

**SIXTH DAY - NOVEMBER 20, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SPECIAL SESSION****SIXTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, November 20, 2008

**PRAYER**

The prayer was offered by Senator Wallman.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Kopplin, Pedersen, and Schimek who were excused.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifth day was approved.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 9.** Introduced by Christensen, 44.

WHEREAS, Dallas J. McMurtrey of McCook, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Dallas has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council. Dallas, for his Eagle Scout community service project, sent care packages to soldiers serving in Iraq; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Dallas, through his hard work and perseverance, will join other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Dallas J. McMurtrey on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Dallas J. McMurtrey.

Laid over.

### **MOTIONS - Approve Appointments**

Senator Cornett moved the adoption of the Business and Labor Committee report for the confirmation of the following appointment(s) found on page 51:

Department of Labor

Catherine D. Lang, Commissioner of Labor

Voting in the affirmative, 44:

Adams	Dubas	Harms	Lathrop	Pirsch
Aguilar	Engel	Heidemann	Lautenbaugh	Raikes
Ashford	Erdman	Howard	Louden	Rogert
Burling	Fischer	Hudkins	McDonald	Stuthman
Carlson	Flood	Janssen	McGill	Synowiecki
Chambers	Friend	Johnson	Nantkes	Wallman
Christensen	Fulton	Karpisek	Nelson	White
Cornett	Gay	Kruse	Pahls	Wightman
Dierks	Hansen	Langemeier	Pankonin	

Voting in the negative, 0.

Present and not voting, 2:

Avery            Preister

Excused and not voting, 3:

Kopplin        Pedersen        Schimek

The appointment was confirmed with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

Senator Johnson moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s)

found on page 52:

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

Voting in the affirmative, 41:

Adams	Erdman	Howard	McDonald	Stuthman
Aguilar	Fischer	Hudkins	McGill	Synowiecki
Avery	Flood	Janssen	Nantkes	Wallman
Burling	Friend	Johnson	Nelson	White
Carlson	Fulton	Kruse	Pahls	Wightman
Chambers	Gay	Langemeier	Pankonin	
Christensen	Hansen	Lathrop	Pirsch	
Dubas	Harms	Lautenbaugh	Raikes	
Engel	Heidemann	Louden	Rogert	

Voting in the negative, 0.

Present and not voting, 4:

Ashford	Cornett	Karpisek	Preister
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Excused and not voting, 4:

Dierks	Kopplin	Pedersen	Schimek
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The appointments were confirmed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

Senator Johnson moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 52:

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

Voting in the affirmative, 39:

Adams	Dubas	Hansen	Langemeier	Pankonin
Aguilar	Engel	Heidemann	Lautenbaugh	Pirsch
Ashford	Erdman	Howard	Louden	Rogert
Avery	Fischer	Hudkins	McDonald	Stuthman
Burling	Flood	Janssen	McGill	Wallman
Carlson	Friend	Johnson	Nantkes	White
Chambers	Fulton	Karpisek	Nelson	Wightman
Christensen	Gay	Kruse	Pahls	

Voting in the negative, 0.

Present and not voting, 6:

Cornett	Lathrop	Raikes
Harms	Preister	Synowiecki

Excused and not voting, 4:

Dierks	Kopplin	Pedersen	Schimek
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The appointments were confirmed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Senator Johnson moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 52:

Child Abuse Prevention Fund Board  
 Jennie Cole-Mossman  
 Joni Kuzma

Voting in the affirmative, 42:

Adams	Erdman	Howard	McDonald	Rogert
Aguilar	Fischer	Hudkins	McGill	Stuthman
Avery	Flood	Janssen	Nantkes	Synowiecki
Burling	Friend	Johnson	Nelson	Wallman
Carlson	Fulton	Karpisek	Pahls	White
Chambers	Gay	Kruse	Pankonin	Wightman
Christensen	Hansen	Langemeier	Pirsch	
Dubas	Harms	Lautenbaugh	Preister	
Engel	Heidemann	Louden	Raikes	

Voting in the negative, 0.

Present and not voting, 3:

Ashford	Cornett	Lathrop
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Excused and not voting, 4:

Dierks            Kopplin            Pedersen            Schimek

The appointments were confirmed with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 53:

Nebraska Motor Vehicle Industry Licensing Board

Darlene Noah

Charles Borgmann

Sammy Reagan

Voting in the affirmative, 39:

Adams	Engel	Harms	Louden	Raikes
Aguilar	Erdman	Heidemann	McDonald	Rogert
Ashford	Fischer	Howard	McGill	Stuthman
Avery	Flood	Hudkins	Nantkes	Synowiecki
Burling	Friend	Johnson	Nelson	Wallman
Carlson	Fulton	Kruse	Pahls	White
Christensen	Gay	Lathrop	Pirsch	Wightman
Dubas	Hansen	Lautenbaugh	Preister	

Voting in the negative, 0.

Present and not voting, 6:

Chambers	Janssen	Langemeier
Cornett	Karpisek	Pankonin

Excused and not voting, 4:

Dierks            Kopplin            Pedersen            Schimek

The appointments were confirmed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Senator Fischer moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 53:

Nebraska Highway Commission

Rodney Vandenberg

Voting in the affirmative, 38:

Adams	Erdman	Howard	McDonald	Rogert
Aguilar	Fischer	Hudkins	Nantkes	Stuthman
Ashford	Flood	Janssen	Nelson	Synowiecki
Burling	Fulton	Johnson	Pahls	Wallman
Carlson	Gay	Kruse	Pankonin	White
Christensen	Hansen	Lathrop	Pirsch	Wightman
Dubas	Harms	Lautenbaugh	Preister	
Engel	Heidemann	Louden	Raikes	

Voting in the negative, 0.

Present and not voting, 7:

Avery	Cornett	Karpisek	McGill
Chambers	Friend	Langemeier	

Excused and not voting, 4:

Dierks	Kopplin	Pedersen	Schimek
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The appointment was confirmed with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Senator Aguilar moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 53:

Nebraska Accountability and Disclosure Commission  
Paul Hosford

Voting in the affirmative, 40:

Adams	Erdman	Heidemann	Lathrop	Pirsch
Aguilar	Fischer	Howard	Lautenbaugh	Preister
Avery	Flood	Hudkins	Louden	Raikes
Burling	Friend	Janssen	McDonald	Rogert
Carlson	Fulton	Johnson	Nantkes	Stuthman
Christensen	Gay	Karpisek	Nelson	Wallman
Dubas	Hansen	Kruse	Pahls	White
Engel	Harms	Langemeier	Pankonin	Wightman

Voting in the negative, 0.

Present and not voting, 5:

Ashford	Chambers	Cornett	McGill	Synowiecki
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Excused and not voting, 4:

Dierks	Kopplin	Pedersen	Schimek
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The appointment was confirmed with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Senator Aguilar moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 53:

State Personnel Board  
Amber Brown

Voting in the affirmative, 40:

Adams	Engel	Harms	Lautenbaugh	Pirsch
Aguilar	Erdman	Heidemann	Louden	Preister
Ashford	Fischer	Howard	McDonald	Raikes
Avery	Flood	Hudkins	McGill	Rogert
Burling	Friend	Karpisek	Nantkes	Stuthman
Carlson	Fulton	Kruse	Nelson	Wallman
Christensen	Gay	Langemeier	Pahls	White
Dubas	Hansen	Lathrop	Pankonin	Wightman

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Cornett	Janssen	Johnson	Synowiecki
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Excused and not voting, 4:

Dierks	Kopplin	Pedersen	Schimek
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The appointment was confirmed with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

Senator Loudon moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 54:

Nebraska Environmental Trust Board  
James Stuart, Jr.

Voting in the affirmative, 39:

Adams	Fischer	Howard	Lautenbaugh	Preister
Ashford	Flood	Hudkins	Louden	Raikes
Avery	Friend	Janssen	McGill	Rogert
Burling	Fulton	Johnson	Nantkes	Stuthman
Carlson	Gay	Karpisek	Nelson	Wallman
Christensen	Hansen	Kruse	Pahls	White
Dubas	Harms	Langemeier	Pankonin	Wightman
Erdman	Heidemann	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 6:

Aguilar	Cornett	McDonald
Chambers	Engel	Synowiecki

Excused and not voting, 4:

Dierks	Kopplin	Pedersen	Schimek
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The appointment was confirmed with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Senator Louden moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 54:

Nebraska Energy Office  
Neil Moseman, Director

Voting in the affirmative, 41:

Adams	Erdman	Hudkins	McDonald	Rogert
Aguilar	Fischer	Janssen	McGill	Stuthman
Ashford	Flood	Johnson	Nantkes	Wallman
Avery	Fulton	Karpisek	Nelson	White
Burling	Gay	Kruse	Pahls	Wightman
Carlson	Hansen	Langemeier	Pankonin	
Christensen	Harms	Lathrop	Pirsch	
Dubas	Heidemann	Lautenbaugh	Preister	
Engel	Howard	Louden	Raikes	

Voting in the negative, 0.

Present and not voting, 4:

Chambers	Cornett	Friend	Synowiecki
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Excused and not voting, 4:



Dierks            Kopplin            Pedersen            Schimek

The appointment was confirmed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

Senator Louden moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 54:

Nebraska Natural Resources Commission  
Richard Mercer

Voting in the affirmative, 41:

Adams	Erdman	Howard	Louden	Raikes
Aguilar	Fischer	Hudkins	McDonald	Rogert
Ashford	Flood	Janssen	McGill	Wallman
Avery	Friend	Johnson	Nantkes	White
Burling	Fulton	Karpisek	Nelson	Wightman
Carlson	Gay	Kruse	Pahls	
Christensen	Hansen	Langemeier	Pankonin	
Dubas	Harms	Lathrop	Pirsch	
Engel	Heidemann	Lautenbaugh	Preister	

Voting in the negative, 0.

Present and not voting, 4:

Chambers            Cornett            Stuthman            Synowiecki

Excused and not voting, 4:

Dierks            Kopplin            Pedersen            Schimek

The appointment was confirmed with 41 ayes, 0 nays, 4 present and not voting, and 4 excused and not voting.

Senator Louden moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 54:

Nebraska Ethanol Board  
Charles Tod Brodersen

Voting in the affirmative, 39:

Adams	Erdman	Howard	Louden	Preister
Aguilar	Fischer	Hudkins	McDonald	Raikes
Ashford	Friend	Janssen	McGill	Rogert
Avery	Fulton	Karpisek	Nantkes	Stuthman
Burling	Gay	Kruse	Nelson	Wallman
Carlson	Hansen	Langemeier	Pahls	White
Christensen	Harms	Lathrop	Pankonin	Wightman
Engel	Heidemann	Lautenbaugh	Pirsch	

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Cornett	Flood	Johnson	Synowiecki
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Excused and not voting, 5:

Dierks	Dubas	Kopplin	Pedersen	Schimek
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The appointment was confirmed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 56:

Board of Educational Lands and Funds  
DeMarus Carlson

Voting in the affirmative, 41:

Adams	Fischer	Hudkins	McDonald	Rogert
Aguilar	Flood	Janssen	McGill	Stuthman
Ashford	Friend	Johnson	Nantkes	Wallman
Avery	Fulton	Karpisek	Nelson	White
Burling	Gay	Kruse	Pahls	Wightman
Carlson	Hansen	Langemeier	Pankonin	
Christensen	Harms	Lathrop	Pirsch	
Engel	Heidemann	Lautenbaugh	Preister	
Erdman	Howard	Louden	Raikes	

Voting in the negative, 0.

Present and not voting, 3:

Chambers	Cornett	Synowiecki
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Excused and not voting, 5:

Dierks	Dubas	Kopplin	Pedersen	Schimek
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The appointment was confirmed with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Senator Raikes moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 56:

Nebraska Educational Telecommunications Commission  
Darlene Starman

Voting in the affirmative, 39:

Adams	Erdman	Heidemann	Lautenbaugh	Preister
Aguilar	Fischer	Howard	Louden	Raikes
Ashford	Flood	Hudkins	McDonald	Rogert
Avery	Friend	Johnson	Nantkes	Stuthman
Burling	Fulton	Karpisek	Nelson	Wallman
Carlson	Gay	Kruse	Pahls	White
Christensen	Hansen	Langemeier	Pankonin	Wightman
Engel	Harms	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 5:

Chambers	Cornett	Janssen	McGill	Synowiecki
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Excused and not voting, 5:

Dierks	Dubas	Kopplin	Pedersen	Schimek
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The appointment was confirmed with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

Senator Ashford moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 58:

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

Voting in the affirmative, 37:

Adams	Erdman	Howard	Louden	Rogert
Ashford	Fischer	Hudkins	McDonald	Stuthman
Avery	Flood	Johnson	McGill	Wallman
Burling	Friend	Karpisek	Nantkes	White
Carlson	Fulton	Kruse	Nelson	Wightman
Christensen	Gay	Langemeier	Pahls	
Cornett	Hansen	Lathrop	Pankonin	
Engel	Heidemann	Lautenbaugh	Pirsch	

Voting in the negative, 0.

Present and not voting, 7:

Aguilar	Harms	Preister	Synowiecki
Chambers	Janssen	Raikes	

Excused and not voting, 5:

Dierks	Dubas	Kopplin	Pedersen	Schimek
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The appointments were confirmed with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Senator Ashford moved the adoption of the Judiciary Committee report for the confirmation of the following appointment(s) found on page 58:

Nebraska Board of Parole

Rosalyn Cotton

Voting in the affirmative, 36:

Ashford	Flood	Janssen	McDonald	Rogert
Avery	Fulton	Johnson	McGill	Wallman
Burling	Gay	Karpisek	Nantkes	White
Carlson	Hansen	Kruse	Nelson	Wightman
Christensen	Harms	Langemeier	Pahls	
Cornett	Heidemann	Lathrop	Pankonin	
Engel	Howard	Lautenbaugh	Pirsch	
Fischer	Hudkins	Louden	Preister	

Voting in the negative, 0.

Present and not voting, 7:

Adams	Chambers	Raikes	Synowiecki
Aguilar	Friend	Stuthman	

Excused and not voting, 6:

Dierks	Erdman	Pedersen
Dubas	Kopplin	Schimek

The appointment was confirmed with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Senator McDonald moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 54:

Nebraska Liquor Control Commission  
Robert Batt

Voting in the affirmative, 35:

Adams	Fischer	Hudkins	Louden	Pirsch
Ashford	Flood	Janssen	McDonald	Preister
Carlson	Friend	Johnson	McGill	Rogert
Christensen	Fulton	Karpisek	Nantkes	Stuthman
Cornett	Gay	Langemeier	Nelson	Wallman
Dierks	Heidemann	Lathrop	Pahls	White
Engel	Howard	Lautenbaugh	Pankonin	Wightman

Voting in the negative, 0.

Present and not voting, 7:

Aguilar	Burling	Kruse	Synowiecki
Avery	Chambers	Raikes	

Excused and not voting, 7:

Dubas	Hansen	Kopplin	Schimek
Erdman	Harms	Pedersen	

The appointment was confirmed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

## RESOLUTIONS

**LEGISLATIVE RESOLUTION 7.** Read. Considered.

LR7 was adopted with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

**LEGISLATIVE RESOLUTION 10.** Introduced by Dierks, 40.

WHEREAS, the Ewing Tigers won the 2008 Class D-2 Girls State Volleyball Championship; and

WHEREAS, the Ewing Tigers defeated the Chambers Coyotes 25-18, 25-18, 25-12 in the championship match; and

WHEREAS, the Ewing Tigers rallied under the direction of coach Suz Funk to achieve this victory; and

WHEREAS, the Ewing Tigers completed their perfect season as the only undefeated volleyball team in the state.

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

1. That the Ewing Lady Tigers be congratulated for their achievement in winning the Class D-2 Girls State Volleyball Championship.

2. That the Legislature congratulates the head coach Suz Funk for an excellent season and guidance of her team.

3. That a copy of this resolution be sent to the Ewing Lady Tigers and their head coach Suz Funk.

Laid over.

### **UNANIMOUS CONSENT - Add Cointroducer**

Senator Preister asked unanimous consent to add his name as cointroducer to LR7. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were Senator Preister's brother and niece, Rick and Amy Preister, from Papillion.

### **ADJOURNMENT**

At 10:17 a.m., on a motion by Senator Hudkins, the Legislature adjourned until 9:00 a.m., Friday, November 21, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature