

**FIRST DAY - JANUARY 7, 2009**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FIRST LEGISLATURE  
FIRST SESSION**

**FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, January 7, 2009

**PRAYER**

The prayer was offered by Senator Harms.

**PRESENTATION OF COLORS**

Presentation of Colors by the Military Honor Guard.

**ROLL CALL**

Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundred First 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 7, 2009, and was called to order by President Sheehy.

The roll was called and the following members were present:

Adams, Greg L.	Giese, Robert J.	Nantkes, Danielle
Ashford, Brad	Gloor, Mike	Nelson, John E.
Avery, Bill	Haar, Ken	Nordquist, Jeremy J.
Campbell, Kathy	Hadley, Galen	Pahls, Rich
Carlson, Tom	Hansen, Thomas F.	Pankonin, Dave
Christensen, Mark	Harms, John N.	Pirsch, Pete
Coash, Colby	Heidemann, Lavon L.	Price, Scott
Cook, Tanya	Howard, Gwen	Rogert, Kent
Cornett, Abbie	Janssen, Charlie	Schilz, Ken
Council, Brenda J.	Karpisek, Russ	Stuthman, Arnie
Dierks, Cap	Langemeier, Chris	Sullivan, Kate
Dubas, Annette M.	Lathrop, Steve	Utter, Dennis
Fischer, Deb	Lautenbaugh, Scott	Wallman, Norm
Flood, Mike	Louden, LeRoy J.	White, Tom
Friend, Mike	McCoy, Beau	Wightman, John M.
Fulton, Tony	McGill, Amanda	
Gay, Tim	Mello, Heath	



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

(SEAL)

John A. Gale, Secretary of State

DISTRICT/NAME	ELECTED
1 Lavon L. Heidemann	November 4, 2008
2 Dave Pankonin	November 7, 2006
3 Scott Price	November 4, 2008
4 Pete Pirsch	November 7, 2006
5 Heath Mello	November 4, 2008
6 John E. Nelson	November 7, 2006
7 Jeremiah Nordquist	November 4, 2008
8 Tom White	November 7, 2006
9 Gwen Howard	November 4, 2008
10 Mike Friend	November 7, 2006
11 Brenda J. Council	November 4, 2008
12 Steve Lathrop	November 7, 2006
13 Tanya Cook	November 4, 2008
14 Tim Gay	November 7, 2006
15 Charlie Janssen	November 4, 2008
16 Kent Rogert	November 7, 2006
17 Robert J. Giese	November 4, 2008
18 Scott Lautenbaugh	(2 year term) November 4, 2008
19 Mike Flood	November 4, 2008
20 Brad Ashford	November 7, 2006
21 Ken Haar	November 4, 2008
22 Arnie Stuthman	November 7, 2006
23 Chris Langemeier	November 4, 2008
24 Greg L. Adams	November 7, 2006
25 Kathy Campbell	November 4, 2008
26 Amanda M. McGill	November 7, 2006
27 Colby Coash	November 4, 2008
28 Bill Avery	November 7, 2006
29 Tony Fulton	November 4, 2008
30 Norman Wallman	November 7, 2006
31 Rich Pahls	November 4, 2008
32 Russ Karpisek	November 7, 2006
33 Dennis Utter	November 4, 2008
34 Annette M. Dubas	November 7, 2006
35 Mike Gloor	November 4, 2008
36 John Wightman	November 7, 2006
37 Galen Hadley	November 4, 2008
38 Tom Carlson	November 7, 2006
39 Beau McCoy	November 4, 2008
40 Cap Dierks	November 7, 2006
41 Kate Sullivan	November 4, 2008
42 Thomas F. Hansen	November 7, 2006
43 Deb Fischer	November 4, 2008



**MOTION - Adopt Temporary Rules**

Senator Rogert moved that the rules, as now in our possession, be adopted for today only, Wednesday, January 7, 2009.

The motion prevailed.

**MOTION - Election of Officers**

Senator Flood moved that the following officers, recommended by the Executive Board, be elected to serve for the One Hundred First 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 Langemeier moved to proceed to the election of the Speaker of the Legislature.

The motion prevailed.

Senator Flood placed his name in nomination.

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

The motion prevailed.

Senator Flood was duly elected Speaker of the Legislature.

**MOTION - Escort Chief Justice**

Senator Lautenbaugh moved that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the officers of the Legislature.

The motion prevailed.

The Chair appointed Senators Heidemann, Cornett, Howard, Nelson, and Harms to serve on said committee.



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

Senators Dierks, Loudon, Fischer, and Flood were nominated from District 3.

Senator Wallman 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 White moved to proceed to the election of the Chairperson of the Executive Board.

The motion prevailed.

Senator Stuthman placed his name in nomination.

Senator Wightman placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Carlson, Friend, and Fulton as tellers.

Senator Stuthman	16
Senator Wightman	<u>33</u>
	49

Senator Wightman was duly elected Chairperson of the Executive Board.

**MOTION - Vice Chairperson of Executive Board**

Senator Friend moved to proceed to the election of the Vice Chairperson of the Executive Board.

The motion prevailed.

Senator McGill placed her name in nomination.

Senator Nelson placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Dierks, Nantkes, and Pahls as tellers.

Senator McGill	15
Senator Nelson	<u>33</u>
	48

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

**SPEAKER FLOOD PRESIDING**

**MOTION - Executive Board Members**

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

The motion prevailed.

Senators Langemeier and Karpisek were nominated from District 1.

Senators White and Pahls were nominated from District 2.

Senators Fischer and Christensen were nominated from District 3.

Senator Dierks moved the approval of the nominees to the Executive Board.

The motion prevailed.

The Chair declared the nominees duly elected.

**MOTION - Standing Committee Chairpersons**

Senator Lathrop 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 Carlson placed his name in nomination.

Senator Dubas placed her name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators McCoy, Nelson, and McGill as tellers.

Senator Carlson	29
Senator Dubas	<u>20</u>
	49

Senator Carlson was duly elected Chairperson of the Agriculture Committee.

CHAIRPERSON - Appropriations

Senator Heidemann placed his name in nomination.

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

The motion prevailed.

Senator Heidemann was duly elected Chairperson of the Appropriations Committee.

CHAIRPERSON - Banking, Commerce and Insurance

Senator Pahls placed his name in nomination.

Senator McGill 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 Lathrop placed his name in nomination.

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

The motion prevailed.

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

CHAIRPERSON - Education

Senator Adams placed his name in nomination.

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

The motion prevailed.

Senator Adams was duly elected Chairperson of the Education Committee.

CHAIRPERSON - General Affairs

Senator Karpisek placed his name in nomination.

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

The motion prevailed.

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

CHAIRPERSON - Government, Military and Veterans Affairs

Senator Avery placed his name in nomination.

Senator Rogert placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Carlson, White, and Pahls as tellers.

Senator Avery	28
Senator Rogert	<u>20</u>
	48

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

CHAIRPERSON - Health and Human Services

Senator Gay placed his name in nomination.

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

The motion prevailed.

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

CHAIRPERSON - Judiciary

Senator Ashford placed his name in nomination.

Senator McGill 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 Louden placed his name in nomination.

Senator Langemeier placed his name in nomination.

The Chair declared the nominations closed.

The Chair appointed Senators Fischer, Lathrop, and Stuthman as tellers.

Senator Louden	13
Senator Langemeier	<u>36</u>
	49

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

CHAIRPERSON - Nebraska Retirement Systems

Senator Pankonin placed his name in nomination.

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

The motion prevailed.

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

CHAIRPERSON - Revenue

Senator Cornett placed her name in nomination.

Senator McGill 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 Revenue Committee.

CHAIRPERSON - Transportation and Telecommunications

Senator Fischer placed her name in nomination.

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

The motion prevailed.

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

CHAIRPERSON - Urban Affairs

Senator Friend placed his name in nomination.

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

The motion prevailed.

CHAIRPERSON - Intergovernmental Cooperation

Senator Janssen placed his name in nomination.

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

The motion prevailed.

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

CHAIRPERSON - Rules

Senator Lautenbaugh placed his name in nomination.

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

The motion prevailed.

Senator Lautenbaugh was duly elected Chairperson of the Rules Committee.

CHAIRPERSON – Enrollment and Review

Senator McGill nominated Senator Nordquist.

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

The motion prevailed.

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

**MOTION - Election Returns**

Senator Fischer 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 2008.

The motion prevailed.

The Chair appointed Senators Lautenbaugh, Janssen, and Howard 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 7, 2009

Speaker of the Legislature  
One Hundred First Legislature, First Session (Regular) 2009  
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 4, 2008 for the offices of Members of the Public Service Commission, Regents of the University of Nebraska, Members of the State Board of Education, Supreme Court Judges, Court of Appeals 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 files immediately upon the completion of your official canvass.

Respectfully submitted,  
(Signed) John A. Gale  
Secretary of State

### CERTIFICATE

State of Nebraska

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

I, John A. Gale, Secretary of State of the State of Nebraska do hereby certify that the attached is a true and correct list of the candidates for the offices of Members of the Public Service Commission, Regents of the University of Nebraska, Members of the State Board of Education, Supreme Court Judges, Court of Appeals Judges and Nebraska Workers Compensation Judges receiving the highest number of votes cast at the General Election in the State of Nebraska held on November 4, 2008.

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

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

(SEAL) John A. Gale, Secretary of State

Public Service Commission, District 2 - Anne Boyle  
Board of Regents of the University of Nebraska - Dist 1 - Tim Clare  
Board of Regents of the University of Nebraska - Dist 2 - Howard Hawks  
State Board of Education - Dist 1 - Bob Evnen  
State Board of Education - Dist 2 - Kerry T. Winterer

State Board of Education - Dist 3 - Jim Scheer  
 State Board of Education - Dist 4 - Rebecca A. Valdez  
 Supreme Court Judge, District 2 - Lindsey Miller-Lerman  
 Court of Appeals Judge, District 1 - Richard D. Sievers  
 Court of Appeals Judge, District 2 - Theodore L. Carlson  
 Court of Appeals Judge, District 3 - William B. Cassel  
 Court of Appeals Judge, District 4 - John F. Irwin  
 Nebraska Workers Compensation Judge Laureen K. Van Norman  
 Nebraska Workers Compensation Judge Michael K. High

**CERTIFICATE**

State of Nebraska

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

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 the Constitutional Amendment proposed by the Legislature showing the number of votes cast for and against the amendment at the Primary Election held on May 13, 2008 and Constitutional Amendments proposed by the Legislature and Initiatives Ordered by Petition of the People showing the number of votes cast for and against at the General Election held on November 4, 2008 is also attached.

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

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

(SEAL) John A. Gale, Secretary of State

2008 Primary and General Elections  
 Amendments and Initiative Measures

Primary Election

Amendment 1

A constitutional amendment to allow the investment of public endowment funds by cities authorized by the Nebraska Constitution to establish a charter.

General Election

Amendment 1

A constitutional amendment to change the powers of municipalities relating to fund sources for economic and industrial development.

For	312,125
Against	371,664

Initiative Measure 424

A constitutional amendment to prohibit the State, any public institution of higher education, political subdivision or government institution from discriminating against, or granting preferential treatment to, individuals, or groups based upon race, sex, color, ethnicity, or national origin in operating public employment, education or contracting.

For	404,766
Against	298,401

Senator Cornett 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 Christensen moved to arrange to hold the inaugural ceremonies for the newly elected state officials on Thursday, January 8, 2009, at 1:45 p.m.

The motion prevailed.

### **ANNOUNCEMENT**

Senator Hansen announced the Committee on Committees will meet today at 2:30 p.m. in Room 1524.

### **VISITOR**

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

### **ADJOURNMENT**

At 12:37 p.m., on a motion by Senator McGill, the Legislature adjourned until 10:00 a.m., Thursday, January 8, 2009.

Patrick J. O'Donnell  
Clerk of the Legislature