

SECOND DAY - NOVEMBER 5, 2009**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
FIRST SPECIAL SESSION****SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, November 5, 2009

PRAYER

The prayer was offered by Senator Dierks.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senators Christensen and Fischer who were excused.

CORRECTIONS FOR THE JOURNAL

The Journal for the first day was approved.

MESSAGE FROM THE SECRETARY OF STATE

November 4, 2009

Patrick O'Donnell
Clerk of the Legislature
Room 2018, State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell,

The purpose of this letter is to inform you and the honorable members of the Legislature that I have made the following appointments requiring Legislative confirmation:

Ms. Jan Mumm, (Independent) to the Nebraska Accountability and Disclosure Commission on September 3, 2009, to serve a six-year term ending on June 30, 2015. (Resume attached).

Mr. Joe Grant, (Democrat) to the Nebraska Accountability and Disclosure Commission on September 10, 2009, to serve a six-year term ending on

June 30, 2015. (Resume attached).

These appointments were made by me pursuant to the provisions of Sections 49-14,106 through 49-14,120.

Thank you for your consideration. If you have any questions, or if I can provide additional information, please feel free to contact me.

Sincerely,
(Signed) John A. Gale
Secretary of State

Attachments

NOTICE OF COMMITTEE HEARING
Education

Room 1525

Monday, November 9, 2009 1:30 p.m.

LB5

(Signed) Greg Adams, Chairperson

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 8. Introduced by Council, 11.

A BILL FOR AN ACT relating to the Job Training Cash Fund; to amend section 81-1201.21, Revised Statutes Supplement, 2009; to prohibit certain transfers from the fund; and to repeal the original section.

LEGISLATIVE BILL 9. Introduced by Langemeier, 23.

A BILL FOR AN ACT relating to the Water Resources Cash Fund; to amend sections 61-218, 66-1345, and 66-1345.02, Revised Statutes Cumulative Supplement, 2008; to change provisions relating to remittance of excise tax; to harmonize provisions; and to repeal the original sections.

LEGISLATIVE BILL 10. Introduced by Coash, 27.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2009, LB 315, section 106; to eliminate funding for additional surveyors of community-based facilities serving persons with developmental disabilities; to provide an operative date; to repeal the original section; and to declare an emergency.

LEGISLATIVE BILL 11. Introduced by Dubas, 34; Council, 11; Dierks, 40; Giese, 17; Hansen, 42; Karpisek, 32; Louden, 49; Mello, 5; Price, 3; Rogert, 16; Schilz, 47; Stuthman, 22; Sullivan, 41; Wallman, 30.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-1808, 2-2317, 2-3413, 2-3633, 2-3763, 2-3960, and 2-4018, Reissue Revised Statutes of Nebraska, and section 53-304, Revised Statutes Cumulative Supplement, 2008; to state intent regarding the importance of agricultural products to the state; to prohibit the lapse of certain funds; to repeal the original sections; and to declare an emergency.

LEGISLATIVE BILL 12. Introduced by Stuthman, 22.

A BILL FOR AN ACT relating to electricity; to amend sections 70-1903, 70-1904, and 77-2704.57, Revised Statutes Supplement, 2009; to change provisions relating to C-BED projects; to change a sales tax exemption; to repeal the original sections; and to declare an emergency.

RESOLUTIONS

LEGISLATIVE RESOLUTION 4. Introduced by Avery, 28.

WHEREAS, the Governor has, by Proclamation dated November 2, 2009, called for the convening of an extraordinary session; and

WHEREAS, the scope of the extraordinary session is limited to budgetary reductions; and

WHEREAS, the Legislature faces a three hundred thirty-four million dollar budget shortfall; and

WHEREAS, the Governor has recommended budget reductions during the current budget biennium of two hundred eighty million dollars in General Fund spending, comprised of sixty-one million dollars in across-the-board reductions, one hundred fifty-four million dollars in specific budget reductions, and sixty-five million dollars in reductions to General Fund reappropriations, as well as transfers to the General Fund including across-the-board reductions in cash fund spending of nineteen million dollars and thirty-seven million dollars from other specific funds; and

WHEREAS, nearly every state agency must make fiscal assessments and reductions in the form of across-the-board cuts to programs and personnel; and

WHEREAS, the impact of personnel layoffs poses a far greater threat to public confidence in government than do furloughs; and

WHEREAS, furloughs equalize the budgetary sacrifices made by state agency employees.

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

1. That it is the intent of the Legislature that state agencies, when implementing budgetary reductions approved by the Legislature, employ

limited furloughs as a substitute for the elimination of state employee jobs to meet budgetary requirements.

2. That it is also the intent of the Legislature to avert layoffs, address the Governor's recommended budget reductions, and preserve essential state services all at the same time.

Laid over.

LEGISLATIVE RESOLUTION 5. Introduced by Janssen, 15.

WHEREAS, Lowell C. Johnson, of North Bend, Nebraska, was a distinguished member of the Nebraska Legislature, serving from 1981 to 1993, representing Legislative District 15; and

WHEREAS, Mr. Johnson was an esteemed member of the Public Service Commission, serving from 1994 to 2007; and

WHEREAS, Mr. Johnson served admirably on the North Bend Board of Education for twelve years; and

WHEREAS, Mr. Johnson was a longtime member of the Nebraska Republican Party's State Central Committee; and

WHEREAS, Mr. Johnson ran a successful farm and property management firm, serving as president of Johnson-Sloss Land Company in North Bend; and

WHEREAS, Mr. Johnson served his country in the United States Navy during World War II; and

WHEREAS, Mr. Johnson, a loyal friend, trusted colleague, wise counselor, and, most importantly, exceptional husband and father, died on September 1, 2009, at the age of eighty-nine.

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

1. That the Legislature extends its condolences to the family of Lowell C. Johnson and expresses its gratitude for Mr. Johnson's service to his country, state, and community.

2. That a copy of this resolution be sent to the family of Mr. Johnson.

Laid over.

EASE

The Legislature was at ease from 10:32 a.m. until 11:21 a.m.

SENATOR PIRSCH PRESIDING

REFERENCE COMMITTEE REPORT

The Executive Board submits the following report:

LB/LR	Committee
LB8	Business and Labor
LB9	Natural Resources
LB10	Appropriations
LB11	Agriculture
LB12	Natural Resources

Grant, Joe - Nebraska Accountability and Disclosure Commission -
Government, Military and Veterans Affairs
Mumm, Jan - Nebraska Accountability and Disclosure Commission -
Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson
Executive Board

NOTICE OF COMMITTEE HEARINGS

Government, Military and Veterans Affairs

Room 1507

Friday, November 6, 2009 1:15 p.m.

Jan Mumm - Nebraska Accountability and Disclosure Commission
Joe Grant - Nebraska Accountability and Disclosure Commission

(Signed) Bill Avery, Chairperson

Natural Resources

Room 1525

Friday, November 6, 2009 1:00 p.m.

LB9
LB12

(Signed) Chris Langemeier, Chairperson

VISITORS

Visitors to the Chamber were 76 fourth-grade students, teachers, and sponsors from St. Patrick's, Elkhorn.

ADJOURNMENT

At 11:22 a.m., on a motion by Senator Schilz, the Legislature adjourned until 9:00 a.m., Friday, November 6, 2009.

Patrick J. O'Donnell
Clerk of the Legislature