

**NINTH DAY - NOVEMBER 17, 2009****LEGISLATIVE JOURNAL****ONE HUNDRED FIRST LEGISLATURE  
FIRST SPECIAL SESSION****NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, November 17, 2009

**PRAYER**

The prayer was offered by Senator Carlson.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 1:30 p.m., Senator Rogert presiding.

The roll was called and all members were present except Senator Council who was excused.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the eighth day was approved.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 4.** Placed on Select File.

(Signed) Jeremy Nordquist, Chairperson

**ATTORNEY GENERAL'S OPINION**Opinion 09013

DATE: November 17, 2009

SUBJECT: Federal Preemption Of Legislation Transferring  
Surcharge Monies In The Enhanced Wireless 911  
Fund To The General Fund.

REQUESTED BY: Senator Deb Fischer  
Nebraska Legislature

WRITTEN BY: Jon Bruning, Attorney General

L. Jay Bartel, Assistant Attorney General

In 2001, the Nebraska Legislature enacted the Enhanced Wireless 911 Services Act. 2001 Neb. Laws, LB 585 (*codified* at Neb. Rev. Stat. §§ 86-2201 to 86-2214 (Supp. 2001) [the "Act"]). The Act has been amended and is currently codified at Neb. Rev. Stat. §§ 86-442 to 86-470 (2008). The Act creates the "Enhanced Wireless 911 Fund" [the "Fund"]. In addition to any other funds appropriated by the Legislature and any federal funds received for wireless emergency communications, the Fund consists of the surcharge ["E-911 Surcharge"] imposed under § 86-457 of the Act. Neb. Rev. Stat. § 86-463 (2008). Monies in the Fund are required to be used for the costs of administering the Fund and for the purposes specified in § 86-465 (which includes compensating public safety answering points and wireless carriers for costs incurred to implement enhanced wireless 911 service), "unless otherwise directed by federal law with respect to any federal funds." Neb. Rev. Stat. §§ 86-463 (2008); *see also* Neb. Rev. Stat. §§ 86-465(2)(a)-(c), and 86-466 (2008).

LB 3, introduced in the recent special session, proposes to amend § 86-463 to provide that "[t]ransfers may be made from the fund to the General Fund at the direction of the Legislature." LB 3, § 115. LB1, also introduced in the special session, proposes to transfer \$5,000,000 from the Fund for fiscal year 2009-10 to the General Fund. LB 1, § 238. You have requested our opinion as to whether the proposed transfer of surcharge monies from the Fund pursuant to LB 3 and LB1 is preempted by federal law, specifically, portions of the ENHANCE 911 Act of 2004, Public Law 108-494, and the New and Emerging Technologies 911 Improvement Act of 2008, Public Law 110-283. You have also asked us to address whether, if the transfer of monies from the Fund generated by the E-911 surcharge is preempted, it is permissible for the Legislature to authorize the transfer of any interest earned on monies held in the Fund. For the reasons set forth below, we conclude that the transfer of Fund monies generated by the surcharge to the General Fund would preclude the State from qualifying for and receiving federal grants under the ENHANCE 911 Act of 2004, and that such a transfer is preempted by the New and Emerging Technologies 911 Improvement Act of 2008. We further conclude that the Legislature may authorize the transfer of interest earned on surcharge monies held in the Fund to the General Fund, as such are not part of the fees or charges required to be used only for 911 or enhanced 911 services under federal law.

#### **A. The ENHANCE 911 Act of 2004.**

The ENHANCE 911 Act of 2004 provides federal matching grants to eligible entities, including state and local governments, "for the implementation and operation of Phase II E-911 services and for migration to an IP-enabled emergency network." 47 U.S.C. § 942(b). Grant applicants must certify at the time of application, and annually thereafter during the period when funds are made available to the applicant,

that no portion of any designated E-911 charges imposed by a State or other taxing jurisdiction within which the applicant is located are being obligated or expended for any purpose other than the purposes for which such charges are designated or presented during the period beginning 180 days immediately preceding the date of the application and continuing through the period of time during which the funds from the grant are available to the applicant.

47 U.S.C. § 942(c)(2). "Designated E-911 charges" are defined as "any taxes, fees, or other charges imposed by a State or other taxing jurisdiction that are designated or presented as dedicated to deliver or improve E-911 services." 47 U.S.C. § 942(c)(1). Grant applicants must agree, as a condition of receiving the grant, that grant funds will be returned "if the State or other taxing jurisdiction. . . obligates or expends designated E-911 charges for any purpose other than the purposes for which such charges are designated or presented. . . ." 47 U.S.C. § 942(c)(3).

The ENHANCED 911 Act thus precludes any State or local government from obtaining matching grants to implement E-911 services if the State or other taxing jurisdiction diverts E-911 designated charges for other purposes. In addition, any State or local government receiving grant funds must return funds if designated E-911 charges are used for other purposes during any period for which funds are made available. Accordingly, any transfer of monies generated by the E-911 surcharge from the Fund would impact the ability of the State to apply for and receive any federal matching grants under the ENHANCE 911 Act, and, if funds have been received, would require the State to return such funds<sup>1</sup>

### **B. New and Emerging Technologies 911 Improvement Act of 2008.**

The New and Emerging Technologies 911 Improvement Act of 2008 includes the following provision regarding State authority over fees or charges to support 911 or E-911 services:

(1) Authority. Nothing in this Act, the Communications Act of 1934 (47 U.S.C. 151 et seq), the New and Emerging Technologies 911 Improvement Act of 2008, or any Commission regulation or order shall prevent the imposition and collection of a fee or charge applicable to commercial mobile services or IP-enabled voice services specifically designated by a State. . . for the support or implementation of 9-1-1 or enhanced 9-1-1 services, provided that the fee or charge is obligated or expended only in support of 9-1-1 or enhanced 9-1-1 services, or enhancements of such services, as specified in the provision of State or local law adopting the fee or charge. For each class of subscribers to IP-enabled voice services, the fee or charge may not exceed the amount of any such fee or charge applicable to the same class of subscribers to telecommunications services. (emphasis added).

47 U.S.C. § 615a-1(f)(1).

The Federal Communications Commission is required prepare an annual report on each State's compliance with the requirements of § 615a-1(f):

(2) Fee accountability report. To ensure efficiency, transparency, and accountability in the collection and expenditure of a fee or charge for the support or implementation of 9-1-1 or enhanced 9-1-1 services, the Commission shall submit a report within 1 year after the date of enactment of the New and Emerging Technologies 911 Improvement Act of 2008, and annually thereafter, to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives detailing the status in each State of the collection and distribution of such fees or charges, and including findings on the amount of revenues obligated or expended by each State or political subdivision thereof for any purpose other than the purpose for which any such fees or charges are specified.

47 U.S.C. § 615a-1(f)(2).

"Federal preemption arises from the Supremacy Clause of the U.S. Constitution and is the concept that state laws that conflict with federal law are invalid." *In re Application of Lincoln Electric System*, 265 Neb. 70, 76, 655 N.W.2d 363, 369 (2003), cert. denied 539 U.S. 943, 954. "There are three varieties of preemption: express, implied, and conflict preemption." *Id.* "Express preemption arises when Congress has explicitly declared federal legislation to have a preemptive effect." *Id.* "Even without an express declaration from Congress, federal preemption may be implied when Congress is determined to have intended that federal law "occupy the field" to the exclusion of state law. *Zannini v. Ameritrade Holding Corp.*, 266 Neb. 492, 503, 667 N.W.2d 222, 232 (2003) (*quoting Crosby v. National Foreign Trade Council*, 530 U.S. 363, 372 (2000)). "Finally, to the extent state law conflicts with a federal statute, the state law is 'naturally preempted.'" *Id.*

Recently, the Tennessee Attorney General concluded that 47 U.S.C. § 615a-1(f)(1) "expressly preempts a State from using fees charged as part of the State's 911 or enhanced 911 program for other purposes." *Op. Tenn. Att'y Gen. No. 09-87* (May 18, 2009), 2009 Tenn. AG LEXIS 102 at 14. The Tennessee Attorney General thus concluded that the State of Tennessee could not "transfer fees collected and placed in the 911 Emergency Communications Fund to the general fund." *Id.*

The language of 47 U.S.C. § 615a-1(f) does, as determined by the Tennessee Attorney General, support concluding that Congress intended to expressly preempt States from using fees or charges imposed to support 911 or enhanced 911 services for other purposes. Thus, the proposed transfer of monies in the Fund generated by the E-911 surcharge to the General Fund appears to be expressly preempted by 47 U.S.C. § 615a-1(f)(1). Even if 47 U.S.C. § 615a-1(f)(1) is not construed as an express preemption of the

State's use of E-911 surcharge monies for purposes other than support of enhanced 911 services, legislation providing for the transfer of surcharge monies in the Fund would be preempted as being in conflict with the federal statute. Accordingly, we conclude the legislation proposing to transfer surcharge monies in the Fund to the General Fund is contrary to 47 U.S.C. § 615a-1(f)(1) and thus is preempted by federal law.

While the State is preempted from transferring surcharge monies in the Fund to the General Fund, we do not believe any prohibition exists on the State's transfer of interest earned on the Fund to the General Fund. 47 U.S.C. § 615a-1(f)(1) prohibits only the transfer of State fees or charges imposed for 911 or enhanced 911 programs for other purposes. Interest earned on surcharge monies in the Fund is not part of the fees or charges imposed for enhanced 911 purposes, and thus the preemptive effect of 47 U.S.C. § 615a-1(f)(1) does not extend to interest earned on monies in the Fund.

<sup>1</sup>It is our understanding that the State has been awarded a grant, but has not received any federal funds under the ENHANCE 911 Act. If surcharge monies are diverted from the Fund, the State will not be eligible to receive any funding under the grant.

Very truly yours,  
JON BRUNING  
Attorney General  
(Signed) L. Jay Bartel  
Assistant Attorney General

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

07-228-20

## RESOLUTIONS

### LEGISLATIVE RESOLUTION 21. Introduced by Gay, 14.

WHEREAS, the Daniel J. Gross Catholic High School girls' volleyball team has displayed remarkable ability and teamwork; and

WHEREAS, the Daniel J. Gross Catholic High School girls' volleyball team achieved a record of thirty-one wins and eight losses; and

WHEREAS, the Daniel J. Gross Catholic High School girls' volleyball team defeated Northwest High School of Grand Island 19-25, 25-7, 25-15, 21-25, and 15-13 to win the 2009 Class B Girls' State Volleyball Championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Daniel J. Gross Catholic High School girls' volleyball team on winning the 2009 Class B Girls' State Volleyball Championship.

2. That a copy of this resolution be sent to the Daniel J. Gross Catholic High School girls' volleyball team and their coach, Korrine Schuster.

Laid over.

**LEGISLATIVE RESOLUTION 22.** Introduced by Stuthman, 22.

WHEREAS, the Columbus Scotus Central Catholic High School girls' volleyball team won the 2009 Class C-1 State Volleyball Championship, giving the team its second straight state title; and

WHEREAS, 2009 was the eighth time that the Columbus Scotus Central Catholic High School girls' volleyball team met the Grand Island Central Catholic girls' team in the state finals; and

WHEREAS, the Columbus Scotus Central Catholic High School girls' volleyball team completed the 2009 season with a record of twenty-four wins and five losses; and

WHEREAS, the Columbus Scotus Central Catholic High School girls' volleyball team is coached by John Peterson, who has led the Shamrocks to an unprecedented fourteen state titles in twenty-three years, and assistant coach Janet Tooley; and

WHEREAS, the Columbus Scotus Central Catholic High School girls' volleyball team consists of Kiley Bierman, Katelyn Kerkman, Andrea Odbert, Monica Boeding, Maggie Hellbusch, Laura Zach, Olivia Sonderman, Becky Hall, Amanda Newman, Caitlin Wiehn, Lindsay Staroscik, Tiffany Haney, McKenzie Leu, Emmie Odbert, Stacia Rawhouser, Hannah Spenceri, Lindsay McElhose, Jordan Chochon, Jenna Moore, Rachel Rambour, Hannah Fuchs, Angie Wieser, and Morgan Pernicek.

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

1. That the Legislature congratulates the Columbus Scotus Central Catholic High School girls' volleyball team for their exemplary effort this season and for winning the 2009 Class C-1 State Volleyball Championship.

2. That a copy of this resolution be sent to the Columbus Scotus Central Catholic High School girls' volleyball team and their coach, John Peterson.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 3.** Title read. Considered.

Committee AM13, found on page 107, was considered.

Senators Heidemann, Campbell, Conrad, Fischer, Flood, Fulton, Gay, Hadley, Hansen, Harms, Janssen, Lathrop, Loudon, Mello, Nelson, Nordquist, Stuthman, and Wightman offered the following amendment to the committee amendment:

AM19

(Amendments to Standing Committee amendment, AM13)

- 1 1. On page 91, line 26, strike beginning with "Transfers"
- 2 through "fund" and insert "Interest accruing to the fund from
- 3 invested fund balances may be transferred".

**SPEAKER FLOOD PRESIDING**

Pending.

**RESOLUTIONS**

Pursuant to Rule 4, Sec. 5(b), LR6, 7, and 8 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR6, 7, and 8.

**GENERAL FILE**

**LEGISLATIVE BILL 3.** The Heidemann et al. amendment, AM19, found in this day's Journal, to the committee amendment, was renewed.

**SENATOR ROBERT PRESIDING**

The Heidemann et al. amendment was adopted with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

Pending.

**RESOLUTION**

**LEGISLATIVE RESOLUTION 23.** Introduced by Sullivan, 41.

WHEREAS, the Greeley-Wolbach Titans won the 2009 Class D-2 State Volleyball Championship; and

WHEREAS, Greeley-Wolbach defeated Clay Center 25-19, 18-25, 22-25, 25-17, 15-7 in the championship game; and

WHEREAS, Greeley-Wolbach finished the season with a record of thirty-three wins and one loss; and

WHEREAS, the Legislature should recognize the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Greeley-Wolbach Titans on winning the 2009 Class D-2 State Volleyball Championship.

2. That a copy of this resolution be sent to the Titans and their head coach, Todd Beck.

Laid over.

### AMENDMENT - Print in Journal

Senator Flood filed the following amendment to LB4:  
AM22

- 1 1. Strike original sections 1 to 3 and insert the  
2 following new sections:  
3 Section 1. There is hereby appropriated \$72,631 from  
4 the General Fund for FY2009-10 to the Legislative Council, for  
5 Program 122, for expenses incurred during the One Hundred First  
6 Legislature, First Special Session, 2009.  
7 Sec. 2. There is hereby appropriated \$35,087 from the  
8 General Fund for FY2009-10 to the Legislative Council, for  
9 Program 123, for expenses incurred during the One Hundred First  
10 Legislature, First Special Session, 2009.  
11 Total expenditures for permanent and temporary salaries  
12 and per diems from funds appropriated in this section shall not  
13 exceed \$18,349 for FY2009-10.  
14 Sec. 3. There is hereby appropriated \$2,933 from the  
15 General Fund for FY2009-10 to the Legislative Council, for  
16 Program 127, for expenses incurred during the One Hundred First  
17 Legislature, First Special Session, 2009.  
18 Total expenditures for permanent and temporary salaries  
19 and per diems from funds appropriated in this section shall not  
20 exceed \$2,547 for FY2009-10.

### GENERAL FILE

**LEGISLATIVE BILL 3.** Senator Cook offered the following amendment to the committee amendment:

AM17

(Amendments to Standing Committee amendments, AM13)

- 1 1. Strike section 72.  
2 2. On page 95, line 3, strike "81-1201.21,".  
3 3. Renumber the remaining sections accordingly.

The Cook amendment lost with 4 ayes, 31 nays, 11 present and not voting, and 3 excused and not voting.

Committee AM13, found on page 107 and considered in this day's Journal, as amended, was adopted with 40 ayes, 1 nay, 5 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 2.** Title read. Considered.

Committee AM14, found on page 107, was adopted with 46 ayes, 0 nays, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 1.** Title read. Considered.

Committee AM12, found on page 107, was considered.

Senators Heidemann, Campbell, Conrad, Fischer, Flood, Fulton, Gay, Hadley, Hansen, Harms, Janssen, Lathrop, Loudon, Mello, Nelson, Nordquist, Stuthman, and Wightman offered the following amendment to the committee amendment:

AM18

(Amendments to Standing Committee amendments, AM12)

- 1 1. On page 190, line 9, strike "5,000,000" and insert
- 2 "3,400,000".
- 3 2. On page 191, line 16, strike "4,072,121" and insert
- 4 "5,072,121".

The Heidemann et al. amendment was adopted with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 45 ayes, 0 nays, 1 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 2 present and not voting, and 3 excused and not voting.

### **AMENDMENT - Print in Journal**

Senator Fischer filed the following amendment to LB3:  
AM24

(Amendments to Standing Committee amendments, AM13)

- 1 1. On page 91, line 27, after "Legislature" insert
- 2 "through June 30, 2010".

**SELECT FILE**

**LEGISLATIVE BILL 5.** ER8000, found on page 105, was adopted.

Advanced to Enrollment and Review for Engrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 11.** Title read. Considered.

Senator Dubas requested to pass over LB11.

**LEGISLATIVE BILL 14.** Title read. Considered.

Senator Carlson requested to pass over LB14.

**LEGISLATIVE BILL 8.** Title read. Considered.

Senator Cook requested to pass over LB8.

**AMENDMENT - Print in Journal**

Senator Heidemann filed the following amendment to LB1:  
AM20

(Amendments to Standing Committee amendments, AM12)

- 1 1. Purpose: To correct a cash fund number and program
- 2 total and reinstate a stricken earmark.
- 3 Amendment:
- 4 1. On page 17, strike line 21 and insert "CASH FUND est.
- 5 2,590,551 2,631,722"; and strike line 24 and insert "PROGRAM TOTAL
- 6 30,760,619 31,518,035"; and
- 7 2. On page 19, lines 6 through 11, reinstate the stricken
- 8 matter.
- 9 2. Purpose: To correct a General Fund number and program
- 10 total.
- 11 Amendment:
- 12 1. On page 20, strike line 5 and insert "GENERAL FUND
- 13 20,308,433 20,870,338"; and strike line 7 and insert "PROGRAM TOTAL
- 14 21,015,765 21,577,670".

**EASE**

The Legislature was at ease from 4:12 p.m. until 4:40 p.m.

**COMMITTEE REPORTS**  
Enrollment and Review

**LEGISLATIVE BILL 3.** Placed on Select File with amendment.  
ER8002

- 1 1. On page 1, strike beginning with "2-1222" in line 1
- 2 through line 14 and insert "2-1503.01, 2-1577, 2-1587, 2-15,122,
- 3 3-126, 13-2704, 24-205, 24-227.01, 24-229, 25-2921, 28-429,
- 4 29-2259.02, 29-2262.07, 29-3921, 33-102, 37-351, 38-157, 39-1390,
- 5 46-1121, 46-1403, 50-437, 57-919, 60-1409, 66-739, 70-1020,
- 6 71-222.02, 71-4732, 72-2009, 76-549, 77-3,110, 77-4310.03, 77-5031,
- 7 79-810, 79-1320, 81-188.01, 81-201.05, 81-2,147.11, 81-2,291,
- 8 81-528, 81-550, 81-5,153, 81-8,110.07, 81-8,194, 81-1120.23,
- 9 81-1201.22, 81-1278, 81-1413.01, 81-1428, 81-15,121, 81-15,165,
- 10 81-15,180, 81-1607.01, 81-1634, 81-2004.01, 81-2105, 81-3524,
- 11 82-108.02, 83-913.01, 84-409, 84-414, 84-1227, 85-1419, 85-1803,
- 12 86-127, 86-312, 86-463, 88-545.01, 88-552, and 89-1,100, Reissue
- 13 Revised Statutes of Nebraska, sections 48-1,116, 49-14,140,
- 14 50-114.05, 53-117.06, 54-857, 54-2428, 55-131, 59-1608.04,
- 15 60-3,218, 61-210, 61-218, 71-5661, 71-5714, 71-8612, 72-2211,
- 16 72-2501, 76-2226, and 77-5601, Revised Statutes Cumulative
- 17 Supplement, 2008, and sections 1-111, 2-5106, 47-632, 57-705,
- 18 60-2132, 66-1521, 66-1839, 77-1342, 81-885.15, 81-1201.21,
- 19 81-15,160, 81-3119, 81-3432, and 84-510, Revised Statutes
- 20 Supplement, 2009; to provide for transfers to the General Fund; to
- 21 authorize the Supreme Court to direct the use of certain funds;
- 22 to provide for the investment of funds; to eliminate obsolete
- 23 provisions; to repeal the original sections; and to declare an
- 1 emergency."
- 2 2. On page 2, strike lines 1 through 13.

**LEGISLATIVE BILL 2.** Placed on Select File with amendment.  
ER8001

- 1 1. On page 1, strike beginning with "82-331" in line 4
- 2 through "90-514" in line 8 and insert "84-612, Revised Statutes
- 3 Supplement, 2009; to provide for, change, and eliminate certain
- 4 fund transfers; to provide for a lapse of certain funds to the
- 5 General Fund; to harmonize provisions; to repeal the original
- 6 sections; to outright repeal section 90-505".

**LEGISLATIVE BILL 1.** Placed on Select File with amendment.  
ER8003

- 1 1. In the Standing Committee amendments, AM12:
- 2 a. On page 1, line 7, strike the first "July 1" and
- 3 insert "June 30";
- 4 b. On page 3, line 7, after "may" insert an underscored
- 5 comma;
- 6 c. On page 4, line 13, strike the last comma; and
- 7 d. On page 20, line 21, after "435" insert an underscored

8 comma.

9 2. On page 1, strike lines 2 through 14 and insert "313,  
 10 section 7, Laws 2009, LB 314, sections 12, 21, 35, and 41, Laws  
 11 2009, LB 315, sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21,  
 12 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 40,  
 13 41, 42, 43, 44, 45, 46, 48, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60,  
 14 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 72, 74, 75, 77, 78, 79, 85,  
 15 90, 91, 92, 93, 94, 96, 97, 98, 99, 100, 101, 103, 104, 106, 107,  
 16 108, 110, 111, 112, 113, 114, 115, 118, 119, 120, 121, 122, 123,  
 17 124, 125, 127, 131, 133, 134, 136, 138, 139, 140, 141, 142, 143,  
 18 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 157, 158,  
 19 159, 160, 162, 165, 166, 167, 170, 171, 172, 173, 174, 175, 177,  
 20 178, 179, 181, 182, 184, 185, 187, 188, 189, 190, 191, 192, 193,  
 21 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207,  
 22 208, 209, 210, 211, 212, 213, 214, 215, 218, 219, 220, 222, 225,  
 23 226, 227, 228, 229, 231, 232, 233, 234, 235, 236, 237, 238, 239,  
 1 240, 241, 242, 243, 244, 245, 246, 247, 248, 250, 251, 252, 253,  
 2 254, 255, 256, 257, 258, 259, 260, 261, 264, 265, 266, 267, 268,  
 3 269, 270, 271, 272, and 282,".  
 4 3. On page 2, strike lines 1 through 8; and in line 11  
 5 after the first "change" insert "and eliminate".

(Signed) Jeremy Nordquist, Chairperson

### VISITORS

Visitors to the Chamber were 26 eleventh- and twelfth-grade students and teachers from Elkhorn; and Sister Mary Alma Lenscott and Sister Maura Therese Schwarting, CK from Lincoln and Father Marhn Knusangnayir from Ghana.

### ADJOURNMENT

At 4:42 p.m., on a motion by Senator Sullivan, the Legislature adjourned until 9:00 a.m., Wednesday, November 18, 2009.

Patrick J. O'Donnell  
 Clerk of the Legislature