

FIFTH DAY - NOVEMBER 10, 2009**LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE
FIRST SPECIAL SESSION****FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, November 10, 2009

PRAYER

The prayer was offered by Senator Hadley.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Flood presiding.

The roll was called and all members were present except Senator Ashford who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourth day was approved.

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 13. Indefinitely postponed.

LEGISLATIVE BILL 15. Indefinitely postponed.

(Signed) Abbie Cornett, Chairperson

Judiciary

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

Joe Kelly - Community Corrections Council
Robert Lindemeier - Community Corrections Council
Dallas Massey - Community Corrections Council
Travis Parker - Community Corrections Council
Frank Peak - Community Corrections Council

Aye: 8 Senators Ashford, Christensen, Coash, Council, Lathrop, Lautenbaugh, McGill, Rogert. Nay: 0. Absent: 0.

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

G. Randall "Rand" Hansen - Crime Victim's Reparations Committee
Michael McLarney - Crime Victim's Reparations Committee

Aye: 8 Senators Ashford, Christensen, Coash, Council, Lathrop, Lautenbaugh, McGill, Rogert. Nay: 0. Absent: 0.

(Signed) Brad Ashford, Chairperson

ATTORNEY GENERAL'S OPINION

Opinion 09011

DATE: November 9, 2009

SUBJECT: Whether Various Legislative Bills Fall Within the Scope Of The Governor's Call For the Special Legislative Session Which Commenced On November 4, 2009.

REQUESTED BY: Sen. John Wightman
Chairman, Executive Board
Nebraska State Legislature

WRITTEN BY: Jon Bruning, Attorney General
Dale A. Comer, Assistant Attorney General
L. Jay Bartel, Assistant Attorney General
Lynn A. Melson, Assistant Attorney General
Katherine J. Spohn, Special Counsel to the Attorney General

The One-Hundred-First Nebraska Legislature began its First Special Session on November 4, 2009. On behalf of the Legislature's Executive Board, you subsequently presented three separate opinion requests to us requesting our views as to whether nine bills introduced during the special session "are within the scope of the [Governor's] call." Those bills are LB 6, LB 7, LB 8, LB 9, LB 11, LB 13, LB 14, LB 15 and LB 16. We previously addressed whether LB 15 is within the scope of the call in Op. Att'y Gen. No. 090010 (November 6, 2009). We will discuss each of the remaining bills referenced in your requests separately below.

GOVERNOR'S CALL

The Governor convened the special session at issue, under authority of art. IV, § 8 of the Nebraska Constitution, by issuance of a Proclamation dated November 2, 2009. The Governor's Proclamation called the Legislature into special session to consider and enact legislation on the following subjects:

1. To reduce or eliminate appropriations and reappropriations approved by the 101st Nebraska Legislature;
2. To reduce or eliminate certain transfers from the State General Fund;
3. To authorize, increase, or make certain transfers to the State General Fund or to certain cash funds;
4. To modify or eliminate intent language and earmarks accompanying appropriations approved by the 101st Legislature;
5. To adopt statutory modifications necessary to reduce state aid appropriations and make formula adjustments contained in the Tax Equity and Educational Opportunities Support Act; and
6. To appropriate funds for the necessary expenses of the extraordinary session herein called.

APPLICABLE LAW

As noted above, this is actually the second opinion that we have completed in connection with this special session of the Legislature. The first, Op. Att'y Gen. No. 090010 (November 6, 2009), was prepared at the request of Senator White, and discussed whether LB 15 was within the scope of the call. Opinion No. 090010 contains an analysis of the applicable law regarding the scope of the Governor's call which summarizes previous opinions from this office and cases from the Nebraska Supreme Court in that area. Rather than repeat that entire analysis here, we will simply refer you to Opinion No. 090010. Suffice it to say that the Governor does have the power and authority under art. IV, § 8 of the Nebraska Constitution to limit the subjects which the Legislature may consider at a special session. In that regard, the Legislature may enact legislation during a special session which relates to, is germane to, or has a natural connection with the purpose for which it was convened.

LB 6

LB 6 would amend portions of the Nebraska Criminal Code dealing with offenses against animals, portions of the Nebraska Statutes pertaining to Criminal Procedure and portions of the Nebraska Commercial Dog and Cat Operator Inspection Act, Neb. Rev. Stat. §§ 54-625 through 54-643 (2004, Cum. Supp. 2008, Supp. 2009). In essence, the amendments contained in the bill would remove statutory provisions which require inspections and the

payment of inspection fees in connection with the licensure of commercial breeders, boarding kennels, animal shelters and other entities keeping and selling pet animals.

In our Opinion No. 090010, we characterized the purpose for which the present special session was convened as "generating additional monies for the State's General Fund by reducing appropriations, eliminating transfers from the General Fund, authorizing and making transfers to the General Fund, and reducing state aid appropriations." Op. Att'y Gen. No. 090010 at 4 (November 6, 2009). We fail to see how repealing statutory provisions requiring inspections for entities keeping and selling pet animals and discontinuing the collection of fees for those inspections relate to or are germane to that purpose. And, those amendments do not fall within any of the specific subjects set out in the Governor's call. As a result, we conclude that LB 6 is beyond the scope of the call.

LB 7

This short bill would amend Neb. Rev. Stat. § 2-2634 (2007), part of the Nebraska Statutes dealing with pesticides. That statute establishes fees for registration of pesticides in Nebraska, and allocates those fees among the Noxious Weed Cash Fund, the Buffer Strip Incentive Fund, the Natural Resources Water Quality Fund and the Pesticide Administrative Cash Fund. LB 7 would amend § 2-2634 so as to increase the monies allocated to the Noxious Weed Cash Fund and decrease the monies allocated to the Buffer Strip Cash Fund. The purpose of that change in allocations is apparently "to replace remaining general funds supporting the Department of Ag's responsibilities under the Noxious Weed Control Act." Introducer's Statement of Intent for LB 7, 101st Neb. Leg., 1st Special Sess. at 1.

The third subject listed in the Governor's call allows legislation "to authorize, increase, or make certain transfers . . . to certain cash funds," and it could be argued that LB 7 transfers monies to the Noxious Weed Cash Fund. However, it appears to us that "transfer," as it is used in the call, contemplates the movement of monies from one fund to another, not the allocation of fees in the future. In addition, LB 7 would not authorize, increase or make a transfer to the Buffer Strip Cash Fund. Instead, it would reduce monies allocated to that fund. Finally, we do not believe that replacing general fund monies taken from a particular cash fund is related to the general purpose of this special session as it is discussed above. Consequently, LB 7 is outside the scope of the Governor's call.

LB 8

This proposed bill would amend Neb. Rev. Stat. § 81-1201.21 (2008) which created the Job Training Cash Fund administered by the Department of Economic Development. That cash fund has received funds from the Department of Labor Employment Security Special Contingent Fund and from the Cash Reserve Fund and is used to support job training activities.

LB 8 would specifically provide that no transfers of monies may be made from the Job Training Cash Fund to the General Fund.

As discussed above, the intended purpose of the special session is to reduce a budget shortfall by generating additional monies for the State General Fund. A provision to prohibit the transfer of funds from the Job Training Cash Fund to the General Fund does not appear to be germane or related to the overall purpose of the special session. In addition, LB 8 does not fit within the specific subjects set out in the Governor's call, and is actually contrary to item number 3 which is "to authorize, increase, or make certain transfers to the State General Fund. . . ." For those reasons, it is our opinion that LB 8 would likely be deemed to be outside the scope of the Governor's call for the special session.

LB 9

LB 9 would eliminate a future transfer of funds collected from a corn and grain sorghum excise tax under the Ethanol Development Act to the Water Resources Cash Fund on January 1, 2013. LB 9 would also eliminate a transfer of all unobligated funds in the Ethanol Production Incentive Cash ("EPIC") Fund on December 31, 2012 to the Water Resources Tax Fund.

In order to eliminate these future transfers, revisions to both the Water Resources Cash Fund, Neb. Rev. Stat. § 61-218 and the Ethanol Development Act, Neb. Rev. Stat. § 66-1330 et seq., are necessary. The Ethanol Development Act currently requires collection of an excise tax on corn and grain sorghum to be deposited into the EPIC Fund until December 31, 2012. Neb. Rev. Stat. §§ 66-1345.01; 66-1345.02. Then, on January 1, 2013, the excise tax is to be deposited in the Water Resources Cash Fund. Neb. Rev. Stat. §§ 61-218; 66-1345.02. LB9 is silent as to where such excise tax funds would be deposited after December 31, 2012.

We have reviewed LB 9 and its germaneness to the scope of the call delineated by the Governor's Proclamation and believe it to be beyond the scope of the call of this Special Session. Of the subjects set forth in the Governor's Proclamation, Nos. 1, 2, and 4-6 clearly do not apply because LB 9 does not involve an appropriation or reappropriation approved by the 101st Legislature, and because it involves an excise tax, not a transfer from the General Fund. LB 9 also does not involve intent language or earmarks accompanying appropriations approved by the 101st Legislature, state aid appropriations, or necessary expenses for the special session.

We also believe LB 9 falls outside the scope of the third subject listed in the Governor's Proclamation. The first part of LB 9, which would eliminate the deposit of excise taxes collected in 2013 into the Water Resources Tax Fund, does not effectuate a movement of monies from one fund to another, but instead addresses where taxes collected in the future will be deposited. The second part of LB 9, which eliminates the transfer of unobligated funds in the EPIC Fund to the Water Resources Tax Fund, also does not fall

within the scope of the call because it does not result in a transfer into the State General Fund or certain cash funds, but instead *cancel*s such a transfer.

LB 11

This proposed legislation would amend various state statutes creating specific cash funds to be utilized in the promotion and development of certain agricultural products. The cash funds which would be impacted by LB 11 include the Nebraska Potato Development Fund, the Nebraska Wheat Development, Utilization, and Marketing Fund, the Nebraska Poultry and Egg Development, Utilization, and Marketing Fund, the Nebraska Corn Development, Utilization, and Marketing Fund, the Dry Bean Development, Utilization, Promotion, and Education Fund, the Nebraska Dairy Industry Development Fund, the Grain Sorghum Development, Utilization and Marketing Fund and the Winery and Grape Producers Promotional Fund. The proposed bill would provide that "no part of the funds deposited in the fund or of federal funds or other funds solicited in conjunction with research or demonstration programs shall lapse to the general fund" with regard to each of these statutorily-created cash funds.

After analyzing LB 11 in light of the Governor's call, it appears to us that a provision to prohibit the lapse of funds from these various cash funds to the General Fund is not germane or related to the intended purpose of the special session. The Nebraska Constitution provides that funds in the state treasury may be withdrawn only pursuant to appropriation by the Legislature. Neb. Const. art. III, §§ 22 and 25. Unexpended balances in cash funds at the close of a fiscal year generally lapse back to the state treasury unless they have been reappropriated by the Legislature. Therefore, prohibiting lapses of monies to the State General Fund appears contrary to item number 1 of the Governor's Proclamation, which is "to reduce or eliminate appropriations and reappropriations approved by the 101st Legislature." Prohibiting such lapses also does not appear to fall within the intended overall purpose of the special session to reduce a budget shortfall by generating additional monies for the State General Fund. For those reasons, it is our opinion that LB 11 would likely be deemed to be outside the scope of the Governor's call for the special session.

LB 13

LB 13 proposes to amend the Nebraska sales and use tax statutes by eliminating exemptions for transactions occurring on or after January 1, 2010, and before January 1, 2011. The bill would further establish, commencing January 1, 2010 and until January 1, 2011, a tax rate of sixty-five hundredths percent to be applied to these formerly exempt transactions during this one year period.

The Governor's Proclamation calling the Legislature into special session does not deal with the State budget in general terms, but, rather, only specific aspects of the budget, as discussed above. LB 13, as stated in its

title, is an act "relating to revenue and taxation" which would amend the sales and use tax statutes by eliminating exemptions for one year and establishing a tax rate for transactions previously exempted. LB 13 is not "related to" or "germane to" any of the specific subjects listed in the Governor's call, and does not have a natural connection with the purpose for which the Legislature was convened. Accordingly, we conclude the bill is outside the scope of the call.

LB 14

This bill would amend Neb. Rev. Stat. § 54-197 (2004) which created the Nebraska Brand Inspection and Theft Prevention Fund. That cash fund is used by the Nebraska Brand Committee to administer and enforce the Livestock Brand Act. LB 14 would prohibit transfers from this fund to the State General Fund. LB 14 would also prohibit the lapse of funds deposited in this fund to the State General Fund.

The provisions of LB 14 which would prohibit the transfer or lapse of funds from the Nebraska Brand Inspection and Theft Prevention Fund to the General Fund do not appear to be germane or related to the overall purpose of the special session as they would not reduce the budget shortfall by generating additional monies for the State General Fund. Moreover, as discussed above, it appears clear that the Governor has limited the special session to legislating on "a specified phase of a general subject," as indicated by item numbers 1 through 6 of the Governor's Proclamation. Prohibiting transfers or lapses of monies to the General Fund appears contrary to item numbers 1 and 3 of the Governor's Proclamation. For these reasons, it is our opinion that LB 14 would likely be deemed to be outside the scope of the Governor's call.

LB 16

LB 16 would amend those statutes which establish the Agricultural Opportunities and Value-Added Partnerships Cash Fund, the Microenterprise Development Cash Fund and the Building Entrepreneurial Communities Cash Fund. With regard to each fund, LB 16 would prohibit the lapse of funds to the General Fund and prohibit any reduction to General Fund appropriations for fiscal years 2009-10 and 2010-11.

For the reasons stated above in our discussion of LB 11 and LB 14, prohibiting the lapse of funds to the General Fund would likely be found to be outside the scope of the Governor's call. Similarly, prohibiting any reduction in General Fund appropriations would likely be found neither germane nor related to the overall purpose of the special session. Such prohibitions also do not fit within any of the subjects listed in the Governor's Proclamation and appear contrary to item number 1 of the Governor's Proclamation, which is "to reduce or eliminate appropriations and reapropriations approved by the 101st Nebraska Legislature."

Sincerely,
 JON BRUNING
 Attorney General
 (Signed) Dale A. Comer,
 Assistant Attorney General
 L. Jay Bartel,
 Assistant Attorney General
 Lynn A. Melson,
 Assistant Attorney General
 Katherine J. Spohn,
 Special Counsel to the Attorney General

pc: Patrick J. O'Donnell
 Clerk of the Nebraska Legislature

05-161-20

MOTIONS - Approve Appointments

Senator Langemeier moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 44:

Nebraska Power Review Board
 Rick Morehouse
 Michael Siedschlag

Voting in the affirmative, 44:

Adams	Dierks	Hadley	Lautenbaugh	Price
Avery	Dubas	Hansen	Louden	Rogert
Campbell	Fischer	Harms	McCoy	Schilz
Carlson	Flood	Howard	Mello	Stuthman
Christensen	Fulton	Janssen	Nelson	Sullivan
Conrad	Gay	Karpisek	Nordquist	Utter
Cook	Giese	Krist	Pahls	Wallman
Cornett	Gloor	Langemeier	Pankonin	White
Council	Haar	Lathrop	Pirsch	

Voting in the negative, 0.

Present and not voting, 4:

Coash	Heidemann	McGill	Wightman
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Excused and not voting, 1:

Ashford

The appointments were confirmed with 44 ayes, 0 nays, 4 present and not

voting, and 1 excused and not voting.

Senator Langemeier moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 44:

Environmental Quality Council

Michelle Bucklin
 Joe Citta Jr.
 Mark Czaplewski
 Rodney Gangwish
 Robert Hall
 Lance Hedquist
 Mark Whitehead
 Ethel Williams
 Alden Zuhlke

Voting in the affirmative, 41:

Ashford	Council	Haar	Louden	Stuthman
Avery	Dierks	Hadley	McCoy	Sullivan
Campbell	Dubas	Howard	Mello	Utter
Carlson	Fischer	Janssen	Pahls	Wallman
Christensen	Flood	Karpisek	Pankonin	White
Coash	Fulton	Krist	Pirsch	
Conrad	Gay	Langemeier	Price	
Cook	Giese	Lathrop	Rogert	
Cornett	Gloor	Lautenbaugh	Schilz	

Voting in the negative, 0.

Present and not voting, 7:

Adams	Heidemann	Nelson	Wightman
Hansen	McGill	Nordquist	

Excused and not voting, 1:

Harms

The appointments were confirmed with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

Senator Langemeier moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 44:

Nebraska Oil and Gas Conservation Commission
 Thomas Sonntag

Voting in the affirmative, 39:

Ashford	Council	Haar	Louden	Rogert
Avery	Dierks	Hadley	McCoy	Schilz
Campbell	Dubas	Janssen	McGill	Stuthman
Carlson	Fischer	Karpisek	Mello	Sullivan
Christensen	Flood	Krist	Pahls	Utter
Coash	Fulton	Langemeier	Pankonin	Wallman
Cook	Giese	Lathrop	Pirsch	White
Cornett	Gloor	Lautenbaugh	Price	

Voting in the negative, 0.

Present and not voting, 9:

Adams	Gay	Heidemann	Nelson	Wightman
Conrad	Hansen	Howard	Nordquist	

Excused and not voting, 1:

Harms

The appointment was confirmed with 39 ayes, 0 nays, 9 present and not voting, and 1 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 49:

Department of Roads
 Monty W. Fredrickson, Director
 Motor Vehicle Industry Licensing Board
 Jeffrey Scherer
 State Highway Commission
 Donna Wanitschke

Voting in the affirmative, 34:

Avery	Dierks	Haar	Louden	Rogert
Campbell	Fischer	Hadley	McCoy	Schilz
Carlson	Flood	Janssen	McGill	Stuthman
Christensen	Fulton	Karpisek	Pahls	Sullivan
Coash	Gay	Krist	Pankonin	Wallman
Cook	Giese	Langemeier	Pirsch	White
Council	Gloor	Lautenbaugh	Price	

Voting in the negative, 0.

Present and not voting, 13:

Adams	Cornett	Heidemann	Nelson	Wightman
Ashford	Dubas	Howard	Nordquist	
Conrad	Hansen	Lathrop	Utter	

Excused and not voting, 2:

Harms	Mello
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The appointments were confirmed with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

ANNOUNCEMENT

The Chair announced today is Senator Ashford's and Senator Nordquist's birthdays.

MOTIONS - Approve Appointments

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 50:

Nebraska Arts Council
 David Gardels
 Joanne Medlock
 Stephanie Metz O'Keefe
 Sandra Schroeder

Voting in the affirmative, 34:

Ashford	Council	Janssen	McCoy	Schilz
Avery	Dierks	Karpisek	McGill	Stuthman
Campbell	Flood	Krist	Pahls	Sullivan
Carlson	Gay	Langemeier	Pankonin	Utter
Coash	Giese	Lathrop	Pirsch	Wallman
Cook	Haar	Lautenbaugh	Price	White
Cornett	Hadley	Louden	Rogert	

Voting in the negative, 0.

Present and not voting, 12:

Adams	Dubas	Hansen	Nelson
Christensen	Fischer	Heidemann	Nordquist
Conrad	Gloor	Howard	Wightman

Excused and not voting, 3:

Fulton	Harms	Mello
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The appointments were confirmed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Senator Karpisek moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 50:

State Electrical Board
Tom Ourada

Voting in the affirmative, 33:

Ashford	Cornett	Janssen	McCoy	Schilz
Avery	Dierks	Karpisek	McGill	Stuthman
Campbell	Flood	Krist	Pahls	Sullivan
Carlson	Gay	Langemeier	Pankonin	Wallman
Christensen	Giese	Lathrop	Pirsch	White
Coash	Haar	Lautenbaugh	Price	
Cook	Hadley	Louden	Rogert	

Voting in the negative, 0.

Present and not voting, 13:

Adams	Dubas	Hansen	Nelson	Wightman
Conrad	Fischer	Heidemann	Nordquist	
Council	Gloor	Howard	Utter	

Excused and not voting, 3:

Fulton Harms Mello

The appointment was confirmed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 55:

Nebraska Accountability and Disclosure Commission
Joe Grant
Jan Mumm

Voting in the affirmative, 35:

Adams	Cook	Haar	Lautenbaugh	Rogert
Ashford	Dierks	Hadley	Louden	Schilz
Avery	Dubas	Janssen	McCoy	Stuthman
Campbell	Flood	Karpisek	Pahls	Sullivan
Carlson	Gay	Krist	Pankonin	Utter
Christensen	Giese	Langemeier	Pirsch	Wallman
Coash	Gloor	Lathrop	Price	White

Voting in the negative, 0.

Present and not voting, 11:

Conrad	Fischer	Howard	Nordquist
Cornett	Hansen	McGill	Wightman
Council	Heidemann	Nelson	

Excused and not voting, 3:

Fulton	Harms	Mello
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The appointments were confirmed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 55:

Military Department
Judd Lyons, Adjutant General

Voting in the affirmative, 34:

Avery	Dubas	Howard	Louden	Schilz
Carlson	Flood	Janssen	McCoy	Stuthman
Christensen	Gay	Karpisek	Pahls	Sullivan
Coash	Giese	Krist	Pankonin	Utter
Cook	Gloor	Langemeier	Pirsch	Wallman
Cornett	Haar	Lathrop	Price	White
Dierks	Hadley	Lautenbaugh	Rogert	

Voting in the negative, 0.

Present and not voting, 12:

Adams	Conrad	Hansen	Nelson
Ashford	Council	Heidemann	Nordquist
Campbell	Fischer	McGill	Wightman

Excused and not voting, 3:

Fulton Harms Mello

The appointment was confirmed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 55:

Department of Aeronautics
Ronnie D. Mitchell, Director

Voting in the affirmative, 33:

Avery	Dubas	Karpisek	McGill	Stuthman
Campbell	Flood	Krist	Pahls	Sullivan
Carlson	Gay	Langemeier	Pankonin	Utter
Christensen	Gloor	Lathrop	Pirsch	Wallman
Cook	Haar	Lautenbaugh	Price	White
Cornett	Hadley	Louden	Rogert	
Dierks	Janssen	McCoy	Schilz	

Voting in the negative, 0.

Present and not voting, 13:

Adams	Conrad	Giese	Howard	Wightman
Ashford	Council	Hansen	Nelson	
Coash	Fischer	Heidemann	Nordquist	

Excused and not voting, 3:

Fulton Harms Mello

The appointment was confirmed with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

Senator Avery moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 55:

State Emergency Response Commission
John Baroni
Kimberly Plouzek

Voting in the affirmative, 34:

Adams	Cook	Haar	Louden	Rogert
Ashford	Dierks	Hadley	McCoy	Stuthman
Avery	Dubas	Howard	McGill	Sullivan
Campbell	Flood	Karpisek	Pahls	Utter
Carlson	Gay	Krist	Pankonin	Wallman
Christensen	Giese	Langemeier	Pirsch	White
Coash	Gloor	Lautenbaugh	Price	

Voting in the negative, 0.

Present and not voting, 12:

Conrad	Fischer	Janssen	Nordquist
Cornett	Hansen	Lathrop	Schilz
Council	Heidemann	Nelson	Wightman

Excused and not voting, 3:

Fulton	Harms	Mello
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The appointments were confirmed with 34 ayes, 0 nays, 12 present and not voting, and 3 excused and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 9. Introduced by Ashford, 20; Nelson, 6.

WHEREAS, Michael Fryda, a science teacher at Westside High School in Omaha, was named as the 2010 Nebraska Teacher of the Year; and

WHEREAS, Mr. Fryda teaches in the areas of biology and natural sciences and has been a teacher at Westside High School since 2003; and

WHEREAS, Mr. Fryda was selected by a panel of Nebraska educators for his ability to consistently engage students in education and build lasting relationships; and

WHEREAS, the Nebraska Teacher of the Year program recognizes teachers who are exceptionally dedicated, knowledgeable, and able to inspire students of all backgrounds and abilities.

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

1. That the Legislature congratulates Michael Fryda for being named the 2010 Nebraska Teacher of the Year.

2. That a copy of this resolution be sent to Michael Fryda.

Laid over.

LEGISLATIVE RESOLUTION 10. Introduced by Krist, 10.

WHEREAS, for more than 200 years, individuals from all walks of life have taken up arms and sworn an oath to support and defend the principles upon which our country was founded; and

WHEREAS, throughout our history, courageous men and women have donned the uniform of our Armed Forces and built a noble tradition of faithful and dedicated service to our Nation; and

WHEREAS, Veterans Day has been set aside as both a national and state holiday to honor the American patriots who answered the call of duty, preserving our freedoms and often making the ultimate sacrifice; and

WHEREAS, we can never fully repay our debt of gratitude to those heroic men and women who served, were wounded, or even died in battle; and

WHEREAS, the unwavering commitment of our soldiers, sailors, airmen, Marines, and Coast Guardsmen has preserved our freedoms and saved millions around the world from tyranny; and

WHEREAS, we continue to draw inspiration from the heroism and dedication of those who currently serve and sacrifice for the cause of liberty and justice; and

WHEREAS, it is fitting that Nebraska honor American's military veterans, through whose service and sacrifice we today enjoy freedom and liberty.

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

1. That the Legislature hereby recognizes November 11, 2009, as Veterans Day.

2. That the Legislature wishes a happy birthday to the United States Marine Corps on the occasion of its 234th birthday on November 10, 2009.

Laid over.

COMMITTEE REPORTS

Agriculture

LEGISLATIVE BILL 11. Placed on General File.

LEGISLATIVE BILL 14. Placed on General File.

LEGISLATIVE BILL 6. Indefinitely postponed.

(Signed) Tom Carlson, Chairperson

UNANIMOUS CONSENT - Add Cointroducers

Senators Cook and Haar asked unanimous consent to add their names as cointroducers to LB8. No objections. So ordered.

Senators Christensen and Utter asked unanimous consent to add their names as cointroducers to LB11. No objections. So ordered.

Senator Christensen asked unanimous consent to add his name as cointroducer to LB14. No objections. So ordered.

Senators Mello, Rogert, and Wallman asked unanimous consent to add their names as cointroducers to LB16. No objections. So ordered.

ADJOURNMENT

At 9:39 a.m., on a motion by Senator Pahls, the Legislature adjourned until 1:30 p.m., Thursday, November 12, 2009.

Patrick J. O'Donnell
Clerk of the Legislature

