIRPERSON - Government, Military and Veterans Affairs

Senator Aguilar placed his name in nomination.

Senator Friend moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Aguilar.

The motion prevailed.

Senator Aguilar was duly elected Chairperson of the Government, Military and Veterans Affairs Committee.

CHAIRPERSON - Health and Human Services

Senator Johnson placed his name in nomination.

Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Johnson.

The motion prevailed.

Senator Johnson was duly elected Chairperson of the Health and Human Services Committee.

CHAIRPERSON - Judiciary

Senator Ashford placed his name in nomination.

Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Ashford.

The motion prevailed.

Senator Ashford was duly elected Chairperson of the Judiciary Committee.

CHAIRPERSON - Natural Resources

Senator Langemeier placed his name in nomination.

Senator Louden placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Burling, McDonald, and Preister as tellers.

Senator Langemeier 23

Senator Louden 26  
49

Senator Louden was duly elected Chairperson of the Natural Resources Committee.

CHAIRPERSON - Nebraska Retirement Systems

Senator Synowiecki placed his name in nomination.

Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Synowiecki.

The motion prevailed.

Senator Synowiecki was duly elected Chairperson of the Nebraska Retirement Systems Committee.

CHAIRPERSON - Revenue

Senator Mines placed his name in nomination.

Senator Janssen placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Engel, Flood, and Kopplin as tellers.

Senator Mines	19
Senator Janssen	<u>30</u>
	49

Senator Janssen was duly elected Chairperson of the Revenue Committee.

CHAIRPERSON - Transportation and Telecommunications

Senator Stuthman placed his name in nomination.

Senator Fischer placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Ashford, Friend, and Howard as tellers.

Senator Stuthman	22
Senator Fischer	<u>27</u>
	49

Senator Fischer was duly elected Chairperson of the Transportation and Telecommunications Committee.

CHAIRPERSON - Urban Affairs

Senator Friend placed his name in nomination.

Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Friend.

The motion prevailed.

Senator Friend was duly elected Chairperson of the Urban Affairs Committee.

**MOTION - Special and Select Committee Chairpersons**

Senator McDonald moved to proceed to the election of the special and select committee chairpersons, by secret ballot.

The motion prevailed.

CHAIRPERSON - Intergovernmental Cooperation

Senator Rogert placed his name in nomination.

Senator Kruse placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Burling, Dierks, and Pedersen as tellers.

Senator Rogert	19
Senator Kruse	<u>30</u>
	49

Senator Kruse was duly elected Chairperson of the Intergovernmental Cooperation Committee.

CHAIRPERSON - Rules

Senator Hudkins placed her name in nomination.

Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator Hudkins.

The motion prevailed.

Senator Hudkins was duly elected Chairperson of the Rules Committee.

CHAIRPERSON - Enrollment and Review

Senator Flood nominated Senator McGill.

Senator Aguilar moved the nominations be closed and a unanimous vote by acclamation be cast for Senator McGill.

The motion prevailed.

Senator McGill was duly elected Chairperson of the Enrollment and Review Committee.

**MOTION - Election Returns**

Senator Burling moved that a committee of three be appointed to escort the Secretary of State to the Chamber to deliver the election returns of the General Election of November 2006.

The motion prevailed.

The Chair appointed Senators Ashford, Erdman, and Pahls to serve on said committee.

The committee escorted Secretary of State, John A. Gale, to the rostrum where he delivered the following report.

**REPORT FROM THE SECRETARY OF STATE**

January 3, 2007

Speaker of the Legislature  
One Hundredth Legislature-, First Session (Regular) 2007  
State Capitol  
Lincoln, Nebraska

Honorable Speaker:

In accordance with Article IV, Section 4 of the Constitution of the State of Nebraska, I have the honor of herewith delivering to you, under Seal, the abstract of votes cast in the ninety-three counties of the State of Nebraska at the General Election held on November 7, 2006 for the offices of Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Attorney General, Members of the Public Service Commission, Regents of the University of Nebraska, Members of the State Board of Education, Supreme Court Judges, and Nebraska Workers Compensation Judges which votes are required by law to be canvassed by the Nebraska State Legislature, pursuant to Section 32-1039 R.S. Nebraska 1943, Reissue of 1998 as submitted to me for delivery to the Honorable Speaker of the Legislature.

I also deliver to you, under Seal, the list of candidates receiving the highest vote for each particular office enumerated. The certificate of the Secretary of State accompanies this list.

The original abstract sheets containing the tabulation of votes from the ninety-three counties with reference to six Constitutional Amendments are on file in this office. A certification of these returns is also attached.

Inasmuch as these canvass sheets are part of the records of the Office of Secretary of State, we respectfully request that they be returned to our office





**CERTIFICATE**

State of Nebraska

United States of America, )	
State of Nebraska )	ss. Secretary of State

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct listing of Constitutional Amendments proposed by the Legislature showing the number of votes cast for and against each at the General Election held on November 7, 2006.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Nebraska.

Done at Lincoln this Third day of January in the year of our Lord, two thousand and seven.

(SEAL) John A. Gale, Secretary of State

2006 General Election

**Amendment 1**

A constitutional amendment to authorize the use of revenue bonds to develop and lease property for use by nonprofit enterprises as determined by law.

For	244,535
Against	280,471

**Amendment 2**

A constitutional amendment to authorize the investment of the public endowment funds of cities, villages, school districts, public power districts, and other political subdivisions in such manner and in such investments as the governing body of such political subdivision may determine, subject to limitations by the Legislature.

For	221,499
Against	292,456

**Amendment 3**

A constitutional amendment to increase the amount of state lottery proceeds to be distributed to the Compulsive Gamblers Assistance Fund.

For	215,827
Against	336,410

**Amendment 4**

A constitutional amendment to permit supervision of individuals sentenced to probation, released on parole, or enrolled in court programs or services by the judicial and executive departments as provided by the Legislature.

For	283,639
Against	221,148

**Amendment 5**

A constitutional amendment to permit use of funds dedicated to the common schools for early childhood educational purposes.

For	291,454
Against	243,988

**Amendment 6**

A constitutional amendment to remove a requirement that property be substandard and blighted for purposes of rehabilitating, acquiring, or redeveloping such property through use of public debt or special property tax treatment, to add developed as a purpose for use of the constitutional provision authorizing public debt and special property provision, and to authorize the Legislature to extend the term of such special tax treatment from fifteen to thirty years.

For	151,041
Against	344,483

Senator Synowiecki moved to approve the report of the Secretary of State and the candidates stated therein be declared duly elected.

The motion prevailed.

The Secretary of State was escorted from the Chamber.

**MOTION - Inaugural Ceremonies**

Senator Kruse moved to arrange to hold the inaugural ceremonies for the newly elected state officials on Thursday, January 4, 2007, at 1:30 p.m.

The motion prevailed.

## ANNOUNCEMENT

Senator Pedersen announced the Committee on Committees will meet today, January 3, 2007, at 2:30 p.m., in Room 1524.

## PROPOSED RULES CHANGES

Senator Hudkins offered the following proposed rules change:

### **Rule 4, Sec. 3**

**Sec. 3. Study Resolutions: Introduction; Referral; Standing Committees; Select Committees; Results.** (a) Any senator or committee may introduce resolutions proposing interim studies. The resolutions shall be submitted to the Clerk of the Legislature on a form prescribed by the Clerk, printed in the Journal, and referred to the Executive Board.

(b) Study resolutions may be introduced up to and including the 80th legislative day in odd-numbered years and the 50th legislative day in even-numbered years. However, each standing committee may introduce one additional study resolution prior to adjournment sine die. The Executive Board shall refer the study resolutions to the appropriate standing committees or to select interim committees created by it to conduct such studies.

(c) Study resolutions shall be prioritized by the chairperson of the committee to which they are referred, and a report on those priorities shall be filed with the Clerk, on a form prescribed by the Clerk, prior to adjournment sine die. Also, the chairperson of each committee shall file with the Clerk, on a form prescribed by the Clerk, his or her committee's study plan for the highest prioritized interim studies referenced to such committee. This study plan shall be filed no later than thirty days after adjournment sine die. Unless otherwise agreed to, staff to interim studies conducted by standing committees shall be headed by the respective committee counsels. Legislative aides whose senators serve on such standing committees and legislative aides of other interested senators may be invited by the respective committee counsels to participate as staff in the conduct of the interim studies. The provisions of this section shall in no way limit the standing committees in their traditional prerogatives to conduct hearings and oversee matters and agencies that are within their subject-matter jurisdiction.

(d) The Executive Board may, on its own behalf, conduct interim studies or create select interim committees to do so. Before creating a select interim committee, the Board shall consider whether the subject matter proposed for study by such a committee lies within the jurisdiction of one or more standing committee. To the extent possible, the jurisdiction of a select interim committee created by the Board shall be limited to subject matters that do not lie wholly within the jurisdiction of one or another standing committee. Membership on a select interim committee shall, to the extent possible, include senators who are both interested in serving on such a committee and are from the standing committees that have the most direct concern with the subject matter proposed for study. Select interim committees shall meet no later than five legislative days prior to

adjournment sine die to organize and to review study plans. Staff to select interim committees shall be drawn from the Legislature's division staffs (e.g., fiscal, research, bill drafting), be based upon a joint plan submitted to the Executive Board by the division directors, may include other interested legislative staff, and shall be coordinated by the ~~Legislative Research Division~~ Office of Legislative Audit and Research, and the chairpersons of the standing committees involved with the select interim committee.

(e) The Executive Board shall retain its traditional prerogatives to consider and refer study proposals arising from extraordinary circumstances after the deadlines established in this section.

(f) The chief sponsor of a study resolution, if not otherwise a member of the committee to which the resolution is referred, shall be an ex officio member of the committee during and only for the conduct of the study.

(g) On or before December 1 of each year, each standing and select interim committee shall file a report, on a form prescribed by the Clerk, with the Executive Board on the disposition of the study resolutions referred to them. These reports shall be printed in the Journal at the beginning of the next session of the Legislature.

(h) The results or final reports of studies conducted by standing committees may be prepared in a format of their choosing. Nine copies of each completed standing committee report shall be filed with the Legislative Reference Library. The results or final reports of studies conducted by select interim committees shall be prepared and published in a format prescribed by the ~~Legislative Research Division~~ Office of Legislative Audit and Research and copies of such studies will be indexed and filed with the Legislative Reference Library.

*RRS 50-404.*

Referred to the Rules Committee.

Senator Erdman offered the following proposed rules change:

Proposal #1

**Rule 2 -- RULES OF PROCEDURE**

**Sec. 3. Chamber, Guests, Distribution of Material.**

(h) Members shall remain ~~in~~ near their seats during the final reading of a bill and until the vote thereon has been announced, except when excused by the President. During discussion of amendments or motions offered pursuant to Rule 6, Section 8, officers and employees of the Legislature shall be permitted on the floor of the Legislature and members may move about the legislative environs subject to a quorum call request by any member pursuant to Rule 7, Section 5. For purposes of this rule, legislative environs shall mean the Legislative Chamber, the Senate Lounge, and the hallway connecting those areas.

**Rule 7 -- PROCEEDINGS AND MOTIONS**

**Sec. 5. Call of the House.** (a) A call of the house may be made by any member in the manner following: "I move for a call of the house." The presiding officer shall direct that the board be cleared and the members shall

then vote on placing themselves under call. If a majority of the senators present and voting, vote in favor of such a motion, then the Legislature shall be deemed to be under call. Each member present shall indicate his or her presence upon the electric roll call system and shall remain ~~in~~ near his or her seat during the call, unless recognized or seeking to be recognized to speak by the presiding officer. After the Clerk shall note the names of the absentees, proceedings under the call may be suspended at any time by a majority vote of the members then present, and when so suspended shall not again be ordered on the proposition pending, except by a majority vote of the members elected. The President may declare a motion to place the house under call out of order if all of the absentees were to vote on one side of the question and if their combined vote would be insufficient to change a result of the vote.

Referred to the Rules Committee.

Senator Erdman offered the following proposed rules change:

Proposal #2

## **RULE 7 -- PROCEEDINGS AND MOTIONS**

### **(C) Motions**

**Sec. 10. Cloture.** At any stage of consideration the principal introducer of the bill under consideration, a cointroducer with the consent of the principal introducer, or the chairperson of the committee, if the bill is introduced by that committee, may move for cloture to the presiding officer; however, the presiding officer may rule such motion for cloture out of order if, in the presiding officer's opinion, a full and fair debate has not been afforded. Such ruling by the presiding officer shall not be subject to challenge. Whenever a motion for cloture is offered, the presiding officer shall immediately recognize such introducer or chairperson and shall then order debate on the pending amendment or motion to cease. A vote on the cloture motion shall be taken immediately. A ~~two-thirds~~ three-fifths majority of the elected members shall be required for the cloture motion to be successful. A motion for cloture shall be in order except while a member is speaking, and a motion for cloture is not debatable. If the motion for cloture is successful, a vote on the pending matter shall be taken immediately, without debate. If the pending matter is an amendment to an amendment, following a vote on the amendment to the amendment, a vote shall be taken on the original amendment. If the original amendment has been divided, then the vote shall be on the original undivided amendment being considered. Finally, a vote on the advancement of the bill shall be taken.

A motion for cloture shall have precedence over all other motions except a motion to recess or adjourn.

A motion for cloture which fails for lack of sufficient votes shall result in the debate on the bill ending for the day. When the Speaker chooses to resume debate on the bill, successive motions for cloture ~~shall not be in order until two additional hours of debate on the bill has occurred~~ may be offered at any time. If the presiding officer rejects a motion for cloture on a

bill due to lack of full and fair debate, successive motions for cloture on the bill may be offered at any time.

Referred to the Rules Committee.

### **ANNOUNCEMENT**

Senator Hudkins announced the Rules Committee will hold a public hearing on Wednesday, January 10, 2007, at 1:30 p.m. in Room 1524.

### **VISITOR**

The Doctor of the Day was Dr. Ron Klutman from Columbus.

### **ADJOURNMENT**

At 1:02 p.m., on a motion by Speaker Flood, the Legislature adjourned until 10:00 a.m., Thursday, January 4, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature