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Transcriber's Office

Floor Debate  
November 10, 2009

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[LB6 LB7 LB8 LB9 LB11 LB13 LB14 LB15 LB16 LR9 LR10]

SPEAKER FLOOD PRESIDING []

SPEAKER FLOOD: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fifth day of the One Hundred First Legislature, First Special Session. Our chaplain for today is Senator Hadley. Please rise. []

SENATOR HADLEY: (Prayer offered.) []

SPEAKER FLOOD: Thank you, Senator Hadley. I call to order the fifth day of the One Hundred First Legislature, First Special Session. Senators, please record your presence. Mr. Clerk, please record. []

CLERK: I have a quorum present, Mr. President. []

SPEAKER FLOOD: Thank you, Mr. Clerk. Are there any corrections for the Journal? []

CLERK: I have no corrections, Mr. President. []

SPEAKER FLOOD: Thank you. Are there any messages, reports, or announcements? []

CLERK: Your Committee on Revenue, chaired by Senator Cornett, reports LB13 and LB15 as indefinitely postponed. Confirmation hearing reports from the Judiciary Committee, those two reports signed by Senator Ashford, as Chair. Attorney General Opinion addressed to Senator Wightman (re LB6, LB7, LB8, LB9, LB11, LB13, LB14, LB15, and LB16). And Education Committee will meet in Executive Session in Room 1507 later today, approximately 2:30; Education Committee at 2:30, Exec Session. That's all that I had, Mr. President. (Legislative Journal pages 65-72.) [LB13 LB15 LB6 LB7 LB8 LB9 LB11 LB14 LB16]

SPEAKER FLOOD: Thank you, Mr. Clerk. Members, a quick scheduling note as we look toward the rest of the week. If I may have your attention for a moment, we will be meeting on Friday, commencing at 9:00 a.m. It is possible on Friday that we will work through the noonhour. Again, we will be meeting at 9:00 a.m. on Friday. It is possible we will be working through the noonhour. We will not be working this Saturday. Mr. Clerk, we now proceed to the agenda for today, legislative confirmation reports. []

CLERK: Mr. President, the first report offered by Natural Resources, chaired by Senator Langemeier, reports on two appointments to the Nebraska Power Review Board. (Legislative Journal page 44.) []

SPEAKER FLOOD: Senator Langemeier, you are recognized, as Chairperson of the

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
November 10, 2009

---

Natural Resources Committee, to open on legislative confirmation report number one. []

SENATOR LANGEMEIER: Mr. President, thank you, and members of the body. We do have two appointees to the Nebraska Power Review Board. The hearing was November 5, 2009. The Power Review Board is a board made up of five members. The first one is Rick Morehouse from Scottsbluff, Nebraska, who came to the hearing via teleconference, is a new appointment to the board under the accountant representative. He has a bachelor's degree from the University of Nebraska-Lincoln. He is a certified public accountant and financial advisor for Platte Valley Investment Center. The second appointment is Michael Siedschlag from Omaha, Nebraska. He is a reappointment. He fits under the engineering representative position on the board. He is a graduate of the University of Nebraska and is a senior geotechnology engineer, for 31 years in that field, with HDR Engineering in Omaha. The committee voted them out 6-0 of those members attending, and we would ask for your adoption of this first of the committee reports. Thank you. []

SPEAKER FLOOD: Thank you, Senator Langemeier. Are there members wishing to discuss confirmation report number one from the Natural Resources Committee? Seeing none, Senator Langemeier, you're recognized to close. Senator Langemeier waives his opportunity. The question before the body is, shall the confirmation report be adopted? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. []

CLERK: (Record vote, Legislative Journal page 72.) 44 ayes, 0 nays, Mr. President, on adoption of the first confirmation report. []

SPEAKER FLOOD: The first confirmation report is adopted. Mr. Clerk. []

CLERK: Second report, Mr. President, offered by Natural Resources, chaired by Senator Langemeier, reports on a series of appointments to the Environmental Quality Council. (Legislative Journal page 44.) []

SPEAKER FLOOD: Senator Langemeier, as Chair of the Natural Resources Committee, you're recognized to open on your second confirmation report. []

SENATOR LANGEMEIER: Thank you, Mr. President. The second report consists of nine appointees to the Environmental Quality Council. The hearing, again, was November 5, 2009. This is a 17-member board and we're going to do 9 of them here today. Michelle Bucklin is the first one. She's from Omaha, Nebraska. She represents the food products and manufacturing representative on the council. She has a bachelor's degree from the University of Florida and currently is the environmental waste manager for Cargill at Blair. The second member is...appointee is Joseph Citta, Jr., from Columbus, Nebraska. He is a reappointment. He fits under the power

Floor Debate  
November 10, 2009

---

generation industry category and has a bachelor's degree from the University of Nebraska, Hastings Campus...or Hastings College, rather; fits under corporate environmental manager for the Nebraska Public Power. He is currently the vice chair of the committee. The second...the third is Mark Czaplewski from Grand Island, Nebraska; is a reappointment; fits under the biological biologist representative to the council. He is a graduate of the University of Nebraska at Kearney where he has a bachelor's degree in environmental studies, and he is a biologist for Central Platte Natural Resources District at Grand Island, Nebraska. The fourth is Rodney Gangwish from Shelton, Nebraska. He is a reappointment to the committee. He fits under agricultural crop production representative to the council. He is a graduate of the University of Nebraska-Lincoln where he has a BS degree in agronomy. He is a family farmer at Shelton for the past 31 years. The fifth member is Robert Hall from Wahoo, Nebraska. He is a reappointment. He represents the labor industry to the council. He is currently a manager on the statewide level for an asbestos removal company, and represents the labor unions Local 39. The next member is Lance Hedquist who is a new appointment from Sioux City, Nebraska; is going to represent the municipal government representative on the council; has a bachelor's degree from Wayne State College at Wayne. He is currently the city administrator for South Sioux City and has done that since 1980. The next nominee is Mark Whitehead from Lincoln, Nebraska, who's a reappointment; represents the automotive petroleum industry representative on the council; currently serves as the chairperson of the council; has a graduate degree from Kansas State University and has Whitehead Oil Company. The next is Dr. Ethel Williams from Omaha, Nebraska, who joined us via teleconference; is a new appointment to the council and is going to represent the minorities representative to the council; has a bachelor's degree from Talladega College and a master's degree, as well as Ph.D. degree from the University of Nebraska-Lincoln; is associate director professor of the University of Nebraska Omaha School of Public Administration. And the final nominee in this category is Alden Zuhlke from Brunswick, Nebraska; is a reappointment, represents the livestock industry representative on the council and has a bachelor's degree from the University of Nebraska; is a farmer and a pork producer here in Nebraska. The committee advanced these nominees 6-0 with 2 members absent. And with that, I would ask for your adoption of the committee report. []

SPEAKER FLOOD: Members, you've heard the second confirmation report from the Natural Resources Committee. There are no members wishing to speak. Senator Langemeier, you're recognized to close. Senator Langemeier waives his opportunity. The question before the body is, shall the second confirmation report from the Natural Resources Committee be adopted? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. []

CLERK: (Record vote, Legislative Journal page 73.) 41 ayes, 0 nays, Mr. President, on the adoption of the confirmation report. []

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
November 10, 2009

---

SPEAKER FLOOD: The confirmation report is adopted. Mr. Clerk. []

CLERK: Third report from Natural Resources, Mr. President, involves an appointment to the Nebraska Oil and Gas Conservation Commission. (Legislative Journal page 44.) []

SPEAKER FLOOD: Senator Langemeier, as Chair of the Natural Resources Committee, you're recognized to open on the third and final confirmation report from your committee. []

SENATOR LANGEMEIER: Mr. President, members of the body, this report is a reappointment to the Oil and Gas Conservation Commission. Thomas Sonntag from Sidney, Nebraska, joined us via teleconference on November 5, 2009. He is a legal representative on the three-member commission for a four-year term. He has a bachelor's degree from Concordia University at Fort Wayne, Indiana, and a law degree from the University of Nebraska law school. Again, he is a reappointment. The committee advanced his appointment 6-0. All those in attendance were supportive and, with that, I would ask for the adoption of the confirmation report. Thank you. []

SPEAKER FLOOD: Members, you've heard the opening. Are there any members wishing to speak? Seeing none, Senator Langemeier, you're recognized to close. Senator Langemeier waives his opportunity. The question before the body is, shall the third and final confirmation report from the Natural Resources Committee be adopted? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. []

CLERK: (Record vote, Legislative Journal pages 73-74.) 39 ayes, 0 nays, Mr. President, on the adoption of the report. []

SPEAKER FLOOD: The confirmation report is adopted. Mr. Clerk. []

CLERK: Mr. President, the next confirmation report is offered by Transportation and Telecommunications, chaired by Senator Fischer. It involves appointments to the Department of Roads, the Motor Vehicle Industry Licensing Board, and the State Highway Commission. (Legislative Journal page 49.) []

SPEAKER FLOOD: Senator Fischer, as Chair of the Transportation and Telecommunications Committee, you are recognized to open on your confirmation report. []

SENATOR FISCHER: Thank you, Mr. President and members. The Transportation and Telecommunications Committee held a confirmation hearing on Friday, November 6, for the appointment of Monty Fredrickson as Director of Department of Roads. Director Fredrickson was appointed by the Governor to replace Director John Craig, who

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
November 10, 2009

---

resigned his position. This appointment is for a term that began January 6, 2009, for a duration which is at the pleasure of the Governor. Mr. Fredrickson is originally from Stromsburg, Nebraska, and resides now in Lincoln. He has a degree in civil engineering from the University of Nebraska at Lincoln. He began working at the Nebraska Department of Roads in 1970. He's held several positions with the department, such as design engineer, district engineer in charge of construction and maintenance, and 17 years as deputy director for engineering services. Director Fredrickson did appear before the committee at the hearing and the committee recommends him with an affirmative vote of all 7 members that were present and voting. The next appointment is for the Motor Vehicle Industry Licensing Board. The most recent appointee to serve for a term from September 4, 2009, to May 18, 2012, is Jeffrey Scherer. Mr. Scherer is from Beemer, Nebraska. He is a new appointment to the board and will be replacing Jack Henry as the manufacturing representative. Mr. Scherer is from the 1st Congressional District. Mr. Scherer did appear before the committee and the committee recommends him with an affirmative vote of all 7 members who were present and voting. The Transportation Committee also held a hearing that same day for a position on the State Highway Commission for Ms. Donna Wanitschke. She is a retired banker from Grand Island. She was reappointed for another term to represent District 4. Her term will be a two-year term and will run from September 30, 2009, to September 13, 2011. The commissioner did appear before the committee at the hearing and the committee did recommend her to the full body with an affirmative vote from the 7 members that were present and voting. Thank you, Mr. President. []

SPEAKER FLOOD: Thank you, Senator Fischer. Members, you've heard the opening on the Transportation and Telecommunications Committee confirmation report. There are no members wishing to speak. Senator Fischer, you're recognized to close. Senator Fischer waives that opportunity. The question before the body is, shall the Transportation and Telecommunications Committee confirmation report be adopted? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. []

CLERK: (Record vote, Legislative Journal pages 74-75.) 34 ayes, 0 nays, Mr. President, on the adoption of the report. []

SPEAKER FLOOD: The Transportation and Telecommunications Committee confirmation report is adopted. The Legislature would like to recognize and congratulate Senators Nordquist and Ashford on their birthdays. There are pies available from Senator Nordquist in the Senators' Lounge, and popcorn provided by Senator Ashford. Mr. Clerk. []

CLERK: Mr. President, the General Affairs Committee, chaired by Senator Karpisek, reports on four appointments to the Nebraska Arts Council. (Legislative Journal page 50.) []

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
November 10, 2009

---

SPEAKER FLOOD: Senator Karpisek, you are recognized to open, as Chair of the General Affairs Committee. []

SENATOR KARPISEK: Thank you, Mr. President. David Gardels was reappointed by the Governor to the Nebraska Arts Council and, if confirmed, his term would expire in 2012. David is on the board of directors for Opera Omaha, director and secretary-treasurer for the Omaha Cultural Arts District, vice president for the Society of Corporate Secretaries of Governance Professionals, and is a partner at the Husch Blackwell Sanders Law Firm in Omaha. David's confirmation received unanimous support in committee and I ask the body confirm David Gardels for the Nebraska Arts Council. Joanne Medlock was reappointed by the Governor to the Nebraska Arts Council and her term would also expire in 2012 if confirmed. Joanne is a resident of Valentine and graduated from the University of Nebraska-Lincoln with a degree in political science. She presently works in real estate. She has been a trustee of the Nebraska Historical Society Foundation from 1994 to present. She is also a board member of the Cherry County Hospital Foundation, on the board of directors of the Museum of Nebraska Art, and has served as a board member of the Nebraska Children and Families Foundation. Joanne was awarded the Business Leadership Award by the College of Business Administration at the University of Nebraska in 2005. Her confirmation also received unanimous support from the committee. Sandra Schroeder was reappointed by the Governor and would also expire in 2012 if her confirmation is confirmed. Sandra is a resident of Norfolk. She was a fine arts major at the University of Nebraska and for the last 30 years has been self-employed in the family-owned and land surveying business. Sandra has been a licensed realtor in Nebraska for more than 20 years and has been long interested in art, architecture, and antiques. She also received unanimous support in committee. Stephanie Metz O'Keefe was appointed by the Governor and her term would also expire in 2012 if confirmed. Stephanie currently resides...oh, sorry, Stephanie currently serves as board member of the Florence Home in Omaha, is past-chair and board member of the Lauritzen Gardens in Omaha, and past member of the United Way of the Midlands youth and allocation committee. Stephanie graduated from Clarke College in Dubuque, Iowa, and attended Creighton University. She also received unanimous support in committee and I ask the body that they confirm all four Nebraska Arts Council members. Thank you, Mr. President. []

SPEAKER FLOOD: Thank you, Senator Karpisek. There are no members wishing to speak. Senator Karpisek, you're recognized to close on your confirmation report. Senator Karpisek waives his opportunity. The question before the body is, shall the General Affairs confirmation report number one be adopted? All those in favor vote aye; all those opposed vote nay. Have all those senators who wish to vote done so? Mr. Clerk, please record. []

CLERK: (Record vote, Legislative Journal page 75.) 34 ayes, 0 nays, Mr. President, on

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
November 10, 2009

---

the adoption of the confirmation report. []

SPEAKER FLOOD: The first report is adopted. Mr. Clerk. []

CLERK: Mr. President, General Affairs offers a report regarding an appointment to the State Electrical Board. (Legislative Journal page 50.) []

SPEAKER FLOOD: Senator Karpisek, as Chairman of the General Affairs Committee, you are recognized to open on the second confirmation report. []

SENATOR KARPISEK: Thank you, Mr. President. Tom Ourada was reappointed by the Governor to the State Electrical Board. If confirmed, his term would expire in 2014. Tom is a constituent of mine and is currently employed at the Crete Public Works as director. I believe Tom has the background and experience to continue doing a great job on the board. Tom's confirmation received unanimous support in committee and I ask the body to confirm Tom Ourada for State Electrical Board. Thank you, Mr. President. []

SPEAKER FLOOD: Thank you, Senator Karpisek. Members, you've heard the opening. There are no members wishing to speak. Senator Karpisek has an opportunity to close. He waives that opportunity. The question before the body is, shall the General Affairs Committee confirmation report be adopted? All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record. []

CLERK: (Record vote, Legislative Journal page 76.) 33 ayes, 0 nays, Mr. President, on the adoption of the confirmation report. []

SPEAKER FLOOD: The confirmation report is adopted. Mr. Clerk. []

CLERK: Mr. President, Government Committee, chaired by Senator Avery, reports on two appointments to the Nebraska Accountability and Disclosure Commission. (Legislative Journal page 55.) []

SPEAKER FLOOD: Senator Avery, as Chair of the Government, Military and Veterans Affairs Committee, you're recognized to open on the first confirmation report from your committee. []

SENATOR AVERY: Thank you, Mr. President. Good morning, colleagues. The Government, Military and Veterans Affairs Committee met on the afternoon of November 6 to consider the nomination of two individuals to the Nebraska Accountability and Disclosure Commission. The first of those is Mr. Joe Grant, who is a lawyer with Hotz Weaver Flood in Omaha. He is a graduate of the University of Nebraska with a bachelor of arts degree; also a graduate of the University of Nebraska College of Law. He is past-president of the Nebraska State Bar Association's Young

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
November 10, 2009

---

Lawyer Section. The second nominee to the commission is Jan Mumm. Jan was unable to attend so we conducted the hearing by telephone. Jan is a certified public accountant with Mumm and Associates. She has a bachelor of science degree in business administration, graduating with distinction from the University of Nebraska-Lincoln. She also has a master's of public accountancy from the University of Nebraska at Lincoln. The committee respectfully requests that you vote to confirm these two nominees. Thank you, Mr. Chair. []

SPEAKER FLOOD: Thank you, Senator Avery. Members, you've heard the opening. Returning to discussion on the confirmation report, Senator Lautenbaugh, you are recognized. []

SENATOR LAUTENBAUGH: Thank you, Mr. President, members of the body. I wonder if Senator Avery would yield to a question. []

SPEAKER FLOOD: Senator Avery, will you yield to a question from Senator Lautenbaugh? []

SENATOR AVERY: Yes, I will. []

SENATOR LAUTENBAUGH: Senator, do you know how much money we'd save if we repealed the CFLA? []

SENATOR AVERY: I do not know the exact number but I suspect that there is money in the fund that might equal or total about \$700,000 in fees and fines. []

SENATOR LAUTENBAUGH: Thank you, Senator. []

SPEAKER FLOOD: There are no other senators wishing to speak. Senator Avery, you're recognized to close on the first Government, Military and Veterans Affairs Committee confirmation report. Senator Avery waives his opportunity. The question before the body is, shall the confirmation report be adopted? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. []

CLERK: (Record vote, Legislative Journal pages 76-77.) 35 ayes, 0 nays, Mr. President, on the adoption of the report. []

SPEAKER FLOOD: The report is adopted. Mr. Clerk. []

CLERK: Mr. President, a second report from the Government, Military and Veterans Affairs Committee involves the appointment of the Adjutant General. (Legislative Journal page 55.) []

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
November 10, 2009

---

SPEAKER FLOOD: Senator Avery, you are recognized to open on the second Government, Military and Veterans Affairs Committee confirmation report. []

SENATOR AVERY: Thank you, Mr. President. The Government, Military and Veterans Affairs Committee met again on the 6th of November to consider the appointment of Brigadier General Judd Lyons as the new Adjutant General for the state of Nebraska. General Lyons has a distinguished career in the military. He received his commission from the Nebraska National Guard Officer Candidate School in Camp Ashland in May of 1983. He has commanded at the company, battalion, and major subordinate command level. He attended Bellevue University with a bachelor's degree in professional studies. He is a graduate of the Army War College with a master's degree in strategic studies. He also attended the joint command warfighting school. The committee voted unanimously to advance this to the floor with a recommendation to confirm. With 1 person absent, we had a 7-0 vote. General Lyons is exceptionally well-qualified for this position. I urge your vote to confirm. []

SPEAKER FLOOD: Members, you've heard the opening on the second confirmation report from the Government, Military and Veterans Affairs Committee. There are no members wishing to speak. Senator Avery, you're recognized to close. Senator Avery waives his opportunity. The question before the body is, shall the confirmation report be adopted? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. []

CLERK: (Record vote, Legislative Journal pages 77-78.) 34 ayes, 0 nays, Mr. President, on the adoption of the confirmation report. []

SPEAKER FLOOD: The confirmation report is adopted. Mr. Clerk. []

CLERK: Mr. President, a third report from the Government, Military and Veterans Affairs Committee reports on the appointment of Ronnie Mitchell as director of Department of Aeronautics. (Legislative Journal page 55.) []

SPEAKER FLOOD: Senator Avery, you're recognized to open on your confirmation report. []

SENATOR AVERY: Thank you, Mr. President. The committee met on November 6 to consider the nomination of Ronnie Mitchell to the Department of Aeronautics. This is a new appointment. Mr. Mitchell was not able to attend because of a medical emergency. Senator Abbie Cornett was kind enough to stand in on his behalf and read a written statement into the record. Mr. Mitchell is well-qualified for this position. He is intimately familiar with the personnel, organization, and workings of the Nebraska Department of Aeronautics. He has a background as a United Airline career pilot with over 13,000 flight

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
November 10, 2009

---

hours. He is a former United States Air Force officer and pilot. He flew over 100 highly classified sensitive RC-135 long-range reconnaissance missions during the Cold War. He has a bachelor's degree in general business from the University of Evansville, a master's degree in personnel counseling from Troy State University, and postgraduate studies at the Air Force Air War College. The committee voted 7 in favor, 1 person in absent. This is a well-qualified candidate. We urge that you vote to confirm. Thank you, Mr. President. []

SPEAKER FLOOD: Thank you, Senator Avery. Members, you've heard the opening. There are no other members wishing to speak. Senator Avery, you're recognized to close. Senator Avery waives his opportunity. The question before the body is, shall the Government, Military and Veterans Affairs Committee confirmation report be adopted? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. []

CLERK: (Record vote, Legislative Journal page 78.) 33 ayes, 0 nays, Mr. President, on the adoption of the report. []

SPEAKER FLOOD: The confirmation report is adopted. Mr. Clerk. []

CLERK: Mr. President, the final confirmation report this morning is offered by the Government, Military and Veterans Affairs Committee, and reports on two appointments to the State Emergency Response Commission. (Legislative Journal page 55.) []

SPEAKER FLOOD: Senator Avery, you're recognized to open on your legislative confirmation report. []

SENATOR AVERY: Thank you, Mr. President. The committee met on November 6 and we considered two nominees to the State Emergency state Response Commission. Those two nominees are, first, John Baroni. John Baroni is the Cass County Commissioner for the 1st District, which includes Plattsmouth. He has experience in the area of emergency response management. He is a 39-year resident of Cass County and he serves on the local emergency planning committee, the city-county advisory committee, the Cass County Economic Development Committee. He is well-qualified for this position and we urge that you vote to confirm. The second nominee for membership on the State Emergency Response Commission is Kimberly Plouzek. Kimberly Plouzek is currently employed as an emergency response coordinator and environmental assistant coordinator. She is from Wilber and she is a graduate of Doane College with a degree in environmental studies. She has been employed in the public health field, currently employed in emergency response. We urge you to vote...these, by the way, were confirmed on a 7-0 vote with 1 person absent. We urge your confirmation of both of these candidates. Thank you. []

Transcript Prepared By the Clerk of the Legislature  
Transcriber's Office

Floor Debate  
November 10, 2009

---

SPEAKER FLOOD: Thank you, Senator Avery. Members, you've heard the opening on the final confirmation report. There are no members wishing to speak. Senator Avery, you're recognized to close. Senator Avery waives his opportunity. The question before the body is, shall the fourth and final confirmation report from Government, Military and Veterans Affairs Committee be adopted? All those in favor vote aye; all those opposed vote nay. Have all those voted who care to? Mr. Clerk, please record. []

CLERK: (Record vote, Legislative Journal pages 78-79.) 34 ayes, 0 nays, Mr. President, on the adoption of the confirmation report. []

SPEAKER FLOOD: The confirmation report is adopted. Mr. Clerk, items for the record. []

CLERK: Mr. President, a new resolution, LR9, offered by Senator Ashford and Nelson, will be laid over; and LR10, offered by Senator Krist, that will be laid over as well. Your Committee on Agriculture, chaired by Senator Carlson, reports LB11 and LB14 to General File, and LB6 as indefinitely postponed. Business and Labor will hold an Executive Session upon adjournment underneath the north balcony; that's Business and Labor Committee, north balcony upon adjournment. Once again, Education Committee, approximately 2:30 this afternoon for an Executive Session. Senator Haar and Cook would like to add their names to LB8; Senator Utter to LB11, as well Senator Christensen; Senator Christensen to LB14; and Senators Rogert, Wallman, and Mello to LB16. (Legislative Journal pages 79-81.) [LR9 LR10 LB11 LB14 LB6 LB8 LB16]

I do have a priority motion, Mr. President. Senator Pahls would move to adjourn the body until Thursday morning, November 12, at 1:30 p.m. []

SPEAKER FLOOD: The question before the body is, shall we adjourn until Thursday afternoon at 1:30 p.m. in this Chamber? All those in favor say aye. Those opposed say nay. We are adjourned. (Gavel) []