

**FOURTH DAY - NOVEMBER 18, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SPECIAL SESSION****FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, November 18, 2008

**PRAYER**

The prayer was offered by Senator Aguilar.

**ROLL CALL**

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

The roll was called and all members were present except Senators Cornett, Kruse, and Synowiecki who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the third day was approved.

**COMMITTEE REPORTS**

Judiciary

**LEGISLATIVE BILL 1.** Placed on General File with amendment.  
AM5

- 1 1. On page 2, line 4, strike "seventy-two hours" and
- 2 insert "thirty days".

(Signed) Brad Ashford, Chairperson

Business and Labor

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

Commissioner of Labor Catherine D. Lang - Department of Labor

Aye: 6 Senators Cornett, Lathrop, McGill, Rogert, Wallman, White. Nay: 0.  
Absent: 1 Senator Chambers.

(Signed) Abbie Cornett, Chairperson

Health and Human Services

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

Paul Salansky - State Board of Health  
 Theodore Evans, Jr. - State Board of Health  
 John Tennity - State Board of Health  
 Eric Berggren - State Board of Health  
 Dan Bizzell - State Board of Health  
 Kenneth Kester - State Board of Health

Aye: 7 Senators Erdman, Gay, Hansen, Howard, Johnson, Pankonin, Stuthman. Nay: 0. Absent: 0.

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

Timothy Hoffman - Board of Emergency Medical Services  
 Donald Harmon - Board of Emergency Medical Services  
 Judith Henning - Board of Emergency Medical Services  
 George Tom Surber - Board of Emergency Medical Services

Aye: 7 Senators Erdman, Gay, Hansen, Howard, Johnson, Pankonin, Stuthman. Nay: 0. Absent: 0.

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

Jennie Cole-Mossman - Child Abuse Prevention Fund Board  
 Joni Kuzma - Child Abuse Prevention Fund Board

Aye: 7 Senators Erdman, Gay, Hansen, Howard, Johnson, Pankonin, Stuthman. Nay: 0. Absent: 0.

(Signed) Joel Johnson, Chairperson

Transportation and Telecommunications

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

Darlene Noah - Nebraska Motor Vehicle Industry Licensing Board  
Charles Borgmann - Nebraska Motor Vehicle Industry Licensing Board  
Sammy Reagan - Nebraska Motor Vehicle Industry Licensing Board

Aye: 7 Senators Aguilar, Fischer, Lautenbaugh, Louden, Pedersen, Schimek, Stuthman. Nay: 0. Absent: 1 Senator Hudkins.

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

Rodney Vandenberg - Nebraska Highway Commission

Aye: 7 Senators Aguilar, Fischer, Lautenbaugh, Louden, Pedersen, Schimek, Stuthman. Nay: 0. Absent: 1 Senator Hudkins.

(Signed) Deb Fischer, Chairperson

Government, Military and Veterans Affairs

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

Paul Hosford - Nebraska Accountability and Disclosure Commission

Aye: 7 Senators Adams, Aguilar, Avery, Karpisek, Lautenbaugh, Pahls, Rogert. Nay: 0. Absent: 1 Senator Friend.

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

Amber Brown - State Personnel Board

Aye: 7 Senators Adams, Aguilar, Avery, Karpisek, Lautenbaugh, Pahls, Rogert. Nay: 0. Absent: 1 Senator Friend.

(Signed) Ray Aguilar, Chairperson

General Affairs

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

Robert Batt - Nebraska Liquor Control Commission

Aye: 7 Senators Dubas, Erdman, Friend, Janssen, Karpisek, McDonald, Preister. Nay: 0. Absent: 1 Senator Dierks.

(Signed) Vickie McDonald, Chairperson

Natural Resources

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

James Stuart, Jr. - Nebraska Environmental Trust Board

Aye: 6 Senators Carlson, Christensen, Dubas, Fischer, Loudon, Wallman. Nay: 0. Absent: 2 Senators Hudkins, Kopplin.

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

Director Neil Moseman - Nebraska Energy Office

Aye: 6 Senators Carlson, Christensen, Dubas, Fischer, Loudon, Wallman. Nay: 0. Absent: 2 Senators Hudkins, Kopplin.

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

Richard Mercer - Nebraska Natural Resources Commission

Aye: 6 Senators Carlson, Christensen, Dubas, Fischer, Loudon, Wallman. Nay: 0. Absent: 2 Senators Hudkins, Kopplin.

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

Charles Tod Brodersen - Nebraska Ethanol Board

Aye: 6 Senators Carlson, Christensen, Dubas, Fischer, Loudon, Wallman. Nay: 0. Absent: 2 Senators Hudkins, Kopplin.

(Signed) LeRoy Loudon, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 2.** Title read. Considered.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 1.** Title read. Considered.

Committee AM5, found in this day's Journal, was considered.

Senator Avery offered the following amendment to the committee amendment:

AM4

(Amendments to Standing Committee amendments, AM5)

- 1 1. On page 1, line 2, strike "thirty days" and insert
- 2 "one year".

Senator Erdman moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 8 nays, and 10 not voting.

Senator Avery moved for a call of the house. The motion prevailed with 45 ayes, 0 nays, and 4 not voting.

Senator Avery requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Avery	Howard	Louden	Preister	Wallman
Carlson	Karpisek	McDonald	Raikes	White
Christensen	Kopplin	McGill	Rogert	Wightman
Dubas	Kruse	Nantkes	Schimek	
Hansen	Lathrop	Pedersen	Synowiecki	

Voting in the negative, 26:

Adams	Dierks	Fulton	Johnson	Pirsch
Aguilar	Engel	Gay	Langemeier	Stuthman
Ashford	Erdman	Harms	Lautenbaugh	
Burling	Fischer	Heidemann	Nelson	
Chambers	Flood	Hudkins	Pahls	
Cornett	Friend	Janssen	Pankonin	

Not voting, 0.

The Avery amendment lost with 23 ayes, 26 nays, and 0 not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORTS**

## Education

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

DeMarus Carlson - Board of Educational Lands and Funds

Aye: 6 Senators Adams, Avery, Burling, Howard, Johnson, Raikes. Nay: 0. Absent: 2 Senators Ashford, Kopplin.

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

Darlene Starman - Nebraska Educational Telecommunications Commission

Aye: 5 Senators Adams, Avery, Howard, Johnson, Kopplin. Nay: 0. Absent: 3 Senators Ashford, Burling, Raikes.

(Signed) Ron Raikes, Chairperson

**RESOLUTION**

**LEGISLATIVE RESOLUTION 4.** Introduced by Stuthman, 22.

WHEREAS, the Scotus Central Catholic Shamrocks won the 2008 Class C-1 State Volleyball Championship; and

WHEREAS, the 2008 title is the thirteenth state volleyball title for Scotus Central Catholic; and

WHEREAS, the Shamrocks defeated the Grand Island Central Catholic Crusaders 25-23, 25-21, 25-21 to win the state title; 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 HUNDREDTH LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That the Legislature congratulates Scotus Central Catholic on their 2008 Class C-1 State Volleyball Championship.

2. That a copy of this resolution be sent to the Shamrocks and their coach, John Petersen.

Laid over.

### VISITORS

Visitors to the Chamber were David Mrsny from Omaha; 24 twelfth-grade students, teacher, and sponsor from Elkhorn; 26 tenth- through twelfth-grade students and teachers from Nebraska City; Frank Dartsch and Dan Gilbert from Omaha; and members of Youth Leadership Tomorrow from Grand Island.

### RECESS

At 11:55 a.m., on a motion by Senator Avery, the Legislature recessed until 1:30 p.m.

### AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Langemeier presiding.

### ROLL CALL

The roll was called and all members were present.

### COMMITTEE REPORT

Enrollment and Review

**LEGISLATIVE BILL 2.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

### GENERAL FILE

**LEGISLATIVE BILL 1.** Senator Hansen offered the following amendment to the committee amendment:

AM6

(Amendments to Standing Committee amendments, AM5)

- 1 1. On page 1, line 2, strike "thirty days" and insert
- 2 "four months".

Senator Hansen asked unanimous consent to withdraw his amendment, AM6, found in this day's Journal, and replace it with his substitute amendment, FA2, to the committee amendment. No objections. So ordered.

FA2

Amendments to Committee amendments

1. On page 1, line 2, strike "thirty days" and insert "one hundred twenty days".

### SPEAKER FLOOD PRESIDING

Pending.

**COMMITTEE REPORTS**

## Judiciary

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

Scot Ford - Crime Victim's Reparations Committee  
 William Brueggemann - Crime Victim's Reparations Committee  
 Derek Vaughn - Crime Victim's Reparations Committee

Aye: 8 Senators Ashford, Schimek, Pedersen, McDonald, McGill, Pirsch, Chambers, Lathrop. Nay: 0. Absent: 0.

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

Rosalyn Cotton - Nebraska Board of Parole

Aye: 8 Senators Ashford, Schimek, Pedersen, McDonald, McGill, Pirsch, Chambers, Lathrop. Nay: 0. Absent: 0.

(Signed) Brad Ashford, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 5.** Introduced by Harms, 48; Erdman, 47; Loudon, 49.

WHEREAS, the Scottsbluff Bearcats won the 2008 Class B Girls State Cross Country Championship; and

WHEREAS, the Bearcats' win clinched the third girls state cross country championship for Scottsbluff; and

WHEREAS, the Bearcats finished the meet with their top four runners in the top 20 and 25 points ahead of runner-up Columbus; 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 HUNDREDTH LEGISLATURE OF NEBRASKA, FIRST SPECIAL SESSION:

1. That the Legislature congratulates Scottsbluff in winning the 2008 Class B Girls State Cross Country Championship.

2. That a copy of this resolution be sent to the Scottsbluff Bearcats and their coach, Tanya Vaughn.

Laid over.



**LEGISLATIVE RESOLUTION 6.** Introduced by Harms, 48; Erdman, 47; Loudon, 49.

WHEREAS, the Scottsbluff girls golf team won the 2008 Class B Girls State Golf Tournament; and

WHEREAS, the Bearcats beat runner-up Beatrice by thirty-three strokes on the way to winning their third state title in the last six years; and

WHEREAS, the Bearcats' win capped off the first perfect season in school history; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic accomplishments of the youth of this state.

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

1. That the Legislature recognizes and congratulates the members of the Scottsbluff girls golf team and their coach, Mike Klein.

2. That a copy of this resolution be sent to the Scottsbluff girls golf team and their coach, Mike Klein.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 1.** The Hansen amendment, FA2, found in this day's Journal, to the committee amendment, was renewed.

### SENATOR LANGEMEIER PRESIDING

Senator Ashford moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 28 ayes, 9 nays, and 12 not voting.

Senator Hansen moved for a call of the house. The motion prevailed with 46 ayes, 0 nays, and 3 not voting.

Senator Hansen requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Adams	Hansen	Kruse	Nantkes	Preister
Avery	Howard	Lathrop	Nelson	Rogert
Carlson	Karpisek	McDonald	Pankonin	Wallman
Christensen	Kopplin	McGill	Pedersen	White

Voting in the negative, 29:

Aguilar	Dubas	Fulton	Johnson	Raikes
Ashford	Engel	Gay	Langemeier	Schimek
Burling	Erdman	Harms	Lautenbaugh	Stuthman
Chambers	Fischer	Heidemann	Louden	Synowiecki
Cornett	Flood	Hudkins	Pahls	Wightman
Dierks	Friend	Janssen	Pirsch	

Not voting, 0.

The Hansen amendment lost with 20 ayes, 29 nays, and 0 not voting.

The Chair declared the call raised.

Senators Schimek and Pedersen offered the following amendment to the committee amendment:

AM9

(Amendments to Standing Committee amendments, AM5)

- 1 1. Insert the following new amendments:
- 2 "1. Insert the following section:
- 3 "Sec. 2. This act terminates on June 4, 2009.".
- 4 3. Renumber the remaining sections accordingly."
- 5 2. Renumber the remaining amendment accordingly.

### **SENATOR ERDMAN PRESIDING**

Senator Schimek withdrew the Schimek-Pedersen amendment.

Committee AM5, found in this day's Journal, was renewed.

The committee amendment was adopted with 44 ayes, 0 nays, and 5 present and not voting.

Senator Avery withdrew his amendment, AM1, found on page 41.

Senator Langemeier withdrew his amendment, AM2, found on page 50.

Senator Schimek offered the following amendment:

AM11

- 1 1. On page 2, line 7, after the period insert "The
- 2 hospital shall not require the person leaving such child to provide
- 3 any medical history of the child or the child's family. The person
- 4 leaving such child may voluntarily provide medical history of the
- 5 child or the child's family.".

Senator Schimek withdrew her amendment.

Advanced to Enrollment and Review Initial with 40 ayes, 4 nays, and 5 present and not voting.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of November 17, 2008, 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

Amack, Angela K.  
Columbus Public Schools

American Communications Group, Inc.  
American Wind Energy Association

Angus, Mary E.  
ARC of Nebraska

Boesch, Elizabeth L.  
Nebraska Public Power District

Bydalek, Dave  
Family First

Campbell, Mary  
Lincoln Public Schools

Hamilton Consulting  
Life Lock, Inc.

Hickox, Scott  
Takeda Pharmaceuticals America

Jensen, Ronald L./Jensen Associates, Inc.  
Children's Respite Care Center, Inc.  
Mosaic

Kissel/Erickson & Sederstrom Associates, LLC  
Nebraskans for a Healthy Future  
Ralston Public School District  
Sarpy County, United Cities of

Kohout, Joseph D.  
Kissel/E&S Associates, LLC

McCann, Carter G.  
McCann for LCCC

McClure, Jeanne L.  
Alegent Health

- Miya, Pamela A.  
March of Dimes Birth Defects Foundation
- Morfeld, Adam  
Civic Reform, Nebraskans for
- Mortland, Thomas  
Berkshire Hathaway Homestate Companies
- Paden, Nicholas  
Broadband Coalition, Nebraska
- Peeetz, Natalie, Peeetz & Company  
Alegent Health  
Behavioral Health, Advocates for
- Plofchan, Paul  
Pfizer, Inc.
- Prenda, Amy  
Cutshall & Nowka
- Radcliffe, Walter H., of Radcliffe & Associates  
Big John's Billiards, Inc.  
Metropolitan Community College
- Rickman, Valerie  
Information Technology Industry Council (Withdrawn 09/02/2008)
- Solheim, David C.  
Civic Reform, Nebraskans for
- Troutman, Gary  
City of Bellevue
- Werner, Terry  
Social Workers, Nebraska Chapter, National Association of
- Zulkowski, Katie W.  
Ruth & Mueller, LLC

### **VISITOR**

Visitor to the Chamber was Tori Haussler from Arapahoe.

### **ADJOURNMENT**

At 3:44 p.m., on a motion by Senator Pirsch, the Legislature adjourned until 9:00 a.m., Wednesday, November 19, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature